

**Town of Needham
Select Board
Minutes for Tuesday, June 25, 2024
Select Board's Chamber and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>
Adopted 7/30/2024
Amended 8/13/2024**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Marianne Cooley, Cathy Dowd, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance and Katie King, Deputy Town Manager were also in attendance.
- 6:00 p.m. Public Comment Period:

No public comments were heard.
- 6:01 p.m. Public Hearing: Eversource Grant of Location – 19 Barrett Street:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 9 feet of conduit in Brookside Road. The reason for this work is to provide service to 19 Barrett Street. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.
- Motion by Ms. Dowd that the Board vote to approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Barrett Street. Second: Ms. Cooley. Unanimously approved 5-0.**
- 6:03 p.m. Public Hearing: Eversource Grant of Location – 90 Wyoming Avenue:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 10 feet of conduit in Wyoming Avenue. The reason for this work is to provide service to 90 Wyoming Avenue. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.
- Motion by Ms. Cooley that the Board vote to approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Wyoming Avenue.**

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

6:05 p.m. Public Hearing: Application for a New All-Alcohol License – Needbobcon Inc., d/b/a Conrad's
Presenter: Robert Conrad, Owner/Proposed Manager of Record – Needbobcon Inc., d/b/a Conrad's

Robert Conrad presented his application for a new Section 12 Restaurant All-Alcoholic Beverages License at 1257 Highland Avenue. Mr. Conrad noted that he has been in business since 1993. His restaurant will cater to families with a wide-ranging menu. There will be a smaller bar area with most of the restaurant being dining seating, some of which will be in a private function room. Mr. Conrad noted that there is always either a General Manager or Assistant General Manager on the premises. Select Board members emphasized the strictness of Needham's alcohol regulations and the associated penalties, as well as the requirement for carding individuals who appear to be under 40 years old.

Motion by Ms. Frail that the Board vote to approve the Section 12 Restaurant All-Alcohol License application submitted by Needbobcon Inc., d/b/a Conrad's include the appointment of Robert Conrad as Manager of Record, and if so approved, forward the application to the ABCC for review and final approval.

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

6:19 p.m. Public Hearing: Application for Change of Hours Amendment to an All-Alcohol License – Metrowest Dining LLC, d/b/a The Common Room
Presenters: Scott McCourt, LLC Manager – Metrowest Dining LLC, d/b/a The Common Room, Thomas Griffin, LLC Manager/Manager of Record – Metrowest Dining LLC, d/b/a The Common Room

Scott McCourt presented his application for a Change of Hours Amendment to the Section 12 Restaurant All-Alcoholic Beverages License for Metrowest Dining LLC, d/b/a The Common Room at 30 Dedham Avenue. Mr. McCourt requested an extension of service hours from 11 p.m. to midnight daily. Mr. McCourt explained that this would not necessarily be a regular occurrence, but for special events. A late night menu of appetizers will be served during this additional time.

Motion by Ms. Frail to approve the Change of Hours Amendment to the Section 12 Restaurant All-Alcohol License applications submitted by Metrowest Dining LLC, d/b/a The Common Room, and to provide an exception to Section 3.1.2.1 of the Town of Needham Regulations for the Sale of Alcoholic Beverages to permit sale of alcohol for on-premises consumption after 11 p.m.

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

6:24 p.m. Appointment Calendar and Consent Agenda:
Motion by Ms. Cooley that the Board vote to approve the Appointment Calendar and Consent Agenda.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

