

SELECT BOARD **REVISED** Meeting Agenda

6:00 p.m. May 11, 2021

VIA ZOOM

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20", issued March 12, 2020 and in effect until termination of the emergency, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the "Zoom Cloud Meeting" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the meeting or click the link below to join the webinar:

<https://us02web.zoom.us/j/89093905788>.

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Webinar ID: 890 9390 5788

		Public Works Week Proclamation
1.	6:00	Welcome Norfolk County Sheriff • Patrick McDermott, Sheriff
2.	6:00	Public Hearing – Alteration of Premises Residence Inn, 80 B Street • Mark Newman, VP of Food & Beverage, Needham 365 Bev
3.	6:00	Hearing – Change of Manager Needham Golf Club • Michael Moffett, Proposed Manager
4.	6:20	Public Hearing – Continuation Gordon's Fine Wines New Retail All Alcohol License – 150 Gould Street • David Gordon, Proposed Manager
5.	6:50	Equal Justice in Needham Public Safety Report • Smriti Rao • Rebecca Waber • Vijay Fisch
6.	7:20	Public Hearing: MBTA Weekend Commuter Rail Service
7.	8:00	Town Manager • Town Manager Report
8.	8:10	Board Discussion • NUARI Update • Committee Reports

CONSENT AGENDA *=Backup attached

1.	Accept a \$8,000 donation made to the Needham Health Division's Traveling Meals Program from Needham Community Council.
2.	Accept a \$5,000 donation made to the Substance Prevention Alliance of Needham from the Beth Israel Deaconess Hospital of Needham.

3.*	Approve Minutes of April 14, 2021 and May 3, 2021
4.	Authorize the display of pride banners provided by Needham resident Rebecca Young and others for the Chapel Street Banner Showcase Program in accordance with the Banner Policy dated March 23, 2021.
5.	Accept a donation from Sherwin Williams of paint and supplies for the painting of the jersey barriers that will be used in the outdoor dining parklets. The total value of their donation is \$1,500.

PROCLAMATION

WHEREAS: Public Works services provided in our community are an integral part of our citizens everyday lives; and

WHEREAS: The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, drains, streets and highways, traffic control, public buildings, solid waste disposal, recycling, parks and forestry, and snow removal; and

WHEREAS: The health, safety and comfort of this community greatly depend on these facilities and services; and

WHEREAS: The quality and effectiveness of these facilities, as well as their planning, design and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS: The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW THEREFORE, be it resolved that the Select Board do hereby proclaim the week of May 16th through May 22nd as **NATIONAL PUBLIC WORKS WEEK** in the Town of Needham and calls upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort, and quality of life.

Signed this the 11th day of May in the year 2021.

SELECT BOARD

Matthew Borrelli, Chair

Marianne B. Cooley, Vice-Chair

Lakshmi Balachandra, Clerk

Marcus Nelson

Daniel P. Matthews



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 05 /11/2021

Agenda Item	Public Hearing – Alteration of Premises in an all Alcoholic License in a Hotel – Needham 365 Bev, LLC d/b/a Residence Inn – 80 B Street
Presenter(s)	Mark Newman, VP of Food & Beverage, Needham 365 Bev

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Needham 365 Bev, LLC holds the hotel liquor license for the Residence Inn located at 80 B Street, which currently includes as licensed premises approximately 5,340 sq. ft. on the first floor of the hotel consisting of bar and dining/lounge seating on the side; dining/function room in the rear; service and food prep areas in the center, and storage in the rear, with a total seating capacity of 150 patrons. Mr. Newman has submitted a license amendment to increase the licensed premises to include the hotel rooms and the market area – the market area would provide retail options for the hotel's customers. A legal notice was advertised in the Needham Times on April 29, 2021 and abutters were notified, as required by the ABCC.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to (approve / deny) amendment for alteration of premises received from Needham 365 Bev, LLC d/b/a Residence Inn. If approved, vote to forward the approved Alcohol License application to the ABCC for its review and final approval.	
3.	BACK UP INFORMATION ATTACHED
a. Amendment Application b. Floorplans c. Corporate Vote d. Legal Notice e. Abutter Listing	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Needham 365 Bev, LLC.

Needham Massachussets

04503-HT-0770

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are applying for the ability to sell alcoholic beverage (liquor, beer & wine) out of our market area located within the hotel. There will be no external promotion or advertising for the sale of alcohol to outside the hotel. The sales would be made available to hotel guests only.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Mark Newman

VP of Food and Beverage

MNewman@sbcos.com

303-990-2413

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

No physical alterations would take place, we would expand alcohol sales to our small hotel internal market area.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Hotel consists of 5 floors in total. The 1st floor has our bar/lounge and dining seating area, the market, front desk and fitness areas. there are 4 floors of hotel rooms above that 33 rooms on each floor for a total of 132 rooms. The market area is approximately 160 sq ft of space and would offer a very limited selection of alcohol offerings.

Total Sq. Footage

5340 bar/lounge

Seating Capacity

140 max.

Occupancy Number

150

Number of Entrances

2

Number of Exits

6

Number of Floors

5 total

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

Renovation Costs: \$00

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

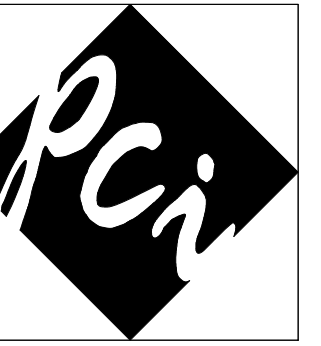
Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

For this hotel we are asking to be able to sell beer, wine, and spirits out of our small market area within the hotel. This market has no street facing windows or marketing to sell to outside guests. This would function purely as an amenity to our hotel guests. All staff members who work in our food service operations or front desk area will be certified in a TIPs training program as a requirement of employment.



