

**Town of Needham
Select Board
Minutes for Tuesday, April 28, 2020
By Zoom Video Conference
<https://zoom.us/j/93410141176>**

6:00 p.m. Call to Order:

A meeting of the Select Board was convened by Chair Maurice P. Handel. Those participating were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, and Town Manager Kate Fitzpatrick. Also participating were Dave Davison, Assistant Town Manager/Finance and Tim McDonald, Health and Human Services/Director. Denise Garlick, State Representative was present remotely. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Handel announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. He noted all public gatherings have been suspended as advised and directed by the Commonwealth. And, as such, suspending the requirement of the open meeting law to have all meetings in a public, accessible, physical location while encouraging and allowing members of all public bodies to participate remotely. Mr. Handel stated the meeting will not include public comment and the Needham Select Board and all attendees are convening by Zoom, as posted on the Town's website identifying how the public may join. He said all supporting documents used at this meeting are available on the Town's website www.needhamma.gov.

6:03 p.m. Certificate of Appreciation - Greg Shesko:

Mr. Matthews read the Certificate of Appreciation. He stated Mr. Shesko has been an asset to the library, a friend to many people, and has done a lot for the Town.

Motion by Mr. Matthews that a Certificate of Appreciation be awarded to Greg Shesko in recognition of over a quarter century of service as a Needham Library Board Trustee and for serving two terms on the Massachusetts Board of Library Commissioners. The Town thanks you for being instrumental in the creation of the present library and helping to gain state funding of millions of dollars towards the major renovation of the library. Congratulations!
Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

6:05 p.m. Appointments and Consent Agenda:

Motion by Mr. Bulian that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

1. **Accept a \$100 donation made to the Needham Health Division's Gift of Warmth program from Kathleen Fitzpatrick.**
2. **Approve Open Session meeting minutes of April 3 and April 14, 2020.**
3. **Accept \$5,000 gift from Children's Hospital for the purpose of funding a Parking and Trip Generation Evaluation for Children's Hospital, Founder's Park.**
4. **Accept a \$7,100.02 donation made to Needham Youth and Family Services from The High Rock MetroWest Church. These funds were raised by the Jog For Joy 5K held back in December 2019 in support of its Youth Mental Health First Aid Training courses.**
5. **Accept the following donations made to the Needham Health Division's Covid-19 Fund: \$26 from Evelyn Poness; and \$100 from Mary Hensley.**

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

6:06 p.m. Annual Town Meeting/Citizens Petition: Amend Zoning By-Law - Map Change to General Residence B Zoning District
George Giunta, Jr., attorney appeared before the Board to discuss a Citizens Petition for a change in the Zoning By-Law that was submitted for the Annual Town Meeting Warrant.

Mr. Giunta stated he represents Bruno and Linda DeFazio, who own a home and live on Hunting Road, Needham. He stated the DeFazio's and many neighbors in the area are petitioning the Town to make a map change to change 23 lots from the SRA Zoning District to the SRB Zoning District. He said the lots in question are generally located between Hunting Road and Route 128, Kendrick Street to Hunting Road, and Kendrick Street to Cheney Street. He said while all of the lots are in the SRA zone, none of them fully meet SRA zoning requirements of at least one acre of land and 150 feet of frontage. He stated there is no real reason to keep the area acre zoned, noting across the street on the other side of Hunting Road is fully developed as SRB zoning district. Mr. Giunta said of the 23 parcels, 20 owners support the change, one owner could not be contacted, one owner declined involvement, and one parcel is owned by the Commonwealth of Massachusetts. He stated signatures supporting the map change have been submitted to the Town.

Discussion ensued on potential future ramifications of a map change.

Mr. Matthews commented Town Meeting Members will ultimately decide what to do with the petition. He said his historical understanding is that the SRA zoning to the railroad tracks was put into place by our forefathers at the time of building the circumferential highway (Route 128) to minimize development between the highway and the secondary roads of Greendale Avenue and Hunting Road. He commented each owner acquired their lot having full knowledge of the history and rules. He noted the Select Board more recently voted to continue the policy during litigation that arose in the area, noting his understanding was the Town's position was to discourage construction of additional residential housing so close to the

highway. He said the request does not seem to fit with the policy to date, as he understands it. Mr. Matthews said if the only issue is that property owners would like to get closer to the 30-foot setback in the neighborhood without going to the Board of Appeals, a much more narrowly crafted relief could be drafted, which he would support.