June 25, 2024 Appointments		
Committee	Full Name	Term Expire
Board Of Appeals	Jonathan D. Tamkin	6/30/27
Commission on Disabilities	Maureen Callahan	6/30/27
Commission on Disabilities	Masoomah Rezaei	6/30/27
Commission on Disabilities	Carol E. Thomas	6/30/27
Commission on Disabilities	Karen Morales	6/30/27
Conservation Commission	Fred Moder	6/30/27
Council On Aging	Kathy Whitney	6/30/27
Council On Aging	Carol de Lemos	6/30/27
Council On Aging	Daniel Goldberg	6/30/27
Council On Aging	Lianne Relich	6/30/27
Design Review Board	Felix Zemel	6/30/27
Golf Course Advisory Committee	Victor Seidel	6/30/27
Golf Course Advisory Committee	Daniel Dain	6/30/27
Historical Commission	Gloria Greis	6/30/27
Historical Commission	Jeffrey Heller	6/30/27
Human Rights Committee	Maya Dabby	6/30/27
Human Rights Committee	Amelia Klein	6/30/27
Human Rights Committee	Gregory Dunn	6/30/27
Metropolitan Area Planning Council	Maurice P. Handel	6/30/27
Minuteman District School Committee	Jeffrey Stulin	6/30/27
MWRA Advisory Board	Michael Retzky	6/30/27
Needham Branding & Town Seal Committee	Theodora Eaton	6/30/25
Needham Branding & Town Seal Committee	Kevin Keane	6/30/25
Needham Branding & Town Seal Committee	Marshall Davis	6/30/25
Needham Branding & Town Seal Committee	Gloria Greis	6/30/25
Needham Branding & Town Seal Committee	Topher Cox	6/30/25
Needham Branding & Town Seal Committee	Cynthia Ganung	6/30/25
Needham Branding & Town Seal Committee	Amber Autumn Sun Orlando	6/30/25
Needham Branding & Town Seal Committee	Louise Miller	6/30/25
Needham Branding & Town Seal Committee	Kate Fitzpatrick	6/30/25

Needham Cmt. Revitalization Trust Fund	Jessica Batsevitsky	6/30/27
Needham Cmt. Revitalization Trust Fund	Carol de Lemos	6/30/27
Needham Cmt. Revitalization Trust Fund	Paul Good	6/30/27
Needham Community Television Dev Corp	Arnold Goldstein	6/30/27
Needham Community Television Dev Corp	Michael J. Greis	6/30/27
Needham Community Television Dev Corp	Jonathan D. Tamkin	6/30/27
Needham Council for Arts and Culture	Stephen Dornbusch	6/30/27
Solid Waste Disposal/Recycling Advisory	Jeffrey D. Heller	6/30/27
Solid Waste Disposal/Recycling Advisory	Wells Blanchard	6/30/27
Solid Waste Disposal/Recycling Advisory	Jeffrey P. Heller	6/30/27
Traffic Safety Committee	Barry McNeilly	6/30/27
Traffic Safety Committee	Tom Ryder	6/30/27
Traffic Safety Committee	Tyler Gabrielski	6/30/27
Youth Commission	Massiel Gallardo	6/30/27

CONSENT AGENDA

1.	Approve changes to vehicle expense reimbursement rates.
2.	Accept the following donations made to the Needham Community Revitalization Trust Fund: • \$18 from Sarah Fuhro • \$1 from The Potters School • \$100 from Amy Wyeth • \$1500 from The Exchange Club of Needham
3.	Approve and sign integrated collective bargaining agreement between the Town and the Needham Independent Town Workers Association.
4.	Approve a change of date request from Jessica Rice, Jog Your Memory 5K, Inc., to hold the road event “Jog Your Memory 5K.” on October 6, 2024 at 9:00 am – 11:00 am instead of September 15. The event and route have been approved by the following departments: Fire, Police, and Public Works.
5.	Approve 20B Exemption for the following individuals to engage in work with the Needham Park and Recreation Department: Charles Dowe, Elizabeth Vallatini, Natalie Rezende, and Tyrone Holley.
6.	Approve Open Session Minutes of June 11, 2024

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Katherine Calzada	9 Morton Street	Morton St, from Webster St end until Village Club	9/7/24	11am-3pm	9/8/24
Jen Bannon	61 Jarvis Circle	Jarvis Circle	9/14/24	3pm-9pm	9/15/24

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Volante Farms	Rose Tasting	Volante Farms, 292 Forest Street, Needham	6/29/2024

6:25 p.m. Public Hearing: Application for Multiple Amendments to an All-Alcohol License – Spiga LLC, d/b/a Spiga
 Presenters: Francesco Iacovitti, Owner and Proposed Manager of Record – Spiga LLC, d/b/a Spiga, Thomas Miller, Applicant Counsel

Spiga LLC, d/b/a Spiga has applied for multiple amendments to their existing Section 12 Restaurant All-Alcoholic Beverages License at 18 Highland Circle. The amendments reflect proposed changes in LLC Managers, Change in Corporate ownership Interest, and Change of Manager to reflect Francisco Iacovitti's purchase of full ownership interest in the restaurant and proposed appointment as Manager of Record.