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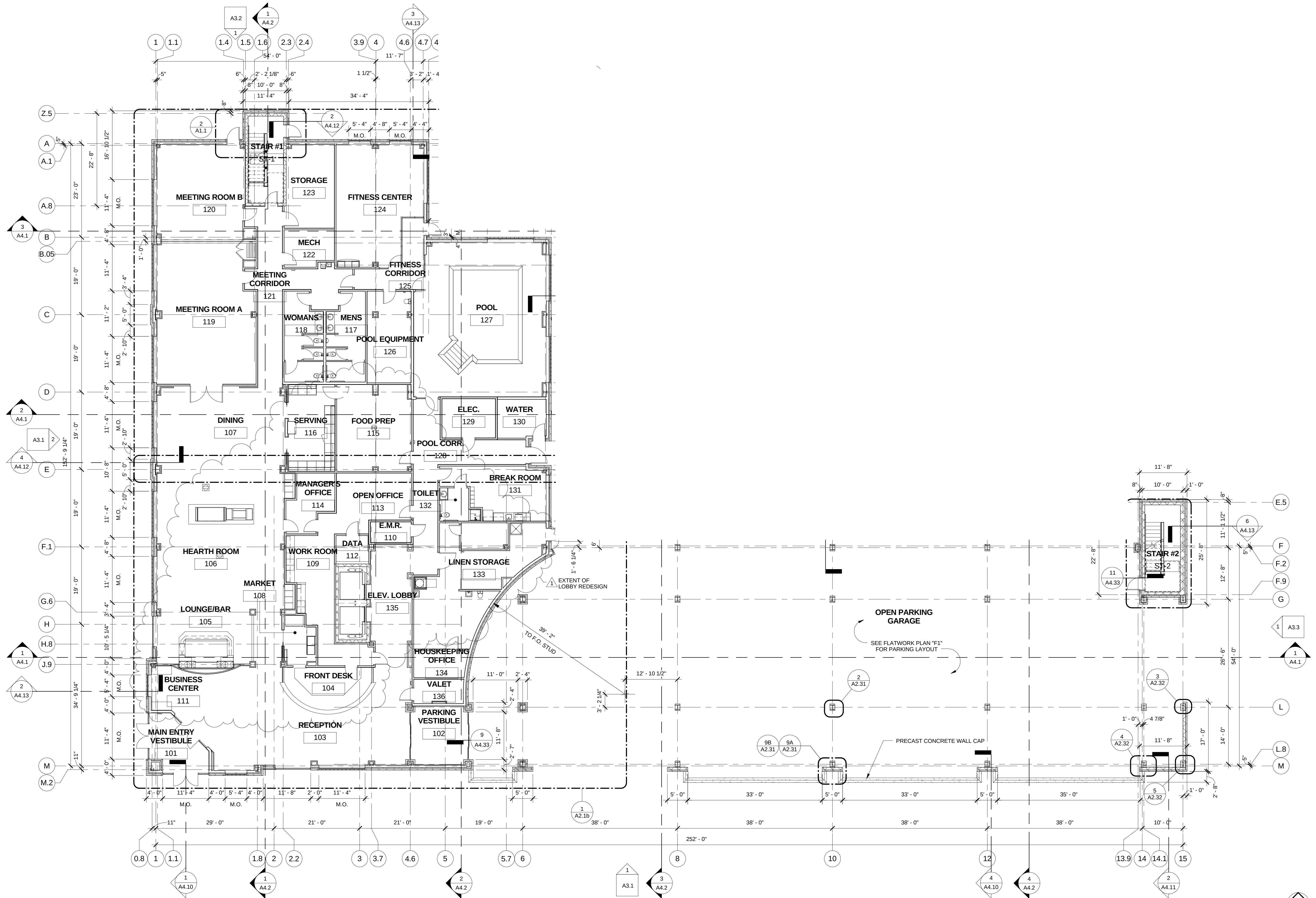
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SXC NEEDHAM INN LLC
66 B STREET
NEEDHAM, MA 02494
FIRST FLOOR PLAN

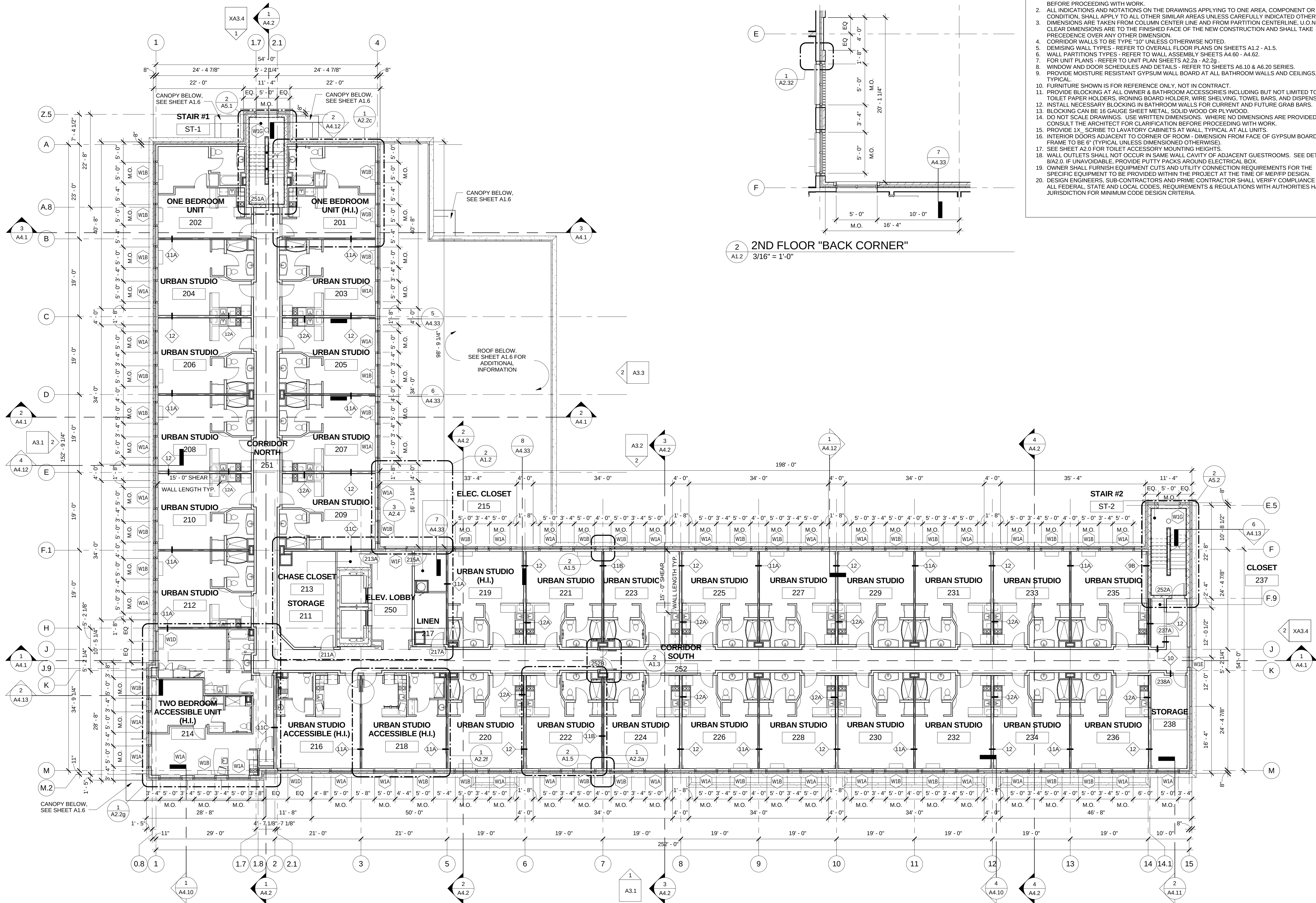
A1.1

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1 FIRST FLOOR PLAN
A1.1 3/32" = 1'-0"



PLAN GENERAL NOTES

1. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH WORK.

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3. CLEAR DIMENSIONS ARE TO THE FINISHED FACE OF THE NEW CONSTRUCTION AND SHALL TAKE PRECEDENCE OVER ANY OTHER DIMENSION.

4. CORRIDOR WALLS TO BE TYPE "10" UNLESS OTHERWISE NOTED.

5. DEMISING WALL TYPES - REFER TO OVERALL FLOOR PLANS ON SHEETS A1.2 - A1.5.

6. WALL PARTITIONS TYPES - REFER TO WALL ASSEMBLY SHEETS A4.60 - A4.62.

7. FOR UNIT PLANS - REFER TO UNIT PLAN SHEETS A2.2a - A2.2g.

8. WINDOW AND DOOR SCHEDULES AND DETAILS - REFER TO SHEETS A6.10 & A6.20 SERIES.

9. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL BATHROOM WALLS AND CEILINGS, TYPICAL.

