

**Town of Needham
Select Board
Minutes for February 25, 2020
Needham Town Hall
Powers Hall**

- 6:15 p.m. Executive Session: Cancelled.
- 6:45 p.m. Informal Meeting with Citizens: A resident spoke with the Board about establishing a “Quiet Zone” in Needham to eliminate the train horn from sounding when approaching grade crossings.
- 7:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chairman John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Marianne B. Cooley was not present.
- 7:00 p.m. Introduce Director of Park & Recreation:
Kate Fitzpatrick, Town Manager introduced newly appointed Park & Recreation Director Stacey Mulroy, giving a brief background of Ms. Mulroy’s work experience over the last 20 years working with children, adolescents, adults, and seniors in the towns of Arlington and Lincoln, MA.
- Ms. Mulroy said she was excited for the opportunity to work in Needham.
- The Board welcomed Ms. Mulroy to the Town and wished her well in her new position.
- 7:03 p.m. Appointments and Consent Agenda:
Motion by Mr. Handel that the Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- 1. Design Review Board (alternate) Len Karan (term expires 6/30/2021)**

CONSENT AGENDA

- 1. Approve open session minutes of January 28, 2020, February 11, 2020, and September 24 and 28, 2018; approve executive session minutes from January 28, 2020 and February 11, 2020.**
- 2. Appoint the law firm of Miyares & Harrington, 40 Grove Street Wellesley, to serve as adjunct Town Counsel.**
- 3. Approve donation of five (5) boxes of N95 masks from the Needham Fire Department and Public Health Division to its sister-city of Daxing District of Beijing China to provide assistance with the emergency in China arising from the coronavirus outbreak.**

4. Approve free meter parking on Chapel Street, Highland Avenue (between May Street and Great Plain Avenue) and on Great Plain Avenue between Chestnut Street and Dedham Avenue (both directions) for voters while voting on Tuesday, March 3, 2020 and Tuesday, April 14, 2020.
5. Accept the following donations made to the Needham Park and Recreation Commission's Arts in the Parks Summer Concert Series and Children's Theatre: \$800 from Roche Brothers; \$600 from North Hill; \$600 from Middlesex Savings; and \$800 from Dedham Savings.
6. Approve a One Day Special Wines & Malt Beverages License from Katherine Herer, of the Newton-Needham Regional Chamber to host its "Behind the Scenes: Networking and News at NBC" event on Wednesday, March 11, 2020 from 5:30 p.m. to 7:30 p.m. The event will be held at NBCUniversal located at 189 B Street, Needham.
7. Grant permission for the Rockland Trust Bank to pay for the downtown parking meters on Chapel St., Highland Street (Great Plain Avenue to May Street), Great Plain Avenue (Chapel Street to Warren Street) on the following days: Friday, February 28, 2020, Friday, March 27, 2020, and Friday, April 24, 2020. The amount valued for each day is \$447.50. This will allow for free metered parking on these days.
8. Approve a request from The Needham Running Club to hold its Midsummer Fun Run on June 20, 2020 from 6:30 p.m. to 8:30 p.m. The run/walk will take place at Ridge Hill, 463 Charles River Street. The event has been approved by the Conservation Commission, Police, Fire, DPW, and Park and Recreation.
9. Accept the following donations made to the Needham Health Department: 1,000 VanishPoint and 500 safety luer lock needles from Beth Israel Hospital to the Interface Referral Services program, and \$462 from the First Parish Church in Needham to the Gift of Warmth program.
10. Accept the following donations made to the Youth & Family Services Department, Volunteers Around Needham program (VAN): \$20 from the Weekes Family and \$10 from the Qin family.
11. Approve a 20B Exemption for Anne Feldman who is an employee in the Needham School Department as an Activity Instructor to engage in work with the Town of Needham Park & Recreation Department as an activity instructor.
12. Water & Sewer Abatement #1287.