Mr. Miller noted that Mr. Iacovitti has been in the industry for more than ten years, in various roles, including supervising the sale and service of alcohol in various Section 12 establishments in Boston and surrounding suburbs. Mr. Iacovitti has been with the licensee since 2020 when he bought of a previous member of the corporation. Mr. Iacovitti is also TIPS certified.

Motion by Ms. Frail that the Board vote to approve the application for multiple amendments to a Section 12 Restaurant All-Alcohol License submitted by Spiga LLC, d/b/a Spiga including the appointment of Francesco Iacovitti as Manager of Record, and if so approved, forward the application to the ABCC for review and final approval.
Second: Ms. Dowd. Unanimously approved 5-0.

6:32 p.m. Needham Council for Arts and Culture – 91 Chapel Mural:
 Presenters: Joni Schockett, Needham Council for Arts and Culture Co-Chair, Heather Simmons, Needham Council for Arts and Culture Co-Chair, J.P. Cacciaglia, Economic Development Manager

Joni Schockett presented a request on behalf of the Needham Council for Arts and Culture to hire an artist to create a mural at 91 Chapel Street on the south side of the pedestrian walkthrough. Ms. Schockett reported that they have received permission from the owners of the building to paint a mural in that location and have followed the process for procuring an artist according to the guidance of the Mass Cultural Council. The NCAC will use the remaining ARPA funds totaling \$5,000 for this project and have the mural completed by the end of November.

Discussion ensued regarding guidelines provided to the artist, what kind of message the mural will convey, and the process for selecting the artist.

Motion by Ms. Dowd that the Board vote to permit the NCAC to proceed with procurement of a mural for the side of 91 Chapel Street and utilize Massachusetts Cultural Council art procurement procedures alongside previous Town of Needham/Needham Council for Arts and Culture process to decide artist curation.

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

6:41 p.m.

CBD and Synthetic THC in Food and Other Products:

Presenter: Timothy McDonald, Director of Health and Human Services

Timothy McDonald presented to the Board about cannabidiol (CBD) and delta-8-tetrahydrocannabinol (THC) (Delta-8) and delta-10-THC (Delta-10), which products are legal for sale in the Commonwealth of Massachusetts, and which are not, and the impact in the Town of Needham. Mr. McDonald noted that this does not include marijuana or marijuana infused products regulated by the MA Cannabis Control Commission. There has been a proliferation of illegal products, mainly Delta-8 and Delta-10 in some Massachusetts communities and is a growing industry nationwide.

Mr. McDonald emphasized his concerns regarding Delta-8 and Delta-10 products from a public health perspective, specifically regarding the psychoactive and impairing nature of these substances, which are not researched, not regulated, often mislabeled, confused with hemp and CBD products, and are potentially widely availability to youth. Mr. McDonald reported that the surveys in the community showed that several retail establishments sold infused products.

Select Board members expressed concern regarding enforcement in Needham and how that compares to surrounding communities and the specific formulations of Delta-8 and Delta-10.

6:55 p.m.

Public Hearing: Proposed MBTA Needham Line Commuter Rail Service Modifications

Town staff and representatives of the Select Board Chair recently met with community partners, including representatives of the MBTA, to discuss a pilot program to reduce train horn noise while the quiet zone design is underway. The potential modification is an option developed by the Town and not a proposal initiated by the MBTA. The proposal would terminate the first and last trains on the Needham Line at Needham Junction Station as opposed to Needham Heights. On these two trains, there would be no service to Needham Center or Needham Heights Stations, eliminating the need for the train to sound its horn at the four grade crossings between Junction Station and Needham Heights. Chair Kevin Keane explained that the intent of this hearing is to understand the interest of the

community in such a proposal prior to the Board's deciding whether or not to ask the MBTA to implement the pilot.