10. FURNITURE SHOWN IS FOR REFERENCE ONLY, NOT IN CONTRACT.

11. PROVIDE BLOCKING AT ALL OWNER & BATHROOM ACCESSORIES INCLUDING BUT NOT LIMITED TO: TOILET PAPER HOLDERS, IRONING BOARD HOLDER, WIRE SHELVING, TOWEL BARS, AND DISPENSERS.

12. INSTALL NECESSARY BLOCKING IN BATHROOM WALLS FOR CURRENT AND FUTURE GRAB BARS.

13. BLOCKING CAN BE 16 GAUGE SHEET METAL, SOLID WOOD OR PLYWOOD.

14. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS. WHERE NO DIMENSIONS ARE PROVIDED, CONSULT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.

15. PROVIDE 1X Scribe to LAVATORY CABINETS AT WALL, TYPICAL AT ALL UNITS.

16. INTERIOR DOORS ADJACENT TO CORNER OF ROOM - DIMENSION FROM FACE OF GYPSUM BOARD TO FRAME TO BE 6" (TYPICAL UNLESS DIMENSIONED OTHERWISE).

17. SEE SHEET A2.0 FOR TOILET ACCESSORY MOUNTING HEIGHTS.

18. WALL OUTLETS SHALL NOT OCCUR IN SAME WALL CAVITY OF ADJACENT GUESTROOMS. SEE DETAIL 8/A2.0. IF UNAVOIDABLE, PROVIDE PUTTY PACKS AROUND ELECTRICAL BOX.

19. OWNER SHALL FURNISH EQUIPMENT CUTS AND UTILITY CONNECTION REQUIREMENTS FOR THE SPECIFIC EQUIPMENT TO BE PROVIDED WITHIN THE PROJECT AT THE TIME OF MEP/FP DESIGN.

20. DESIGN ENGINEERS, SUB-CONTRACTORS AND PRIME CONTRACTOR SHALL VERIFY COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL CODES, REQUIREMENTS & REGULATIONS WITH AUTHORITIES HAVING JURISDICTION FOR MINIMUM CODE DESIGN CRITERIA.

2ND FLOOR "BACK CORNER"

3/16" = 1'-0"

1 SECOND FLOOR PLAN

A1.2 3/32" = 1'-0"



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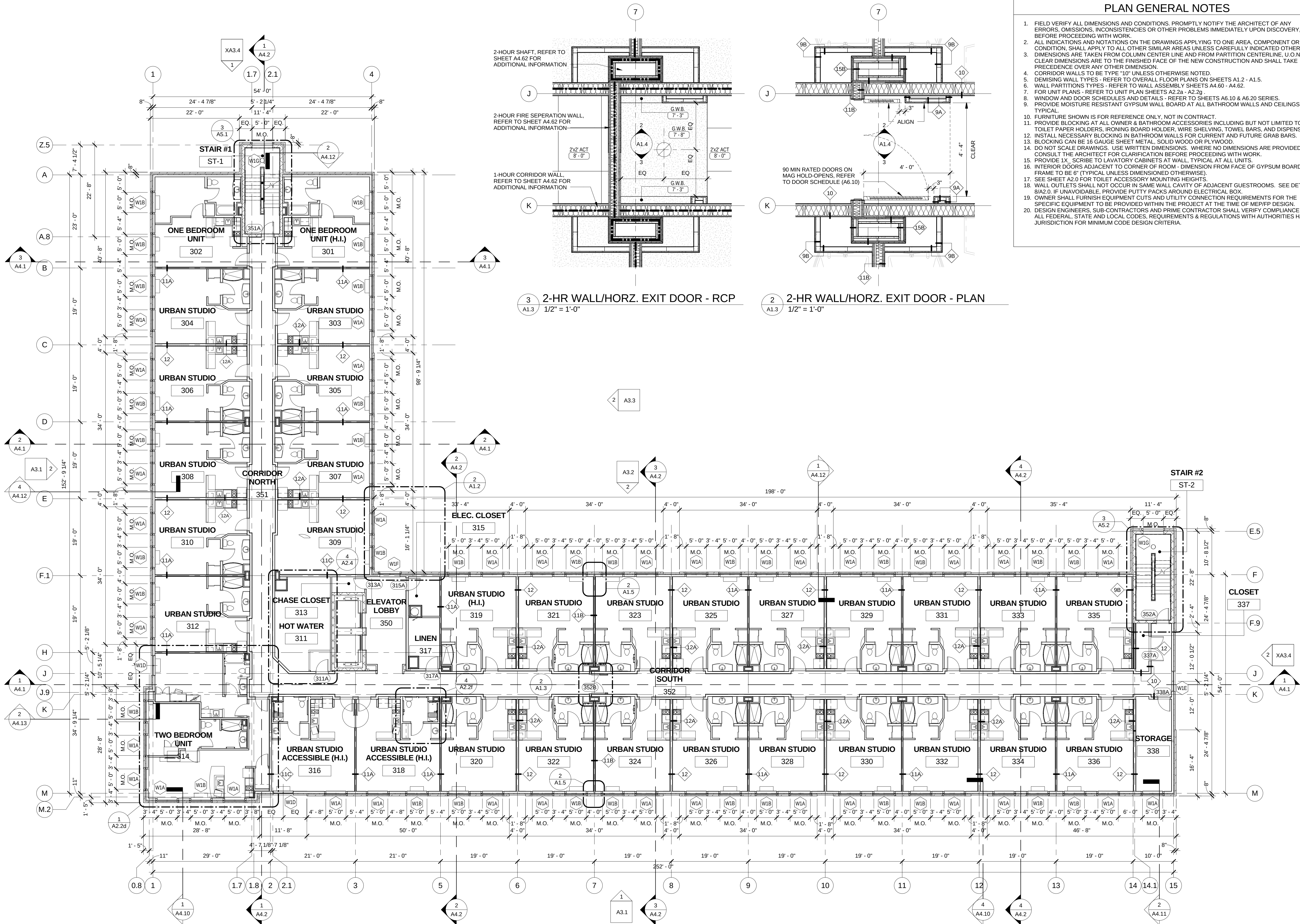
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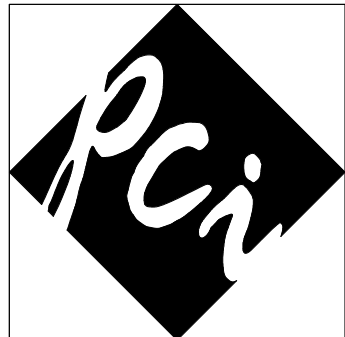
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SECOND FLOOR PLAN

