

**Town of Needham
Select Board
Minutes for Tuesday, October 24, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, and Town Manager Kate Fitzpatrick. Marcus Nelson was present via Zoom. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.
- 6:01 p.m. Public Comment Period:
No hands raised for public comment.
- 6:02 p.m. Proclamation – Veterans Day:
Mr. Keane read a proclamation recognizing Saturday, November 11, 2023, as Veterans Day.
- Motion by Ms. Frail that the Select Board of the Town of Needham hereby recognize Saturday, November 11, 2023, as Veterans Day.
Second: Ms. Dowd. Unanimously approved 5-0.**
- Ms. Cooley invited residents to the Veteran's Day Ceremony at Memorial Park on Friday, November 11, 2023 at 11 a.m.
- 6:03 p.m. Introduction of Cecilia Simchak, Assistant Director of Finance:
Mr. Davison introduced incoming Assistant Director of Finance Cecilia Simchak. Ms. Simchak has worked for the Town for the past eight years, most recently as the Director of Finance for Administration and Public Services at the Department for Public Works. Ms. Simchak has a long background of working for the community and a history in working with youth in various capacities, which will contribute greatly to this role. Ms. Cooley highlighted Ms. Simchak's work on the environmental and sustainability efforts in the Town. Ms. Simchak noted her excitement to be in this new role. Mr. Keane and Ms. Frail expressed their enthusiasm about working with Ms. Simchak.
- 6:07 p.m. Set EV Charging Station Rates:
Presenters: David Davison, DTM/Director of Operations, Carys Lustig, Director of Public Works, Cecilia Simchak, Assistant Director of Finance
Mr. Davison presented two recommendations to the Board:

1. Recommendation to set the vehicle charging rate at \$0.25/kWh.
2. Recommendation to charge \$3.00 per hour for a vehicle occupying a space but no longer charging with a grace period of 30 minutes for a maximum of 4 hours.

Ms. Lustig made an additional note that the policy will not limit the hours that employees have access to charging stations, including RTS employees, Fire, and Police, recognizing that these employees work 24/7 and on weekends.

Mr. Keane asked about the process for feedback. Ms. Lustig noted that fees will be revisited on an annual basis, which will also serve as an opportunity for other feedback. Ms. Frail expressed her excitement and appreciates the policy reserving charging time for employees as well.

Motion by Ms. Frail that the Board approve the vehicle charging rate at \$0.25/kWh, a fee of \$3.00 per hour, or portion thereof for occupying the charging space when not charging; that the hourly rate will be waived if the vehicle is moved from the space within 30 minutes after the vehicle is no longer charging; that the maximum amount of time a vehicle may occupy a charging space is four hours; that the vehicle charging rate of \$0.25/kWh is waived for Town and School department employees who charge their personal vehicle while on duty, but that the hourly rate and time limit on occupying the space are in effect; and that the Electric Vehicle Charging Policy dated October 24, 2023 is adopted.

Second: Mr. Keane. Unanimously approved 5-0.

Ms. Frail asked a clarifying question to confirm the date this policy will go into effect. Ms. Lustig noted these policies will go into effect on January 1, 2024.

6:12 p.m.

Update from Single Parcel Historic District Study Committee
Presenters: Alison Borrelli, Committee Chair and Myles Tucker, Support Services Manager

Ms. Borrelli presented on the Single Parcel Historic District Study Committee, reminding the Board of the Needham Historical Commission's interest in preserving houses on the Town and State historic inventory lists. The committee is limited to the parcel at 3 Rosemary Street, also known as the Jonathan Kingsbury House, which was built in 1779. The establishment of this district would create a historical district commission responsible for approving or disapproving proposed demolition or structural alteration of the home. It will not permit the Commission to consider interior arrangements or architectural features that are not subject to public view. Any future modifications to this property would have to be allowed by a vote of the proposed historic district committee, which would be established if adopted by Town Meeting. The committee met during the summer to draft the Preliminary Study Report (PSR) with Jen Doherty of the Massachusetts Historical Commission and Town Counsel, with an application submitted on September 14,

opening a 60-day review period. The Planning Board has reviewed it and did not have any comments. At the close of the review period a public hearing will be held, tentatively scheduled for mid-November. Any feedback will be taken into consideration. The Committee requests the Select Board's support at Town Meeting.

