Town of Needham
Select Board
Minutes for Tuesday, August 13, 2024
Select Board's Chamber and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:03 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, 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. Cathy Dowd was not present. Susan Metropol, Recording Secretary, attended via Zoom.

6:04 p.m. Public Comment Period:

No public comments were heard.

6:04 p.m. Proclamation: 2024 International Overdose Awareness Day:

Heidi Frail read the proclamation for International Overdose Awareness Day designating August 29, 2024 as International Overdose Awareness Day.

Motion by Ms. Cooley that the Board vote to approve and sign the 2024 International Overdose Awareness Day Proclamation.
Second: Mr. Levy. Unanimously approved 4-0.

6:06 p.m. Needham Branding and Town Seal Committee Logo Recommendation
Presenters: Kate Fitzpatrick, Town Manager, Amy Haelsen, Director of Communications and Community Engagement, Members of the Needham Branding and Town Seal Committee

The Town Branding and Town Seal Committee was created to provide input to the Select Board and the Town in the development of a Town brand logo and began meeting in October 2023. The Committee presented the final recommendation to the Select Board. Graphic designer David Linde emphasized that the Committee aimed to find the right colors and use scenarios. Over the next few months, the Committee will be reviewing options for updating the Town Seal and will make a recommendation to the Board in time for Town Meeting action in May 2024, if the Board so chooses. Select Board members asked about rollout of this logo, considering cost and timing, and expressed their support for the new logo.

Motion by Ms. Cooley that the Board vote to approve the Town Branding Logo as recommended by the Needham Branding and Town Seal Committee.
Second: Ms. Frail. Unanimously approved 4-0.

6:17 p.m. Public Hearing: Eversource Grant of Location – 52 Plymouth Road:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 18 feet of conduit in Plymouth Road. The reason for this work is to provide service to 52 Plymouth Road. 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. Frail that the Board vote to approve and sign a petition from Eversource Energy to install approximately 18 feet of conduit in Plymouth Road.
Second: Mr. Levy. Unanimously approved 4-0.

6:18 p.m. Public Hearing: Eversource Grant of Location – 83 Elder Road:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 7 feet of conduit in Elder Road. The reason for this work is to provide service to 83 Elder Road. 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.

Nancy Ostroff, 89 Elder Road, asked if this procedure has already been completed given the amount of construction occurring already in this neighborhood. Kate Fitzpatrick noted that the work under the Town's right of way has not occurred yet, which is what the grant of location permits. Tom Ryder, Town Engineer, confirmed that the work for the conduit has not yet occurred.

Motion by Ms. Cooley that the Board vote to approve and sign a petition from Eversource Energy to install approximately 7 feet of conduit in Elder Road.
Second: Mr. Levy. Unanimously approved 4-0.

6:22 p.m. Public Hearing: Eversource Grant of Location – 131 Oxbow Road:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 38 feet of conduit in Oxbow Road. The reason for this work is to provide service to 131 Oxbow Road. 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.

Ms. Frail asked about the pole to be connected and expressed concern about the leaning of the pole. Tom Ryder noted he will be communicating with Verizon, given that they are responsible for the pole, but advised Eversource to reach out to utilities directly in the future.

Motion by Ms. Cooley that the Board vote to approve and sign a petition from Eversource Energy to install approximately 38 feet of conduit in Oxbow Road. Second: Mr. Levy. Unanimously approved 4-0.

6:26 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 4-0.

APPOINTMENT CALENDAR

1.	Charlene Smith	Needham Council for Arts and Culture Term Exp: 8/13/2027
2.	Jean Klugman	Needham Council for Arts and Culture Term Exp: 8/13/2027
3.	Seona Standard	Needham Council for Arts and Culture Term Exp: 8/13/2027
4.	Tracy Lin	Needham Council for Arts and Culture Term Exp: 8/13/2027
5.	Ronna Perlmutter	Needham Council for Arts and Culture Term Exp: 8/13/2027