Mr. Giunta commented on the section of SRA south of Cheney Street and the amount of land available (depth between Hunting Road and Greendale Avenue and the highway is much deeper) and until recently was largely forest. Discussion ensued on density and development in the area north of Cheney Street. He commented he understands the policy of the Town and that it makes logical sense further down the road. He said it makes more sense in the area being discussed, and because of the way the lots are laid out.

Mr. Borrelli noted the Select Board is attempting to pare down the warrant because of everything going on, suggesting this item be revisited at a different time. He acknowledged the right to bring a Citizens Petition forward. Mr. Borrelli said perhaps a different approach would be as an overlay district, rather than broad rezoning of the area.

The Board thanked Mr. Giunta for the discussion and he exited the meeting.

6:22 p.m.

Annual Town Meeting/Citizens Petition - Sewer Line Extension:

Tal Achituv, Walker Lane resident appeared before the Board to discuss the Citizens Petition to extend the sewer line through Walker Lane that he submitted for the 2020 Annual Town Meeting Warrant.

Mr. Achituv gave a brief background of the issue, saying a Sewer Betterment Petition was filed in January 2020. He said all abutters voted in favor of the petition, which was submitted to the DPW. He said the DPW and Engineering Department were ready to start work on evaluating the situation for submission to Town Meeting. Mr. Achituv said at the time it was not clear if the petition would make it to Town Meeting, which has since been postponed due to the COVID-19 pandemic. He said there are basically two ways to solve the sewer issue: Sewer Betterment Petition proposed by the DPW or by Citizens Petition asking the Town to budget for a sewer extension. He said while he understands the Board's desire to pare down the warrant due to the current COVID-19 crisis, the matter is urgent and complex. Mr. Achituv said this issue has been worked on for over 2 years+ and estimates the project cost \$300,000. He asked the project to be completed in 2021. He recognized everyone's effort and thanked the Select Board for holding tonight's meeting.

Ms. Fitzpatrick reiterated the petitioners filed with the DPW in early February. She said it is possible for an appropriation to be made at the October Town Meeting, noting the Annual Town Meeting is not for appropriation, merely advisory. She

said early sentiment from the Select Board was it was important to move forward; however, she said the pandemic has changed everything.

Discussion ensued on the sewer line design and/or plan.

Mr. Matthews asked whether all abutters, responsible for paying for the cost of installation, are in favor of doing the work? Mr. Achituv said yes. Mr. Matthews said building a new sewer line is a process with rules to follow, and asked the Town Manager the right path to get the project done?

Ms. Fitzpatrick said she understood there to be two paths, noting the neighborhood had explored working with a private contractor to install the sewer line or to petition the Town to install the line with costs to be allocated. She noted the neighbors did file the petition in late January. She said the process will move forward with the Town either looking at a design by the developer and/or completing its own plan. She acknowledged survey work must be completed to seek appropriation, but all Town departments are currently on reduced schedules due to the pandemic. Ms. Fitzpatrick said she will contact the DPW Director for a report of the next steps and when they might be able to occur.

Mr. Matthews asked the Town Manager to confirm if the route to follow is for the Town to install the sewer line and allocate the cost? Ms. Fitzpatrick said that is her understanding.

Mr. Matthews said at this point private construction is off the table. He acknowledged the frustration Mr. Achituv has faced, noting more difficulties will occur before the project is completed. He confirmed the project is on the Town's work list, but the physical building for planning is closed due to the pandemic. He said the Town, with all deliberate speed, will try to move the issue forward and keep Mr. Achituv informed. Ms. Fitzpatrick said a draft work plan, with contingencies will be developed.

Mr. Borrelli suggested if the item is moved to the fall Special Town Meeting, the warrant article be drafted by the Town.

Mr. Bulian asked if Mr. Achituv should consider withdrawing or postponing the Citizens Petition? Mr. Matthews suggested Mr. Achituv speak with neighbors before withdrawing the petition, as the withdrawal of a Citizens Petition is a binding legal decision. He said while it makes sense, Mr. Achituv should speak with his neighbors and the Town Manager.

Ms. Cooley said it is reasonable Mr. Achituv have the opportunity to speak with Mr. Merson to understand the current status with the Town path.

The Board agreed to move the issue forward in a meaningful way, possibly in October 2020.