Ms. Cooley expressed her thanks to Ms. Borrelli and expressed her hope that this will establish a process for other single family historic homes in Needham. Ms. Frail expressed her support. Ms. Dowd praised the effort and asked about the barriers to registering homes. Ms. Borrelli outlined the current process. Ms. Cooley noted that in the past homeowners have been the party to bring forward a home for designation and preservation. Mr. Keane complimented the lucidity, conciseness, and clarity of the report.

6:19 p.m. Appointments and Consent Agenda:
Motion by Mr. Keane that the Select Board vote to approve the Appointments and Consent Agenda as presented.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	David Ecsedy	Solid Waste Disposal and Recycling Advisory Committee Term Exp: 6/30/2026
2.	Bhuren Patel	Council of Economic Advisors Term Exp: 6/30/2024
3.	Kate Urquhart	Council of Economic Advisors Term Exp: 6/30/2026
4.	Valentina Elzon	Zoning Board of Appeals Term Exp: 6/30/2026
5.	David Linde	Needham Branding and Town Seal Committee Term Exp: 6/30/2024

CONSENT AGENDA

1.	Approve a Common Victualler License for Shallots Needham Inc d/b/a Sweet Boba.
2.	Approve a Common Victualler License for Lyco Investment LLC d/b/a Dragon Chef.
3.	Authorize the Town Manager to approve Block Party Permits on behalf of the Select Board.
4.	Approve revised open session minutes for September 11, 2023; approve executive session minutes for September 11, 2023.
5.	Approve a revised Needham Branding & Town Seal Committee Charge & Composition.
6.	Accept the following donations to the Needham Free Public Library: - From Lois and Bill Bacon, \$50 in honor of Jan and Paul Bowen; <i>Funky Monkey</i>, by Evan Haller (estimated value \$10), donated by the author; and <i>Or So They Thought</i>, by Marina Ganetsky (estimated value \$10), donated by the author.

7.	Grant permission for the following residents to hold block parties:				
Name	Address	Party Location	Date	Time	Rain Date
Lisa Rhoades	19 Washburn Avenue	Glendoon Street	10/28/23	2:30pm-7:30pm	10/29/23
Lois Bacon	29 Harding Road	Harding Road	10/29/23	3pm-8pm	N/A
Michael Droney	10 Great Plain Terrace	10 Great Plain Terrace	10/31/23	4pm-10pm	N/A

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Charles River YMCA	TWM Race-to-kick-cancer	863 Great Plain Avenue	11/12/23

6:20 p.m. Town Manager – Positions on Warrant Articles:

Article 15: Amend General By-Laws/Specialized Energy Code

Ms. Fitzpatrick introduced discussion of Article 15 regarding the specialized energy code. Ms. Cooley noted that the Finance Committee has voted to not recommend adoption of Article 15. A public hearing was held at the Select Board Meeting on October 10, with input from a variety of constituents; most were in favor. Those opposed were primarily builders, citing concerns about the interface with Eversource and whether Eversource will be prepared for the code and responsive in their provisioning of services to customers. Ms. Cooley emphasized the need to work further with Eversource regarding this particular issue. Ms. Cooley outlined the Finance Committee's two objections:

1. The Finance Committee would have preferred to raise this article in the Spring.
2. The Finance Committee would feel comfortable having more information and if more towns had experience with regard to this code.

Ms. Cooley noted that the Climate Action Plan Committee brought forward this article for adoption as it applies to new construction only and new construction will make the biggest difference going forward. There is also a desire to protect the investment of homeowners going forward given that the State has asked all to commit to a carbon neutral future by 2050.

Mr. Keane expressed his support given Town Meeting's vote that there is a climate emergency, and the timing of this article is an appropriate response to this. Mr. Keane noted that the largest greenhouse gas emissions in town are from residences. Ms. Dowd praised the timing of this article given the MBTA Communities Act, rebuilding of schools in Needham, and new homes being built. Ms. Frail emphasized that Needham must be part of the solution to climate change.

Ms. Cooley noted that many builders are already building to this code. She highlighted that the difference if this code is instituted is that it will mandate that all-electric houses are solar ready and that houses that include fossil fuels must have solar on the roof. Ms. Cooley acknowledged this is a change for consumers. Mr. Nelson noted his agreement with fellow Select Board members and support of this code.