CONSENT AGENDA

1.	Approve Open Session Minutes of July 30, 2024 and amend Open Session Minutes of June 25, 2024
2.	Approve a request from Maura Holt-Ling, Development Associate of Bikes Not Bombs, Org., to hold the road event "Bikes Not Bombs 37th Annual Bike-A-Thon" in Needham. The event is scheduled for Sunday, September 8, 2024, starting at 7:45 a.m., with a rain date of Sunday, September 15, 2024. The event and route have been approved by the following departments: Fire, Police, and Public Works
3.	Accept the following donations to Needham Youth & Family Services (YFS): • $100 from Richard Morin towards the YFS Crisis Donation Fund • $200 from Christopher Lee Granick towards the YFS Crisis Donation Fund • $100 from Ronald Ritter towards the YFS Crisis Donation Fund
4.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • $1500 from the Needham Public Library • $3850 from William Middleton for the Middleton Bench Project • $1700 from Mr. & Mrs. Ryan McKee for the Caley Bench Project

5.	Accept the following donation to the Needham Aging Services Division: • From Shawn Reddish, TheraCycle exercise bike (estimated value $3000)
6.	Approve 20B Exemption for Ryan Villa to engage in work with the Needham Fire Department
7.	Amend the Charge and Composition for the Mobility Planning and Coordination Committee

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Cindy Osgood	27 Laurel Drive	Lower Laurel Drive	9/7/24	4pm-8pm	9/8/24
Nicole Foster	38 Mayflower Road	Mayflower Rd between Great Plain Ave & Alden Rd	9/7/24	4pm-8pm	9/8/24
Kate Deeley	61 Kenney Street	Kenney St & Barbara Rd	9/21/21	3pm-11pm	9/22/24

6:26 p.m. Public Hearing: Removal of a Public Shade Tree at 239 Manning Street:
Presenter: Edward Olsen, Tree Warden/Parks & Forestry Superintendent

Homeowner Michael Virginio has requested to remove one Public Shade at 239 Manning Street. He has expressed concerns for the for the street tree located in front of his new construction home. He is formally seeking approval from the Town to remove and replace this tree. This tree would be negatively from this new construction, regardless of the placement or the location of the driveway. In addition, Mr. Virginio would like to donate a tree to the Sunita Williams School at the location of a memorial bench for his mother. Tree Warden Edward Olsen expressed that he does not object to the removal of the Public Shade Tree based upon this reason.

Extensive discussion included Board members' concerns about removal of the tree, including potentially altering plans for the driveway, the process through which construction permits are approved, and the concerns that the Select Board has for the removal of public trees in town. Board members also emphasized the role of the developer in understanding how trees will be affected by planned construction. Curtis Petrini of Petrini Corporation also recognized the role his team has in preventing these types of situations.

John and Terry Bergdoll, 233 Manning Street, expressed concerns about the failure of the oak tree nearer her property as a result of construction. Mr. Bergdoll stated that he is against the removal of the London Plane tree, stating many reasons why the tree should remain in place.

Nancy Mayo, 300 Second Avenue, expressed her disappointment that the Town Arborist is involved with removing a public shade tree.

Motion by Ms. Cooley that the Board vote to approve and sign the public shade tree removal form for the removal of one London Plane tree on the front berm of 239 Manning Street.
Second: Mr. Keane: Motion failed 2-2. Ms. Frail and Ms. Cooley voted for the motion. Mr. Keane and Mr. Levy voted against the opposition.

Further discussion ensued on the merits of the proposed removal, cost implications related to delayed removal, and structure of continued deliberations relative to the hearing.

Motion by Mr. Levy that the Board vote to continue this hearing until September 10, 2024 at 6:00 p.m.
Second: Mr. Keane. Unanimously approved 4-0.

7:04 p.m. FY2023 Financial Audit:
Presenters: Marcus LLP (Independent Auditors), David Davison, Deputy Town Manager/Director of Finance

Representatives of the audit firm Marcum LLP updated the Board regarding their work and audit of the Town's general purpose financial statements for fiscal year 2023. They reported that the audit of the financials went very well according to generally accepted accounting principles. The books and records were found to be in good working order. They also communicated to the Board that there were no material weaknesses or significant deficiencies in internal control identified as a result of their audit procedures. The fund balance of the General Fund demonstrated that the Town is conservative in its budgeting and using all of its resources to avoid overspending. The Board thanked the auditors and the Finance team for their efforts.