A1.2



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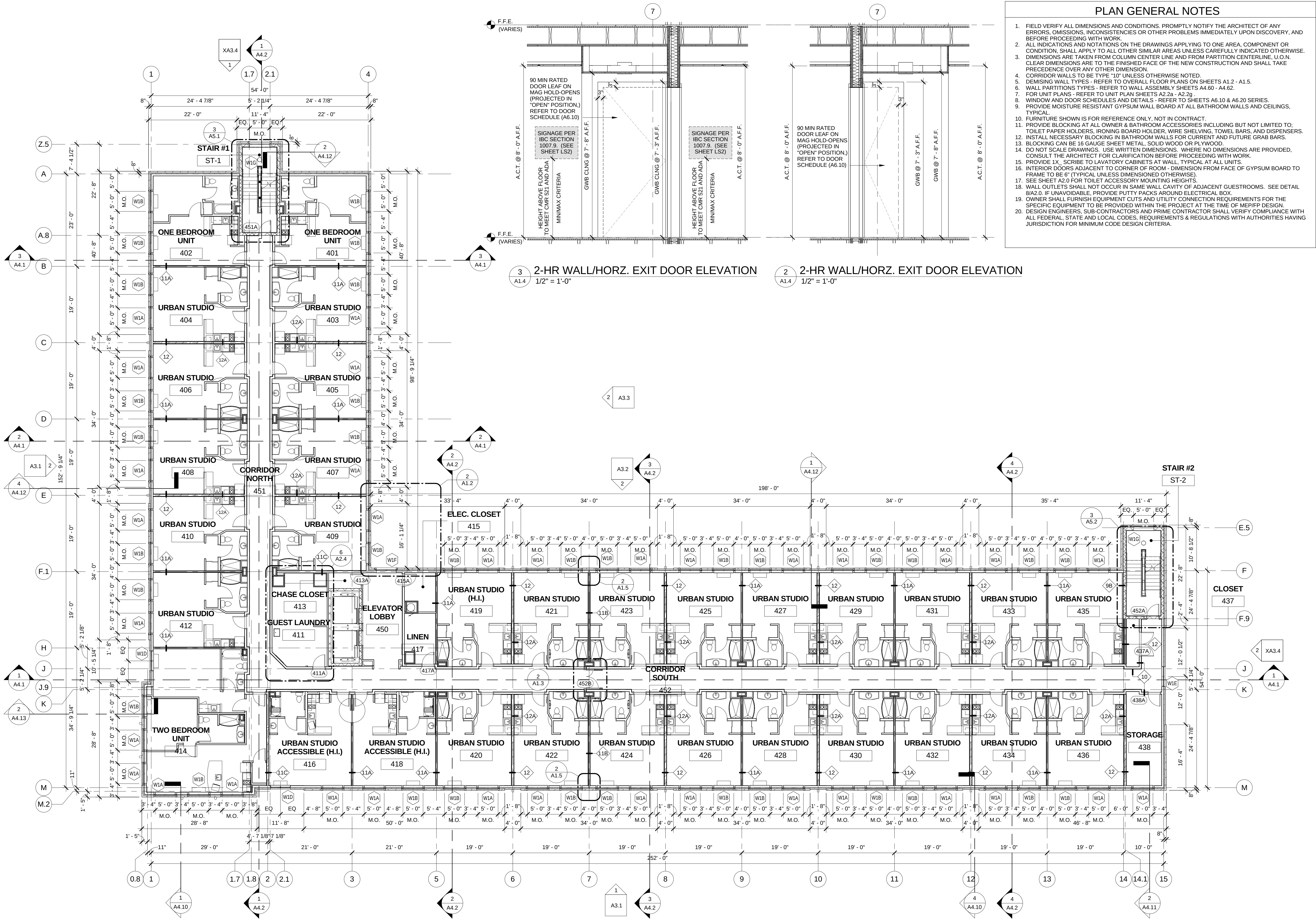
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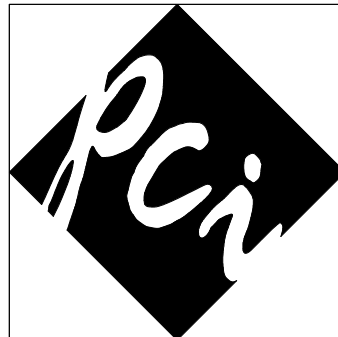
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THIRD FLOOR PLAN

A1.3



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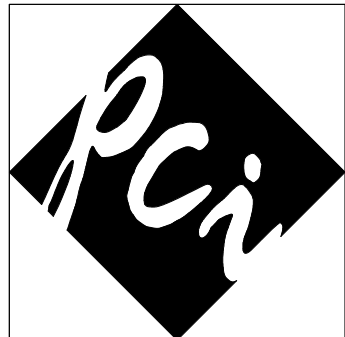
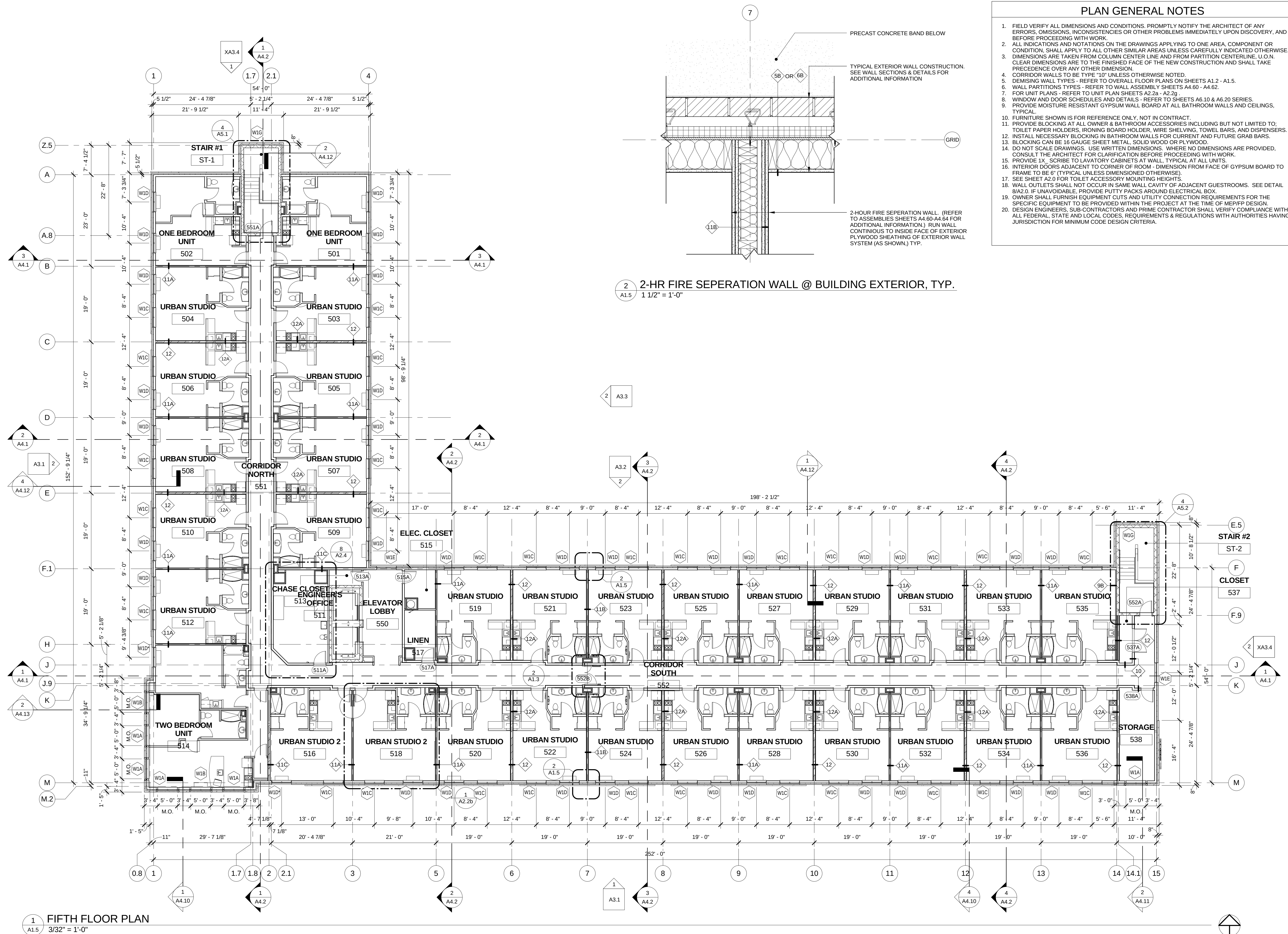
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FOURTH FLOOR PLAN