Dave Horrigan, 60 Sutton Road, commented on the issue of the train horn, emphasizing his belief that Needham Junction would be the least-suited station to serve as a terminal given the number of houses directly abutting the tracks. He argued that the MBTA must respond to the residents' concerns. He advocated for equitable, healthy, and quieter train service, highlighting that the first and last trains on the Needham transport very few riders, if any.

Sue Martin, 757 Highland Avenue, commented on the volume of the train horns, noting that some conductors appear to use the horn at a lower volume. Select Board members noted that the volume of the horns is federally mandated.

Rick Lunetta, 15 Oak Street, commented that the pilot program would be a positive step in the process, but would not want to see residents living near the Junction affected by the noise either. He requested a utilization review of riders between Hersey and Needham Heights. He proposed three temporary possibilities: 1) The MBTA repurpose its safety feature and allow its trains to return to South Station from Hersey without having first to pass by the Junction to trigger the mechanism; 2) After 8 p.m. and before 5:30 p.m. given the low utilization, the MBTA use a hybrid vehicle or small bus to carry riders from Hersey to the remaining three Needham stops; and 3) From 8 p.m. to 6:30 p.m. each whistle sequence is shortened and lowered while taking into consideration the federal regulations.

David Ruschka, 21 Rosemary Street, argued that the Town should not remove access to public transportation for those who live in, work in, and visit Needham.

Craig Idlebrook, 54 Gayland Road, expressed concerns about the trade-offs between the different options and argued for using concrete data in order to evaluate these options.

Dr. Marsha Fearing, 805 Highland Avenue, expressed her appreciation that the pilot program would reduce the noise pollution for the Town at large and also reduce selected idling in Needham Heights to make a more equitable distribution of this idling. She stated her support for the pilot program but emphasized this is not a permanent solution.

David Gennert, 37 Gayland Road, expressed concerns about air pollution in his backyard for his family. His concerns are specifically regarding carcinogenic particulate matter from idling engines and estimated that the proposed pilot would triple the amount of idling time of trains near this neighborhood.

Holly Horrigan, 60 Sutton Road, emphasized the low ridership of late train on the Needham Line. She supported the solution of using a shuttle to replace the late train between certain stops. She also questioned the potential permanence of this pilot

program and what may be subsequent steps if this pilot program is implemented in a long term way. She also asked for clarification by what is meant by “stopgap pilot short-term solution.”

Mike Swersky, 31 Gayland Road, emphasized how close he lives to the Junction and his disappointment that his neighborhood has been disregarded in his opinion as compared to the greater Needham community when considering air versus noise pollution respectively.

David Jordan, 21 Gayland Road, also expressed his concerns about air quality with particular regard to children as a vulnerable population. He noted that carbon dioxide monitors in his home go off at certain times as a result of the train idling. He also noted his house and those nearest him are affected by loitering activity that occurs behind Needham Junction late at night and in the early morning as well.

Ed Cosgrove, 17 Laurel Drive, highlighted that if this pilot program is implemented, individuals who would take the train at Needham Heights and Needham Center may drive to Needham Junction, therefore filling the parking lot more quickly and leading to individuals parking on surrounding residential streets.

Ian Grush, 164 Laurel Drive, commented that he is a daily rider of the early train and emphasized that there are others who rely on the early morning trains. He expressed that shuttles are not as reliable as the train and would not fit all the individuals who use the train at each stop.

Sherry Walker, 43 Gayland Road, expressed her appreciation for the access to public transportation and her support for the trains to idle behind Roche Brothers as was part of the plan when she originally moved to Needham.

Nicholas Lakasha, 1 Dartmouth Ave, expressed his opinion that service cuts cannot be performed without increasing other services, for example making Blue Bikes available. He pointed out that the 59 buses do not run very late either, which could be increased. He further advocated for extending the Orange Line to Needham Heights.

Bill Lenahan, 189 Nehoiden Street in Needham, asked how long the train idles at the Needham Heights at the moment.

James McLaughlin, 37 Cedar Springs Lane, recognized both the noise and pollution concerns. He emphasized his concern for the noise from trains. He posited that there are towns in Massachusetts that do not require trains to blow their horns at crossings. He has observed that conductors often blow the horn after they have passed the crossing, which also has other alerts in place for pedestrians.