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

7:04 p.m. Community Stormwater Mitigation Assessments and Stabilization Fund:
 Dave Davison, Assistant Town Manager/Director of Finance and Richard Merson, Director of Public Works appeared before the Board to discuss the establishment of a Community Stormwater Mitigation Assessments and Stabilization Fund. He said a formal presentation to the Board for their consideration, along with a public hearing will be scheduled for a future meeting. Mr. Davison explained the background leading to a stormwater fee to provide partial funding for the Town's required investment to manage and maintain stormwater. Mr. Davison spoke about

the establishment of a working group charged with developing the fee structure to balance fairness to contributors, as well as a scale recognizing the cost the Town may incur due to runoff from properties.

Discussion ensued on how data was obtained, the amount impervious surface, water runoff into the public ways, and the proposed fee structure.

Mr. Handel asked if a homeowner had any incentive to contain runoff within their own property? Mr. Merson said there is no incentive, but from a practical perspective, capturing runoff would be the most difficult task at a significant cost to the homeowner.

Mr. Borrelli asked about how fee amounts will be applied over time? Mr. Davison said he does not foresee any need to change the fee in the first few years. He recommended a citizen's committee continually consider the fee structure. He noted the new fees would take effect on July 1, 2020.

Mr. Matthews said it makes sense to address the issue, which is a necessary and important part of municipal finance. He commented he does not believe the fee should be changed in the first few years, suggesting to move slowly to build public confidence that this is an appropriate way for the Town to address the issue.

Mr. Bulian asked if commercial properties would be assessed at a higher rate than residential? Mr. Davison referred to the scale and noted larger properties tend to be commercial. He said setting the lowest possible fee was the goal, noting surrounding communities have much higher fees. Mr. Bulian said he understands the reason for the fee but wants any assessment to be the most reasonable amount as homeowners continually face increasing real estate taxes.

Discussion ensued on building permits, commercial development, mitigating stormwater, and addressing capital costs.

The Board thanked Mr. Davison and Mr. Merson for the discussion and acknowledged members of the working committee who studied the issue.

7:22 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board to discuss two items.

1. Annual Town Meeting Warrant

Ms. Fitzpatrick updated the Board on changes to the Annual Town Meeting Warrant. She commented on updated budgets for the Water and Sewer Enterprise Funds. She said she does not expect any further changes to the warrant, and that various presentations to the Board will take place in March and April.

2. Town Manager Report

Ms. Fitzpatrick said the name of the RAVE Alert system has changed to Alert Needham, suggesting residents sign up for alerts on the mobile phone by texting NEEDHAM to 67283.

Ms. Fitzpatrick recognized Courtney Chaloff, coach of the Needham High School Girls Varsity Volleyball team who received the Positive Coaching Alliance award.

Ms. Fitzpatrick recognized “Officer Rocket,” a new therapy dog working in the Needham police department. She said the dog will spend most of its time providing emotional support to children within the schools. She said the Board will have an opportunity to meet Officer Rocket at a future Board meeting.

7:28 p.m.

Board Discussion:

1. Quiet Zone Discussion

Mr. Bulian said discussion of a Quiet Zone in Needham has been ongoing for a number of years. He explained the item was placed on the Select Board agenda a few months ago but was rescheduled to tonight to allow more time for Board discussion. Mr. Bulian said no public comment will be heard tonight and that residents with comments or concerns should email or call the Select Board.

Ms. Fitzpatrick provided the Board with a brief summary of the meetings and work to-date on this topic, noting discussion goes back to 2008. She commented on a citizen’s petition brought to the 2009 Annual Town Meeting, a report developed by students at Northeastern University in 2013, a feasibility study completed and presented to the Town in 2016, discussions with the transportation committee, public meetings, a presentation/public hearing with the MBTA, and numerous discussions with the MBTA concerning grade crossing elimination. Ms. Fitzpatrick said the MBTA has been consistent in saying it will work with any city or town in establishing a quiet zone but does not recommend quiet zones as horns and whistles are safest in preventing accidents.

Mr. Handel said initially he believed something aggressive should be done about the noise from train horns and whistles, but that he has come to believe train personnel are legitimately concerned about safety. He suggested the Town should remain open to new ideas, but that it is not beneficial to actively pursue the issue after many years of not reaching a conclusion.