A1.4



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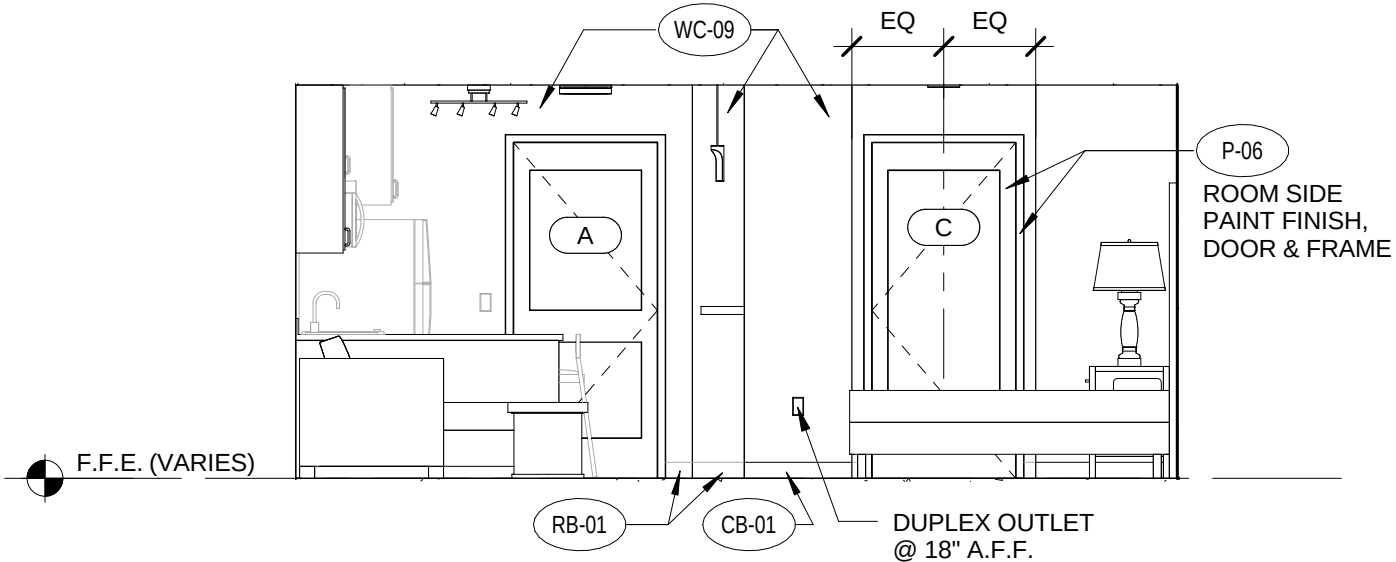
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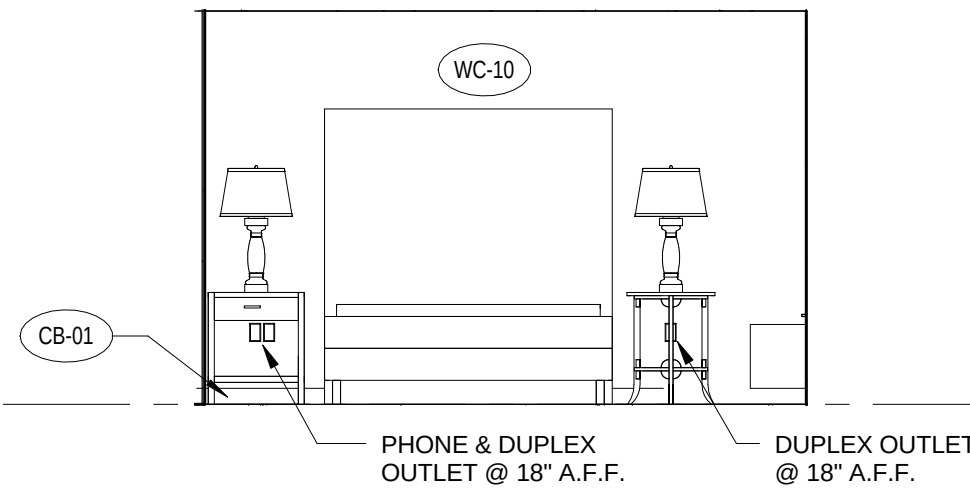
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PLAN GENERAL NOTES

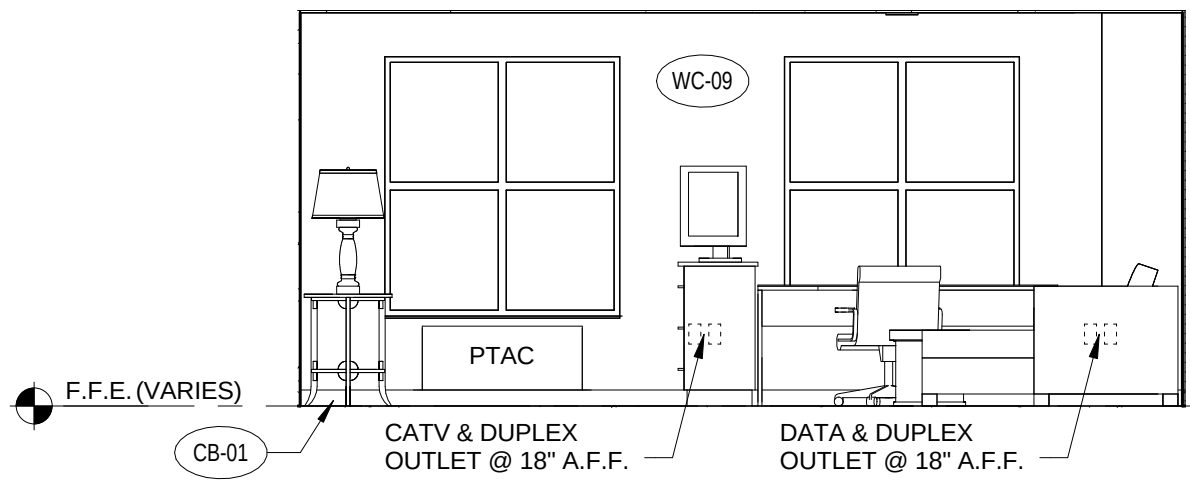
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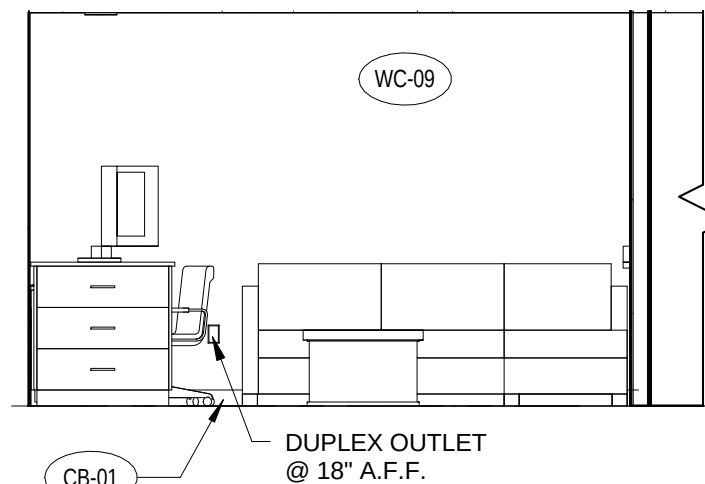
A LIVING / SLEEPING ELEVATION
A2.2a 1/4" = 1'-0"