7:22 p.m. Public Hearing: Application for Multiple Amendments to an All-Alcohol License – Blue Restaurant Needham, LLC d/b/a Blue on Highland:
Presenter: Thomas Miller, Applicant Counsel

Blue Restaurant Needham, LLC d/b/a Blue on Highland has applied for multiple amendments to their existing Section 12 Restaurant All-Alcoholic Beverages License at 882 Highland Avenue. The amendments reflect proposed changes in LLC Managers, Change in Corporate Ownership Interest, and Alteration of Premises to reflect Scott Drago's purchase of Corey Peyser's ownership interest in the restaurant and expansion into newly acquired abutting space that will include seating spaces for 40 additional customers, a service station and an additional bathroom. Board members asked about approval by the Planning Board and if there will be any new entrances added given the additional space.

Motion by Ms. Frail to approve the application for multiple amendments to a Section 12 Restaurant All-Alcohol License submitted by Blue Restaurant Needham, LLC d/b/a Blue on Highland, and if so approved, forward the application to the ABCC for review and final approval.
Second: Mr. Levy. Unanimously approved 4-0.

7:30 p.m. Public Hearing: Verizon Grant of Location – Lawton Road:
Presenter: Alex Marrero, Verizon Representative

Alex Marrero, representative of Verizon New England, requested permission to install one (1) JO Pole, P.13 on the easterly side of Lawton Road, approximately 95 feet northwesterly from the centerline of South Street. The reason for this work is to provide service to new construction. The Department of Public Works has approved this petition.

Motion by Ms. Frail that the Board approve and sign a petition from Verizon New England to install one (1) JO Pole, P.13 on the easterly side of Lawton Road, approximately 95 feet northwesterly from the centerline of South Street.
Second: Ms. Cooley. Unanimously approved 4-0.

7:34 p.m. Director of Public Works
<u>Sign Notice of Traffic Regulation – Kearney Road:</u>
Presenter: Carys Lustig, Director of Public Works

The Transportation Safety Committee (TSC) requested that Kearney Road be designated a stopped street at Gould Street.

Motion by Mr. Levy that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS24-08-13 requiring that Kearney Road be designated as a stopped street at the intersection of Gould Street.
Second: Ms. Frail. Unanimously approved 4-0.

7:36 p.m. <u>Sign Notice of Traffic Regulation – George Aggott Road:</u>
Presenter: Carys Lustig, Director of Public Works

The TSC requested that George Aggott Road be designated a stopped street at Dedham Avenue following construction and the addition of a crosswalk at George Aggott Road in order to control pedestrian traffic flow near this crosswalk.

Motion by Ms. Frail that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS24-08-13 requiring that George Aggott Road be designated as a stopped street at the intersection of Dedham Avenue.

Second: Ms. Cooley. Unanimously approved 4-0.

7:39 p.m. Sign Notice of Traffic Regulation – George Aggott Road:
Presenter: Carys Lustig, Director of Public Works

The TSC requested that West Street be designated a stopped street at Hillside Avenue. The additional stop will effectively create an "all way" stop control intersection.

Motion by Ms. Cooley that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS24-08-13 requiring that West Street be designated as a stopped street at the intersection of Hillside Avenue.
Second: Mr. Levy. Unanimously approved 4-0.

7:45 p.m. Town Manager:

Town Offices Schedule Shift
Kate Fitzpatrick and Tatiana Swanson discussed a proposal to extend the current Town Offices schedule to a year-round basis. The change would apply to the offices at the Public Services Administration Building, Rosemary Recreation Complex, and Town Hall. They recommended that the Board vote to extend the current schedule through September 30, 2024 on an interim basis while the proposal is under consideration.

Motion by Ms. Frail that the Board vote to support the concept of extending the Town Offices schedule to a year-round basis, and to extend the current shift through September 30, 2024 while the specifics of the proposal are worked out.
Second: Ms. Cooley. Unanimously approved 4-0.

National Community Survey
Amy Haelsen, Director of Communications and Community Engagement, presented the results of the recently completed National Community Survey, including methodology and results. The wide range of responses and the broad based opinions expressed by the survey participants provided the Town with a unique perspective about service delivery, highlighting successes, opportunities, and areas that deserve greater attention.

Ms. Haelsen reviewed that there were several areas where Needham exceeded the national benchmark, including an overall feeling of safety, availability of affordable quality health care, availability of preventive health services, overall economic health, ease of walking, snow removal, cleanliness and air quality of the natural environment, and K-12 education. According to the survey, the Town has also exceeded the national benchmark in overall confidence in Needham government.

Discussion ensued regarding results regarding race/ethnicity of survey respondents and their feedback to specific questions, concerns regarding diversity, equity, and inclusion, and town-wide communication channels.