Paul Baker, 57 Gayland Road, emphasized that Gayland Road and Laurel Drive is uphill and for this reason there is significant particulate matter drifting up the hill. He pointed out that there is also public housing directly across the street.

Ellen Baker, 57 Gayland Road, expressed her disappointment that this issue has become divisive in the Town when the goal is to protect all residents' health and access to public transportation.

Select Board members emphasized that this idea for the pilot program came from the Town and for this reason they have decided to hold a public hearing, but the MBTA is not present at this point.

8:02 p.m. Approve Sale of Bond Anticipation Note:
Presenters: David Davison, Deputy Town Manager/Director of Finance, Ellyse Glushkov, Town Treasurer/Collector

David Davison and Ellyse Glushkov provided the Board with the results of the bond anticipation note and discussed future borrowings. The Town received four bids on its bond anticipation note. All bids were competitive, with interest rates ranging from 3.718% to 4.282%. The bidder chosen was Piper Sandler & Co. with a rate of 4.25% with a premium of \$21,958 and a 3.178% net interest cost. The note will mature in December. Prior to going out to bid again, the Town will determine whether to permanently finance or extend into another note. Select Board members signed necessary documents. The Town Clerk was also present.

Motion by Ms. Cooley vote to approve the bond anticipation note financing with the motions as presented in the materials.
Second: Mr. Levy. Unanimously approved 5-0.

8:18 p.m. Set Water and Sewer Rates:
Presenters: Kate Fitzpatrick, Town Manager, David Davison, Deputy Town Manager/Director of Finance

Mr. Davison provided the Board with a review of the public hearing regarding water and sewer rates discussed at their prior meeting. The Water & Sewer Rate Structure Committee recommended Alternative G. Discussion ensued regarding the timing of these changes, challenges with technology shifting and staffing, and setting up the ability to set recurring payments. Mr. Levy asked about the possibility of delaying this change to October 1 as opposed to July 1 to remain on a quarter schedule in order to give residents time to adjust to these new rates.

Motion by Mr. Levy that the Board approve the water and sewer rates identified as Alternative G and that they be effective October 1, 2024; that the Board approve a Septage Disposal fee of ~~\$85,000~~ \$85 per 1,000 gallons; and further that the Board approve the following other water & sewer service rates as presented.

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

8:39 p.m. Town Manager:

Dark Sky Legislation

Ms. Fitzpatrick discussed Senate Bill 2102, an act to improve outdoor lighting, conserve energy, and increase dark-sky visibility. Needham has continued work to be compliant with this bill since 2019, replacing street lighting with LEDs, installing controls and a central management system to enable individual streetlight dimming, and electricity use tracking. Ms. Fitzpatrick recommended that the Board consider Section 3 of the Bill, which requires that utility companies charge only for what is used to light streetlights, and/or to create a finer tariff table. Ms. Fitzpatrick explained that paying for the actual use of energy rather than the tariff rate would benefit Needham. Discussion included the logistics and cost of metering the streetlights and encouraging residents to adopt the dark sky practices as well.

Motion by Ms. Dowd that the Board vote to authorize the Town Manager to submit a letter of support of Senate Bill 2102.

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

Executive Session Minutes

Ms. Fitzpatrick recommended that the Board vote to approve the revision to the Policy Regarding Executive Session Minutes.

Motion by Mr. Levy that the Board vote to approve the revision to the Policy Regarding Executive Session Minutes.

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

Town Manager Report

- The next Select Board meeting is the Annual Goals Workshop on July 9 in the afternoon.

8:47 p.m. Board Discussion:

Committee Reports

Joshua Levy noted that there is currently scheduling occurring for the Stormwater By-Law Working Group.

Kevin Keane reported that the Needham Branding & Town Seal Committee will open their survey for residents to vote in the upcoming weeks.

8:50 p.m. Adjourn:

Motion by Mr. Levy that the Board adjourn the Select Board meeting of Tuesday, June 25, 2024.

Second: Ms. Frail. 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, July 9, 2024, at 3:00 p.m.