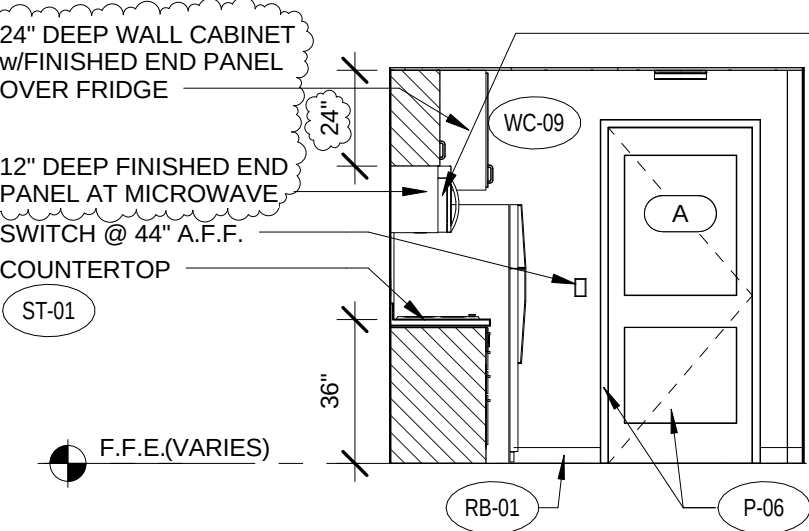
B LIVING / SLEEPING ELEVATION
A2.2a 1/4" = 1'-0"



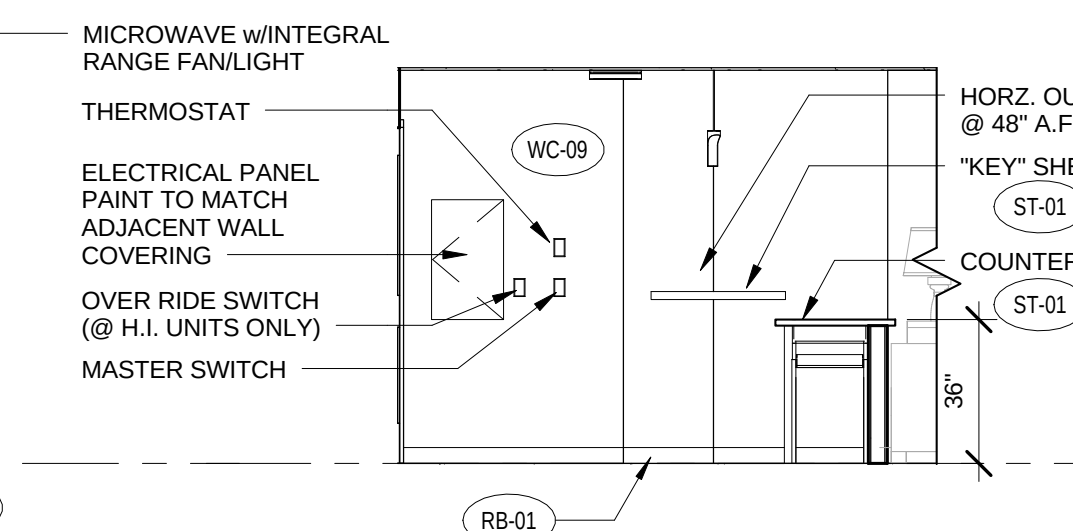
C LIVING / SLEEPING ELEVATION
A2.2a 1/4" = 1'-0"



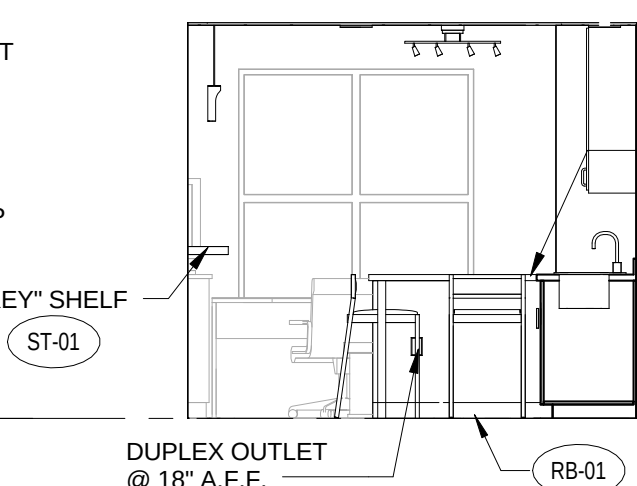
D LIVING / SLEEPING ELEVATION
A2.2a 1/4" = 1'-0"



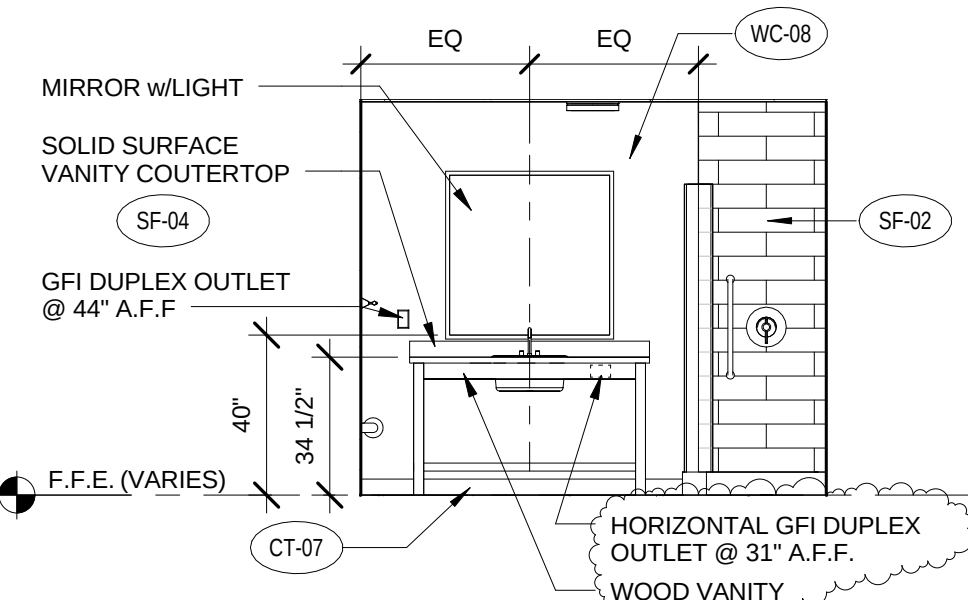
E KITCHEN ELEVATION 2 CABINET SIZE CHANGE
A2.2a 1/4" = 1'-0"