Mr. Borrelli commented on the amount of time spent discussing the issue. He said he spoke with a train conductor about a quiet zone in 2018. He said he was told of a couple of accidents on the railway and that the conductor would never support a quiet zone due to safety reasons. Mr. Borrelli commented on the cost to build and maintain infrastructure, and that some people like the sound of the train horn and some people do not. Mr. Borrelli said after multiple meetings with the MBTA about the whistle noise and grade crossings, it seems that no matter what is done, it is time to move on until a different approach comes forward. Mr. Borrelli said

staying vigilant and engaging with the MBTA on train idling and horn decibel level should continue to see if something can be done. He said safety is paramount, but it's time to move on, however keep the issue open for new ideas.

Mr. Matthews said establishing a quiet zone has been an active discussion for the Select Board for more than five years. He said the issue is complicated and a number of different options have been considered with public input. He suggested it is time for closure. Mr. Matthews reiterated discussion is about whether or not the Town should take action to establish a quiet zone to reduce the amount of horn noise from trains at grade crossings. He said train transportation is critical to Needham and a reason many residents live in town. Mr. Matthews acknowledged the noise and environmental impacts for residents living near the train line, as well as safety concerns. He said the Board tries to tend to all matters the best way it can, sometimes successfully solving the issue and sometimes not. Mr. Matthews reiterated from his point of view the key issues/obstacles to having a quiet zone are infrastructure changes at grade crossing, cost, and safety. He said for him the cost alone is not a dispositive issue, as many things are built or not built as decided by Town Meeting and the voters. He said his concern is the nature of the infrastructure which requires a lot of concrete and blocking equipment electronically controlled around grade crossings. He noted sometimes the system does not work, usually during severe weather, and that losing an intersection for any length of time would be a significant hardship, or worse, for the Town and must be avoided. Mr. Matthews said from his experience, the people who work on the railroad and drive the trains consider safety of paramount concern and would not testify in favor of a quiet zone in Needham. Mr. Matthews concluded population changes over time and people moving to town may have a different point of view, noting the issue could be revived in the future. He said while many options have been pursued in this case, he believes none of them are actionable at this time and it makes sense to close the subject so people don't think there is any ongoing study or action coming in the future.

Sally Greenhouse, resident, spoke out about the health and well-being of residents affected by the train horns. She said an investigation will take place on how the Select Board is taking a vote and denying public comment.

Mr. Matthews commented that the Select Board chair has worked within the open meeting law, and while not everyone may agree, people do have recourse to pursue other options. He said it helps to have an orderly procedure, to follow the rules, and have one person speak at a time.

Motion by Mr. Matthews that the Select Board vote to take no action at this time on implementing a quiet zone in Needham.

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

A resident asked the Board on the timing of the vote tonight and why there is no public comment, considering the matter has been open since 2017? Mr. Bulian

commented the transportation committee has been charged with looking at the use of the right-of-way and changing it to multi-modal use, which would eliminate the train horn and train idling. The resident said he is sensitive to some of the commentary but not all, and that good government is about tradeoffs. He said taking a vote with 48 hours' notice to aggrieved people is concerning. The resident said he wants to understand the hesitation of having a broader, fully informed discussion. He noted and said he understands the Board's desire to close a contentious issue, but to take a vote on such short notice knowing there are a substantial number of constituents interested in the topic is unfair. He said he appreciates the Board's time and public service.

Sally Greenhouse, resident, questioned how in touch the Board is with their constituents. She said she is "ripped" about having moved to Needham only to discover it was not one of cities or towns on the list of quiet zones. She said the Board has not listened with empathy to what the train horn's effects are on people's health and well-being. She commented on quiet zone communities. She commented on "hypothetical" safety issues compared to the actuality of living within 25 feet to ¼ mile of the disruptive train horns for people who are disabled, work from home, or full-time mothers. She said the investigation and tracking of tonight's meeting is very real, along with the hundreds of phone calls to politicians. She said friends must have compassion for people more vulnerable, suffering the health effects from a phenomenon in a community that can be remedied. She suggested the Board not move on, "press the pause button," and open the discussion up to residents.

2. Committee Reports

No Committee Reports were made.

8:15 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, February 25, 2020.

Second: Mr. Handel. Unanimously approve 4-0.

A list of all documents used at this Select Board meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>