

**Town of Needham
Select Board
Regular Meeting
Minutes for Tuesday, March 11, 2025
Select Board Chambers and
Via Zoom
<https://us02web.zoom.us/j/82601013229>**

- 6:00 p.m. Call to Order:
A Regular Meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Cathy Dowd, Joshua Levy, and Town Manager Kate Fitzpatrick. Katie King, Deputy Town Manager, and David Davison, Deputy Town Manager/Director of Finance, were also in attendance.
- 6:01 p.m. Public Comment Period: None at this time
- 6:01 p.m. Public Hearing: Proposed Warrant Articles – Plastics Ban
Presenter: Kathie Raiz, Green Needham; Max Woolf, Charles River Chamber; Jay Spencer, French Press LLC

Ms. Raiz stated that the proposed article to ban black plastic is due to it containing flame-retardant chemicals which can gather in the body and contribute to health implications. Black plastics are also not currently recyclable. A survey found that white plastic is available and comparable to black plastic. It seems reasonable to seek alternatives. The Skip the Stuff bylaw is proposed to require customers request takeout materials from restaurants instead of it being automatically included. This would help eliminate zero-use waste.

Mr. Spencer stated that he is against both proposals. He stated that he believes such restrictions should be left to businesses or the State. He noted that black plastics are a manufacturing issue and bans place the onus on the end user, health concerns are regulated by the FDA and should not be regulated by the Town, and that it should not be the restaurant's responsibility to manage a readily available product. He concluded by saying the cost of black plastic is less than white plastic.

Mr. Woolf stated that the Chamber conducted outreach to its membership, noting that many restaurants found comparable costs between the two options and that regulatory bans were found to be challenging due to uncertainty. The Town's survey found that many restaurants believed there would be cost increases associated with the ban, leading the Chamber to oppose a black plastic ban. The Chamber supports the Skip the Stuff proposal.

Mr. Levy asked for additional data and articles. Ms. Raiz stated that she would send along additional information. She noted that the FDA does not regulate these plastic containers. She stated that she believed the Chamber letter expressed support of the

black plastic ban. Mr. Woolf stated that the ban was never outright supported by the Chamber, and it is believed this is not the right time to move forward with it.

Ms. Dowd asked about the process in Newton for a similar ban. Mr. Woolf stated that outreach in Newton found that replacements were available and supply chain issues were not onerous, but there were still some concerns with additional regulations. Mr. Spencer stated that there are different impacts depending upon the restaurant type.

Ms. Frail noted that the State normally acts due to influence from municipalities. She stated her support for Skip the Stuff, but was inclined to wait before deciding her opinion on the black plastic ban.

Mr. Keane stated that the hearing on these items will be closed this evening. The items will be included in the draft warrant and the Board can decide whether to keep them in at its meeting on the 25th. The Board can then vote on a position for this item. Ms. Fitzpatrick noted that the language will need to be reviewed with Town Counsel.

Motion by Ms. Frail to close the Public Hearing.
Second: Ms. Dowd. Unanimously approved 4-0.

6:38 p.m. Public Hearing: Eversource Grant of Location – 239 Manning Street
Presenter: Joanne Callender, Eversource Energy

Ms. Callender explained that Eversource is seeking a Grant of Location to install approximately 40' of conduit into Manning Street to provide underground service for the new home at 239 Manning Street.

Mr. Keane asked about potential utility conflicts when digging in the road. Ms. Callender stated that the current utilities will be protected in the process.

Motion by Ms. Frail that the Select Board approve and sign a petition from Eversource Energy to install approximately 40' of conduit in Manning Street.
Second: Ms. Dowd. Unanimously approved 4-0.

6:41 p.m. Director of Public Works:
• South St Water Main and BMP Project

Carys Lustig, Director of Public Works and Justin Savignano, Assistant Town Engineer, reviewed the South Street water main replacement project. The intention is to get water to infiltrate into the ground to treat it. As part of the project, some trees will need to be removed – most are invasive and/or diseased. Replacements are proposed at a 2:1 ratio. Ms. Frail suggested potentially replacing caliper inches instead of number of trees.

- Needham Center Project Interrelationship

Ms. Lustig presented activities proposed within the vicinity of Needham Center and business corridor. There are four interrelated projects: Highland Ave Reconstruction, Quiet Zone Locations, Envision Needham Center, and the Bottleneck Grant.

- Non-Essential Outdoor Water Use Restriction

Ms. Lustig explained that Needham produces all of its non-outdoor water in Town and supplements it with MWRA water. The State has put forth additional restriction, including one condition of the Water Management Act registration requirements that requires the Town's compliance by April 8, 2025. This condition requires the Town to implement non-essential outdoor water use restrictions during times of drought as declared by the Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs. This is a challenging restriction to enforce, and enforcement will likely be on an educational basis at this time. This item is still pending litigation, as the Town is working with approximately 20 other communities to challenge the standing of the regulation. The Town will need to implement this item until and unless overturned.

Motion by Ms. Dowd that the Select Board delegate their authority to declare an emergency non-essential water use restriction as set forth in the General Bylaws 2.2.5.5.2 to the Town Manager in accordance with the Town's Water Management Act registration.

Second: Ms. Frail.

Discussion:

Mr. Levy stated that he will vote against this, as he does not want to delegate authority. Mr. Keane stated that he would also vote against this, as he would like the Select Board to make the call within 48 hours using an emergency Zoom meeting, if needed. As this would lead to a split vote, he recommended putting off the vote until additional Board members are present.

Ms. Dowd withdrew her previous motion.

- Solid Waste Update

Ms. Lustig provided an update of the Town's contract with Wheelabrator that is set to expire in June 2028. The Town is working with the consortium that originally negotiated this contract twenty years ago to revamp the group and start renegotiations for a successor agreement.