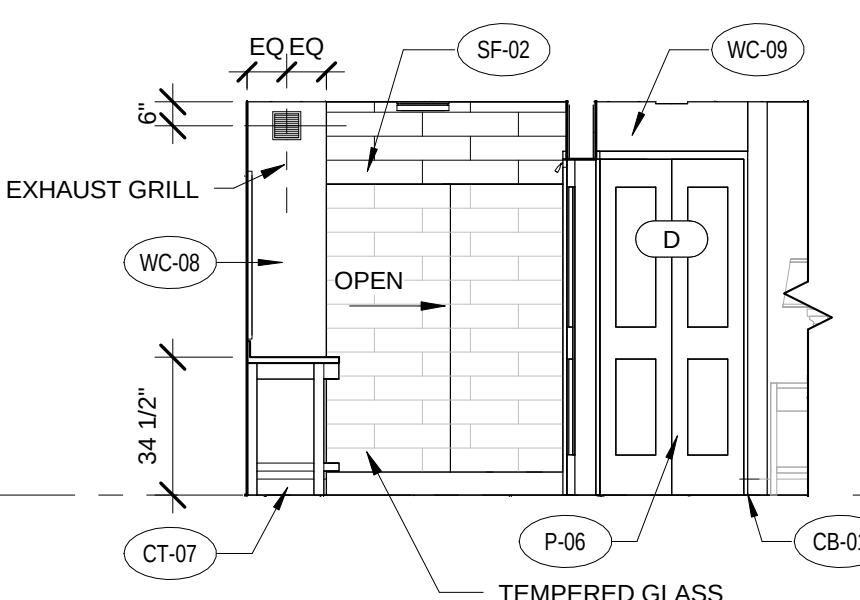
F KITCHEN ELEVATION
A2.2a 1/4" = 1'-0"



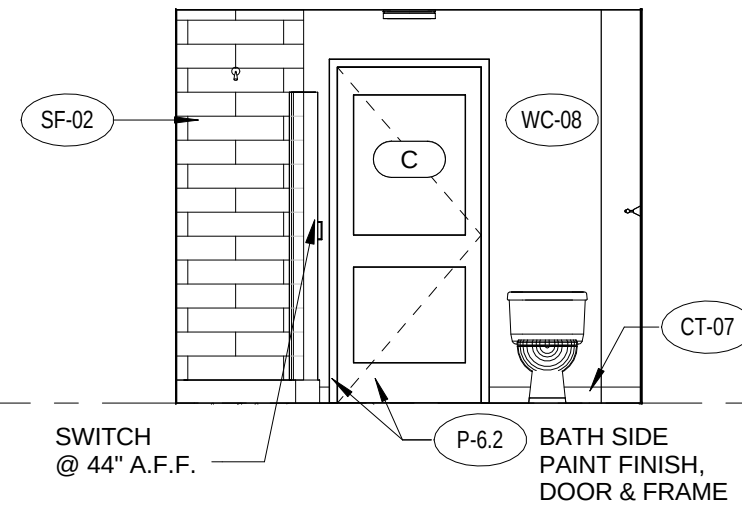
G KITCHEN ELEVATION
A2.2a 1/4" = 1'-0"



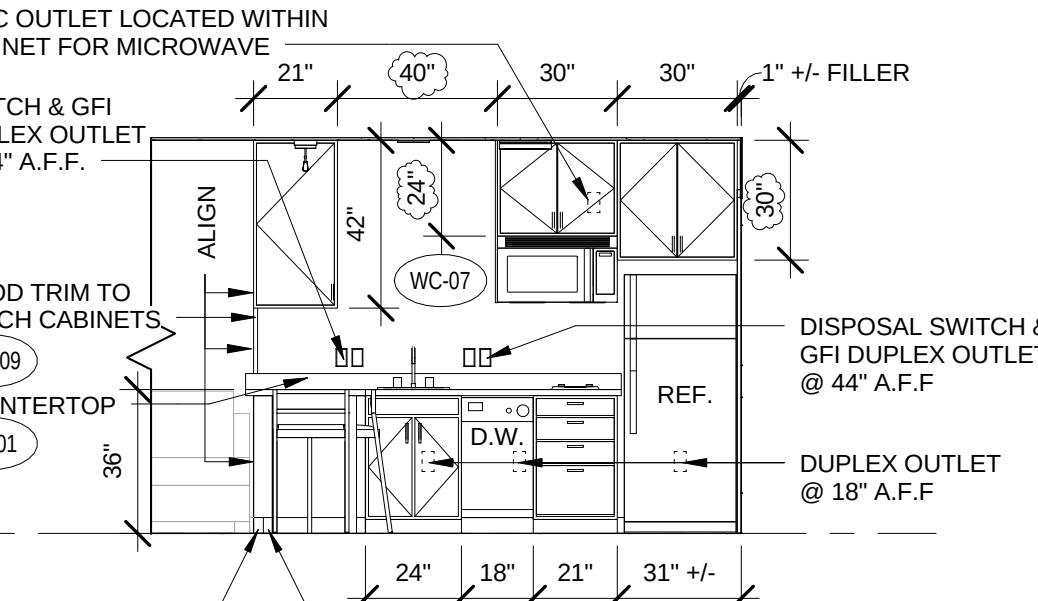
J BATH ELEVATION 2 NOTES ADDED, NOTES REVISED
A2.2a 1/4" = 1'-0"



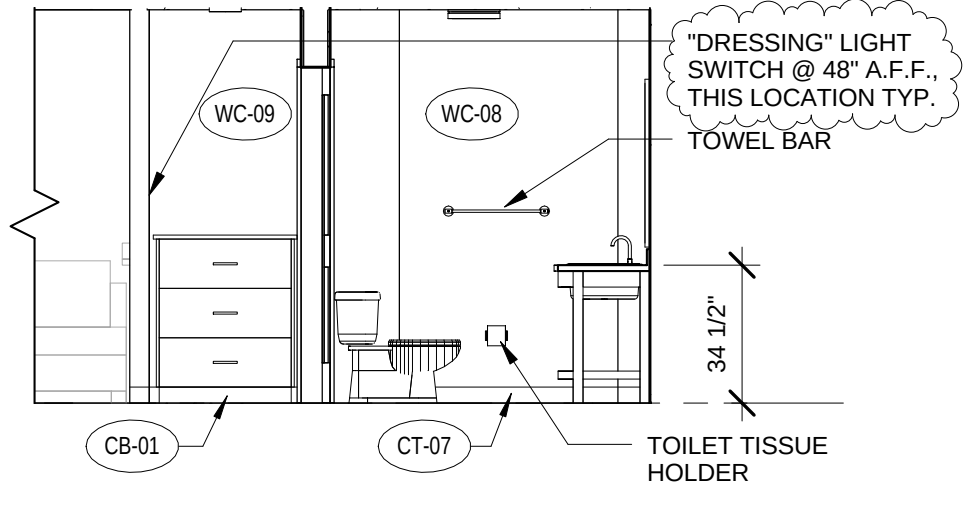
K BATH ELEVATION
A2.2a 1/4" = 1'-0"