6:40 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board on 4 items:

1. Annual Town Meeting

Ms. Fitzpatrick discussed items included in the Annual Town Meeting Warrant and asked the Select Board to formally change the date of the meeting to June 8, 2020 in accordance with M.G.L. c. 39 s.9.

Motion by Mr. Bulian that the Select Board vote to change the date for the 2020 Annual Town Meeting to June 8, 2020 in accordance with M.G.L. c. 39 s. 9.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Ms. Fitzpatrick acknowledged and thanked Michael Fee, Town Meeting Moderator for his help with changes to the Town Meeting schedule.

Mr. Handel asked Select Board members if they would like to make any changes to the warrant?

Motion by Mr. Borrelli that the Select Board vote to change the sum for Article 7 - Appropriate for Needham Property Tax Assistance Program to \$50,000 from \$25,000.

Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.

Ms. Cooley thanked Mr. Matthews for his work to gain additional donations for the Program. She said she was glad to hear, despite the challenges the Town is currently facing, there has been an increase in donations. She encouraged residents to make a donation to the fund.

Ms. Fitzpatrick told the Board current legislation before the House includes allowing communities the possibility of having remote participation Town Meeting. She acknowledged it would be a helpful option in an “absolute worst-case scenario.” Ms. Fitzpatrick said Representative Denise Garlick is supportive of the legislation and asked the Select Board if it wanted to voice support. Mr. Handel said it makes sense to have as many options as possible under the circumstances, asking for a motion supporting the legislation.

Motion by Mr. Matthews that the Select Board vote to support state legislation allowing communities the option of remote participation for the 2020 Town Meeting.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Mr. Matthews said having the option of remote Town Meeting participation is good, but noted the Board is looking at many alternatives. He acknowledged while remote Town Meeting participation has many advantages, there are quite a few

disadvantages. He said the purpose of Town Meeting is to meet in person, if possible. Ms. Fitzpatrick concurred.

2. Special Town Meeting

Ms. Fitzpatrick recommended that the Select Board change the date for the spring Special Town Meeting from June 15, 2020 to June 8, 2020 at 8 p.m.

Motion by Mr. Bulian that the Select Board vote to change the date for the spring Special Town Meeting from June 15, 2020 to June 8, 2020 at 8 p.m.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

3. Election Warrant

Ms. Fitzpatrick asked the Select Board to approve and sign the election warrant for the May 26, 2020 Town election.

Motion by Mr. Borrelli that the Select Board vote to approve and sign the May 26, 2020 election warrant.

Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.

4. COVID-19 Update

Ms. Fitzpatrick provided an update to the Board regarding COVID-19. She said Governor Baker extended the stay-at-home order to May 18, 2020. She said Needham will not be able to open services on May 18, as it will take a lot of work by many people to slowly open Town services and to inspect restaurants. She said as part of the advisory committee with the Massachusetts Municipal Association, work is ongoing to have regional consistency among the kinds of things that public health officials recommend, i.e. concerts, parades, open fields etc. Ms. Fitzpatrick said a document compiling a list of available town services is on the Town website. She said the Board of Health issued a regulation mandating face covering in some circumstances, i.e. inside workspaces and work sites. She said an "Alert Needham" was issued earlier today about the mandate. Ms. Fitzpatrick commented EMS protocol limits the number of essential personnel who are entering homes. She said every Needham resident is now considered as someone who could have the virus. She commented patients are being asked to come to their front door if they are able, so that staff does not have to enter their home. Ms. Fitzpatrick said the Town has received donations of N95 and cloth masks, as well as online donations to the Gift of Warmth. Ms. Fitzpatrick said summer camps in Needham have been postponed thru June 30, 2020 and will be reviewed on a monthly basis. Ms. Fitzpatrick noted annual Arbor Day celebrations were cancelled, however the Parks and Forestry Department distributed hundreds of trees to residents in a drive line. She said at the Select Board's meeting on May 12, 2020, Dave Davison will provide an update on the FY2021 budget.

Ms. Cooley noted residents can sign up for "Alert Needham" on the Town's website: www.needhamma.gov.

7:01 p.m. Board Discussion:
Committee Reports
No Committee Reports were made.

7:02 p.m. Adjourn:
Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting on Tuesday, April 28, 2020.
Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Mr. Bulian pointed out Greg Shesko is a 25-year Town Meeting Member.

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

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