The Board asked for additional updates into the future.

8:03 p.m.

Appointment Calendar and Consent Agenda:

Mr. Keane recused himself from this item and Ms. Frail sat as Acting Chair.

Motion by Ms. Dowd that the Board vote to approve the Appointment Calendar and Consent Agenda.

Second: Mr. Levy. Unanimously approved 3-0.

APPOINTMENT CALENDAR

1.	Paula Jacobson	Envision Needham Center Working Group Term Exp: 6/30/2027
2.	Susan Mullaney	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027
3.	Marianne Cooley	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027
4.	Ali Blauer	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027

CONSENT AGENDA

1.	Approve Open Session Minutes of February 11, 2025, and Executive Session Minutes of February 25, 2025
2.	Approve a request from Gloria Greis, Executive Director of Needham History Center & Museum, to hold the road event “Needham 2 Arlington” in Needham. The event is scheduled for Saturday, April 19, 2025, starting at 8:45 a.m. The event and route have been approved by the following departments: Fire, Police, and Public Works
3.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • \$200 from Plugged In Band Program, Inc.
4.	Move the Regular Meeting of the Select Board scheduled for April 9, 2025, to April 15, 2025.

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Needham Oral Surgery and Implant Center	Needham Oral Surgery Open House	117 Chestnut Street	4/03/2025

Mr. Keane retook his seat.

8:05 p.m. Town Manager
• Accept and Refer Zoning

Ms. Fitzpatrick explained that this is a request by the Planning Board to place two Articles on the Special Town Meeting Warrant to amend the Zoning Bylaw for the Flood Plain District to accommodate the new FEMA flood plain maps.

Motion by Ms. Dowd that the Board vote to accept the proposed zoning articles:

- **Article 1: Amend Zoning By-Law – Flood Plain District**
- **Article 2: Amend Zoning By-Law – Map Change to Flood Plain District**

for referral to the Planning Board for its review, hearing, and report.

Second: Mr. Levy. Unanimously approved 4-0.

- Open Special Town Meeting Warrant

Myles Tucker, Support Services Manager, reviewed the Senior and Veteran Property Tax Work-Off Programs, listed as proposed articles in the May 12, 2025 Special Town Meeting, with the Board. The Board discussed keeping the proposed 80% AMI eligibility cap or removing the cap. There was agreement to consider this further in the future.

The Board also heard about the proposed Affordable Housing Property Tax Exemption from David Davison. This may be pulled from the Warrant if it needs additional examination.

Motion by Ms. Dowd that the Board vote to call for and open the warrant for the May 12, 2025, Special Town Meeting.

Second: Mr. Levy. Unanimously approved 4-0.

- 2025 Annual Town Meeting Warrant Update

Ms. Fitzpatrick stated that final changes to the Warrant will be presented to the Board at its meeting on the 25th.

- Town Manager Report
 - Regarding remote and hybrid meetings, the Town has been asked to sign onto a letter with the MAPC to urge the allowance for this continue. The Board agreed.
 - For Needham Power Choice enrollments, 94% of eligible accounts stayed enrolled in the program and 6% opted out. 92% of the accounts stayed with the standard option. 1% opted up to the 100% green and 7% opted down to the basic option. The Town's consultants noted that these data were either at or above expected levels.

8:33 p.m.

Board Discussion

- Town Manager Search Update

Mr. Keane stated that the Town Manager Screening Committee met yesterday. Most of the meeting occurred in Executive Session, but the Committee's meeting was not properly posted. As a result, Town Counsel is determining how to address this under the Open Meeting Law. The Screening Committee will meet again to affirm its actions from the meeting. There were 14 total applications submitted.

- Committee Reports

Mr. Levy stated that the Stormwater Working Group continues to work through the proposed bylaws for multiple listening sessions and hearings. Once reviewed by the Board, this would move toward Town Meeting vote.

Mr. Keane stated that Envision Needham Center Working Group met, and initial traffic studies are being completed.

Mr. Keane stated that Community Conversations is looking at hosting events in May.

Ms. Dowd stated that T-CHOC met with the CPC. T-CHOC inherits the oversight of CPC funds for housing. The group also heard from the Needham Housing Authority regarding the process for the Linden & Chambers project.

Ms. Frail stated that the Large House Study Committee met on March 3rd to review the large house tour and survey. The main factors for a house looking out of place were determined to be height and lot coverage. There will be a meeting on March 31st to hear from Wellesley on their process.

Ms. Frail stated that she attended a book discussion by local Needham author, Tom Keating, on March 4th. On March 5th, she attended a landscaper zoom session by the petitioner regarding a seasonal ban on gas-powered leaf blowers. The Tree Committee held its first meeting on March 6th. On March 8th, she participated in a Needham Diversity standout. She and members of staff attended a dinner sponsored by Needham Muslim Neighbors on March 9th.

8:44 p.m.

Executive Session

- Exception 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel (Fire Chief); and
- Exception 3: to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Motion by Mr. Keane that the Select Board enter into Executive Session pursuant to Exception 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel (Fire Chief); and

Exception 3: to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, and not to return to Open Session prior to adjournment.

Second: Ms. Frail. Unanimously approved by roll call vote: Keane – aye; Levy – aye; Frail – aye; and Dowd – aye; 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, March 25, 2025, at 6:00 p.m.

A video recording of the March 11, 2025 Select Board Meeting can be found at https://www.youtube.com/watch?v=Df1grtyU-KI&ab_channel=TownofNeedhamMA or at <https://www.needhamchannel.org/2025/03/needham-select-board-3-11-25/>.