Call for and Open Special Town Meeting Warrant
Ms. Fitzpatrick asked the Board to call for a Special Town Meeting to be held on Monday, October 21, 2024 and to open the warrant for that meeting. The Board is scheduled to close the warrant on September 10, 2024. She reviewed the list of potential articles.

Motion by Ms. Cooley that the Board vote to call for and open the warrant for the October 21, 2024 Special Town Meeting.
Second: Ms. Frail. Unanimously approved 4-0.

Downtown Project Working Group
Ms. Fitzpatrick recommended that the Board establish the Needham Center Working Group to provide input and feedback to the DPW, its consultants, and the Board on the Needham Center Project along Great Plain Avenue. Ms. Lustig noted that the Town is investigating grant funding for this project as well as other funding sources in addition to Chapter 90.

Motion by Ms. Frail that the Board vote to approve the charge and composition of the Needham Center Project Working Group.
Second: Ms. Cooley. Unanimously approved 4-0.

American Rescue Plan Act Funding
Ms. Fitzpatrick recommended that the Board vote to approve a request for reallocation between State ARPA line items in the Economic Development category. Remaining funding in the Grant Program will move to both Public Art and Other categories.

Motion by Ms. Cooley that the Board vote to approve the requested reallocation of funding for the Town's State ARPA Allotment.
Second: Mr. Levy. Unanimously approved 4-0.

Release of Executive Session Minutes
In accordance with the Policy Regarding Executive Session Minutes, after periodic review, Ms. Fitzpatrick reported that there were 68 executive session minutes that no longer warrant continued non-disclosure in whole or in part at the next Select Board meeting following the conclusion of the review.

Town Manager Report
- Notification by Congressman Auchincloss' office indicated that the Stormwater Management for Healthy Rivers and Climate Resilience Project was awarded $1.1 million.

8:30 p.m. Board Discussion:

Proposed MBTA Needham Line Commuter Rail Service Modifications

Following a public hearing to solicit feedback about a proposal to alter MBTA Needham Line Commuter Rail service, the Board discussed the feedback received and determined that they would discontinue the evaluation of this specific proposal at this time.

Select Board Goal Setting FY2025 – 2026

The Board discussed the FY2025 – 2026 goals and initiatives. The Town Manager recommended that the Board adopt the goals and initiatives as presented.

Motion by Mr. Levy that the Board vote to adopt its goal statement for FY2025 – 2026.
Second: Ms. Frail. Unanimously approved 4-0.

Town Manager Performance Evaluation

In accordance with the Town Manager Evaluation Policy, the Select Board prepared an annual performance evaluation of the Town Manager. Each member of the Board completed an individual evaluation. The individual evaluations were then compiled into a consensus evaluation overview document by Ms. Cooley, immediate past chair of the Board. Select Board members thanked Ms. Fitzpatrick for her committed service and professionalism in leadership of the Town government.

Motion by Ms. Frail that the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated August 6, 2024, and authorize the Chair to approve a merit award of up to $2,500 to the Town Manager, as provided for in Section 5.5 of the Employment Agreement between the Town and the Town Manager.
Second: Ms. Cooley. Unanimously approved 4-0.

Open Meeting Law Complaint

On October 11, 2023, Gregg Darish filed Open Meeting Law complaints with the Select Board and the Planning Board, asserting that the September 11, 2023 joint executive session of the two boards was improperly held. On August 2, 2024, the Office of the Attorney General issued a determination letter concluding that the Select Board and the Planning Board did not violate the Open Meeting Law, and that it now considers both complaints to be resolved. Board members acknowledged the importance of addressing these specific complaints and additionally recognizing the commitment of those in public service committed to the Town's best interests.

Committee Reports

Ms. Frail reported that the Town has begun efforts on the topic of trees. Ms. Frail noted that she has received feedback from residents and reassured the public that these efforts are underway.

Ms. Cooley reported that she attended Needham's Purple Heart Day Observance on August 7, and that Needham has 84 Purple Heart recipients.

Mr. Keane reported that the Stormwater By-Law Working Group has been working towards a bylaw and regulations.

9:04 p.m. Adjourn:
Motion by Mr. Levy that the Board adjourn the Select Board meeting of Tuesday, August 13, 2024.
Second: Ms. Cooley. Unanimously approved 4-0.

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, September 10, 2024, at 6:00 p.m.