

**Town of Needham
Select Board Meeting Minutes
May 5, 2025
Needham Town Hall
Select Board Chambers**

6:48 p.m.

Call to Order:

A special meeting of the Select Board was convened by Chair Heidi Frail. Present were Cathy Dowd, Marianne Cooley, Joshua Levy, Kevin Keane, Support Services Manager Myles Tucker, Deputy Town Manager Katie King, and Town Manager Kate Fitzpatrick. Town Counsel Chris Heep joined the meeting at 7:15 p.m.

The Board discussed pending issues related to the Annual Town Meeting. Ms. Frail stated that Mr. Keane would be making a committee report under Article 2 of the warrant. Ms. Frail reported on the meetings held with local businesses the prior week and said that the feedback was valid – individuals brought up issues that have not yet been dealt with, such as snow removal, deliveries, parking, and metrics. She said that the Select Board needs more information and likely more design options. She said that while the Board will receive direct feedback at its hearing on May 13th, she would like to take a step back from the pilot and let people know before the 13th. Mr. Keane said that Envision Needham Center (ENC) needs more time, and in light of that he would like to make a motion to delay the pilot.

Mr. Levy expressed concern that the Board would act on the Envision Needham Center pilot program when the topic was not included on the agenda for the meeting. Furthermore, Mr. Levy did not feel that taking a position on this matter could reasonably relate to Article 2 of the Annual Town Meeting, as the report under Article 2 was to be presented on behalf of the Envision Needham Center Working Group (not on behalf of the Select Board), and reports under Article 2 are not subject to a vote at Town Meeting.

The Board discussed that the meeting was noticed for Town Meeting preparation including review of articles and motions to amend. Ms. Cooley said that the Board needs to take a position on the amendment under Article 17 which involves the ENC project. Ms. Dowd agreed that the pilot should be delayed and said she saw a connection with Article 17. Ms. Fitzpatrick asked if a consensus of the Board would be satisfactory. Ms. Cooley said that consensus is better than nothing but felt the Board can take a vote, and it will make a lot of people happier. Mr. Levy said that it is important for such a vote to be properly noticed so that the public has an opportunity to see the vote occur.

Ms. Fitzpatrick asked if the Board felt that taking a vote on the pilot program would inform their position on the amendment under Article 17, and would it help Town Meeting Members. Ms. Cooley noted that it seems like all Board members are in agreement on the delay. She said that is what the

public wants, and the Board has the means to provide that assurance and to inform Town Meeting Members position on the Article 17 amendment. Mr. Levy said that he objects to the vote because it was not properly noticed on the agenda so that the public may be aware of the vote and have an opportunity to attend the Board's meeting.

Motion: Mr. Keane moved that the Board vote to delay the implementation of the Needham Center pilot program for at least six months. Second: Ms. Cooley.

Mr. Levy stated that he is concerned that people will say that the Board took a vote out of the public view, and that is the same complaint people have made about the ENC. He asked if the vote would be an open meeting violation. Ms. Dowd asked if Town Counsel was available. Ms. Frail asked the Board to table the motion and move on to other items while Mr. Tucker and Ms. King located Town Counsel.

The Board discussed the proposed motion to amend Article 17 by limiting the use of c. 90 funds to areas other than Great Plain Avenue between Warren Street and Linden Street. Ms. Cooley said that the motion applies to the funding that is being authorized this year, and none of that funding will be deployed for ENC. Ms. Frail stated that attaching conditions to a funding source to object to another project is bad policy.

Motion: Ms. Cooley moved that the Board vote to oppose the motion to amend Article 17. Second: Mr. Keane. The motion carried 4 – 1 with Mr. Levy voting no.

The Board discussed its position on Article 10 in the Special Town Meeting Warrant. Mr. Levy said that he preferred that the Town have flexibility to use the rebate funds as needed by continuing to have such funds flow into the General Fund.

Motion: Ms. Cooley moved that the Board vote to recommend adoption of Article 10 in the Special Town Meeting Warrant. Second: Mr. Keane. The motion carried 4 – 1 with Mr. Levy voting no.

Attorney Heep joined the meeting at 7:15. Ms. Frail said that Mr. Keane had offered a motion to delay the Envision Needham Center pilot program in conjunction with the Article 2 report and the motion to amend under Article 17. Mr. Levy added that the topic was not included in the notice for the meeting and reiterated to Town Counsel his concerns previously stated to the Board. Attorney Heep noted that the posted agenda included Board discussion of the Annual Town Meeting warrant articles. He confirmed that Mr. Keane planned to present an update to Town Meeting on the Envision Needham Center Project under Article 2. He stated that voting to delay implementation of the proposed pilot of the Envision Needham Center project may be more directly related to Article 17 than to Article 2. Attorney Heep said that he was comfortable with the vote. The Board discussed the matter in the context of both warrant articles, and Attorney Heep determined

that is appropriate to take a vote. He said that the motion to amend Article 17 is a motion to divert funds from the project, and a vote to delay would be an appropriate response to that motion. Mr. Levy said that if discussion of a delay of the pilot is to be included in the statement under Article 2 to Town Meeting, it should convey the Board's consensus and that the Board should vote at its next meeting. Ms. Frail called for the vote.

The motion by Mr. Keane to delay the Envision Needham Center pilot program carried 4-0. Mr. Levy did not vote, expressing his concern about the Open Meeting Law.

7:25 p.m. Motion: Mr. Keane moved that the Board adjourn its meeting at the conclusion of Town Meeting this evening. Second: Ms. Cooley. Unanimously approved 5-0.

Note: The Annual Town Meeting adjourned for the evening at 11:00 p.m.