Ms. Cooley also noted that the petition to Town Meeting acknowledged that there was a Climate Emergency. Town Meeting asked the Select Board to declare a Climate Emergency and asked the Select Board to send their resolution to the State. The Select Board never declared a climate emergency but has taken other actions as directed by Town Meeting to make this a priority. This code fits within the scope of the direction given by Town Meeting.

Motion by Ms. Dowd vote to support Article 15 in the Special Town Meeting Warrant.

Second: Mr. Keane. Unanimously approved 5-0.

6:31 p.m.

Town Manager Report

Ms. Fitzpatrick invited all to the Town Common Dedication on Saturday, October 28 at 10 a.m.

The Department of Public Works (DPW) has completed eight of its flood meetings that are neighborhood-specific with one meeting remaining. DPW will also be meeting with other individual homeowners. DPW is also working on a hydrology study to determine where water is flooding to address potential water diversion. Ms. Cooley emphasized the long-term nature of this work. Ms. Frail asked what the timeline is for the hydrology study. Ms. Fitzpatrick responded that this work will start in the summer of 2025 with FY2025 funding, and with feedback after approximately 12-18 months. Ms. Fitzpatrick expects to report back to the Select Board on these efforts frequently.

6:35 p.m.

Board Discussion:

Open Meeting Law Complaint:

On October 11, the Select Board received an Open Meeting Law Complaint from Gregg Darish that concerns the September 11, 2023 Joint Executive Session with the Planning Board and Select Board concerning litigation over 1688 Central Avenue. The complaint asserts that:

1. The Select Board improperly held the Executive Session because the Select Board was not a party to the litigation.
2. The Select Board inadequately noticed the Executive Session because the agenda stated that it was to discuss potential litigation.
3. The Select Board failed to produce accurate minutes of the open session that proceeded the Executive Session.
4. Select Board Members deliberated outside of a public meeting.

Pursuant to Open Meeting Law, the Select Board met to discuss the complaint and provided a written response within 14 business days. Ms. Cooley noted that the Select Board properly participated in the Executive Session, because it has been advised by Town Counsel that the Planning Board does not possess the authority to independently initiate an appeal with the Appeals Court. Additionally, the Select Board's agenda properly stated that the purpose of the Executive Session was to discuss potential litigation concerning 1688 Central Avenue. This notice was sufficient because the discussion concerned a potential new appeal to the Appeals Court. Ms. Cooley noted that the initial minutes inadvertently omitted the Select Board's motion to enter into an Executive Session, however, these minutes have now been updated to accurately reflect the discussion and the Board's vote. Finally, there was no discussion outside of a public meeting between individual Select Board members about whether to hold an Executive Session.

Motion by Ms. Frail to authorize Town Counsel to prepare and send a written response to the complaint on behalf of the Select Board.

Second: Mr. Keane. Unanimously approved 5-0.

Committee Reports:

Ms. Cooley reported that the Quiet Zone Committee met and reviewed two requests for proposals in the summer since Town Meeting. Neither had been responded to. The committee has now turned to an engineering firm in order to respond to these two proposals. Ms. Cooley noted that the timing is tighter than preferred, but the committee is optimistic about bringing costs forward to Town Meeting in the spring for design and construction of a Quiet Zone. Ms. Cooley noted that the specific issue of the private crossing at Needham Golf Club continues to be a challenge, but the committee is actively making progress.

Ms. Frail reported on the work of the Housing Needham Advisory Group (HONE) and reminded the Select Board of the upcoming meeting on November 9 from 7-9 p.m. to be held both in Powers Hall and online via Zoom.

Ms. Fitzpatrick reported that the Needham Branding and Town Seal Committee will be meeting in early November. The Town received \$50,000 from the State which will assist moving forward. Mr. Keane will represent the Select Board on this committee.

6:42 p.m.

Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board meeting of Tuesday, October 24, 2023.

Second: Ms. Dowd. Unanimously approved 5-0.

A list of all documents used at this Select Board meeting is available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

The next Select Board meeting is scheduled for Tuesday, November 14, 2023, at 6:00 p.m.