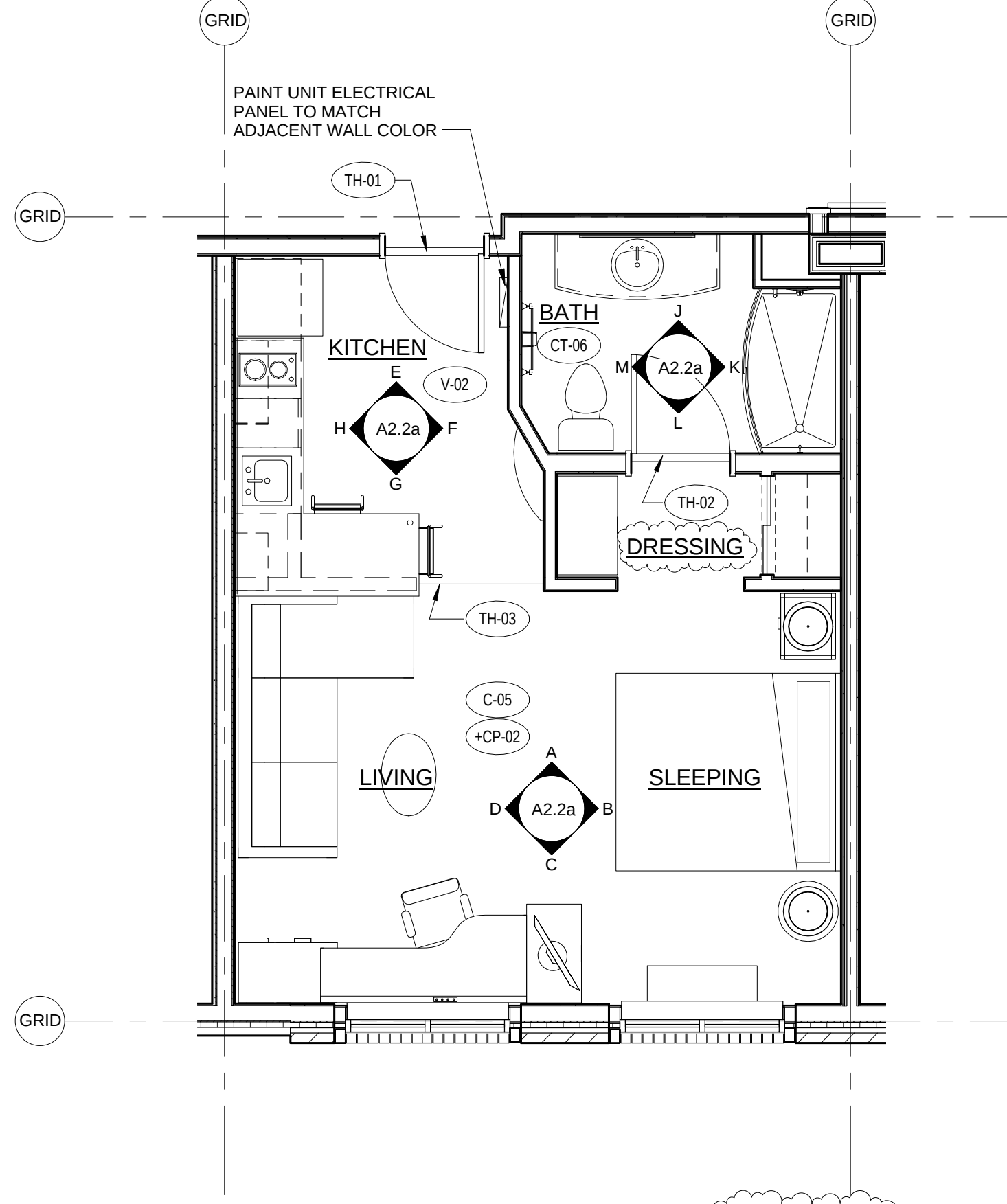
L BATH ELEVATION
A2.2a 1/4" = 1'-0"



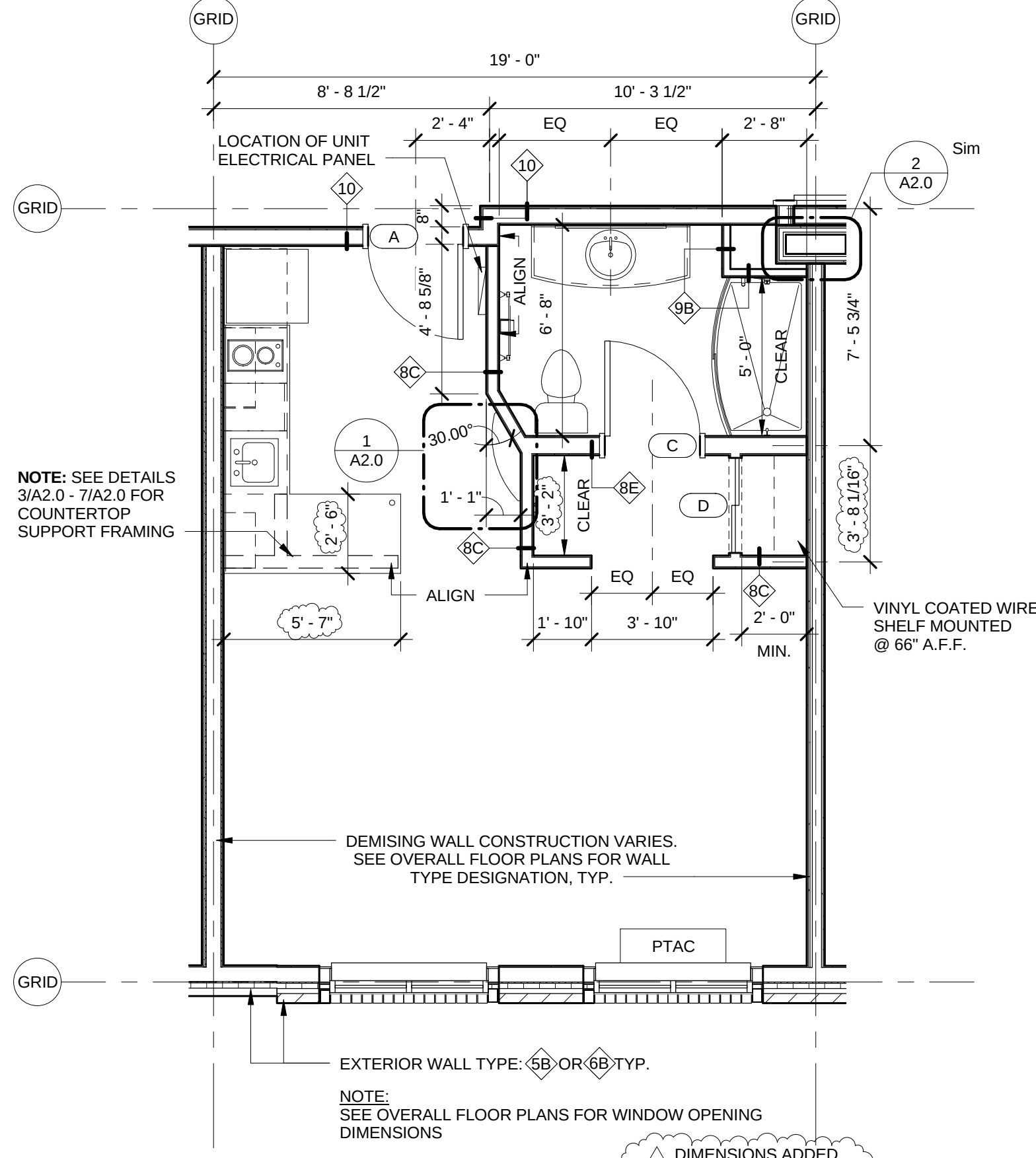
H KITCHEN ELEVATION 2 CABINET SIZE CHANGE
A2.2a 1/4" = 1'-0"



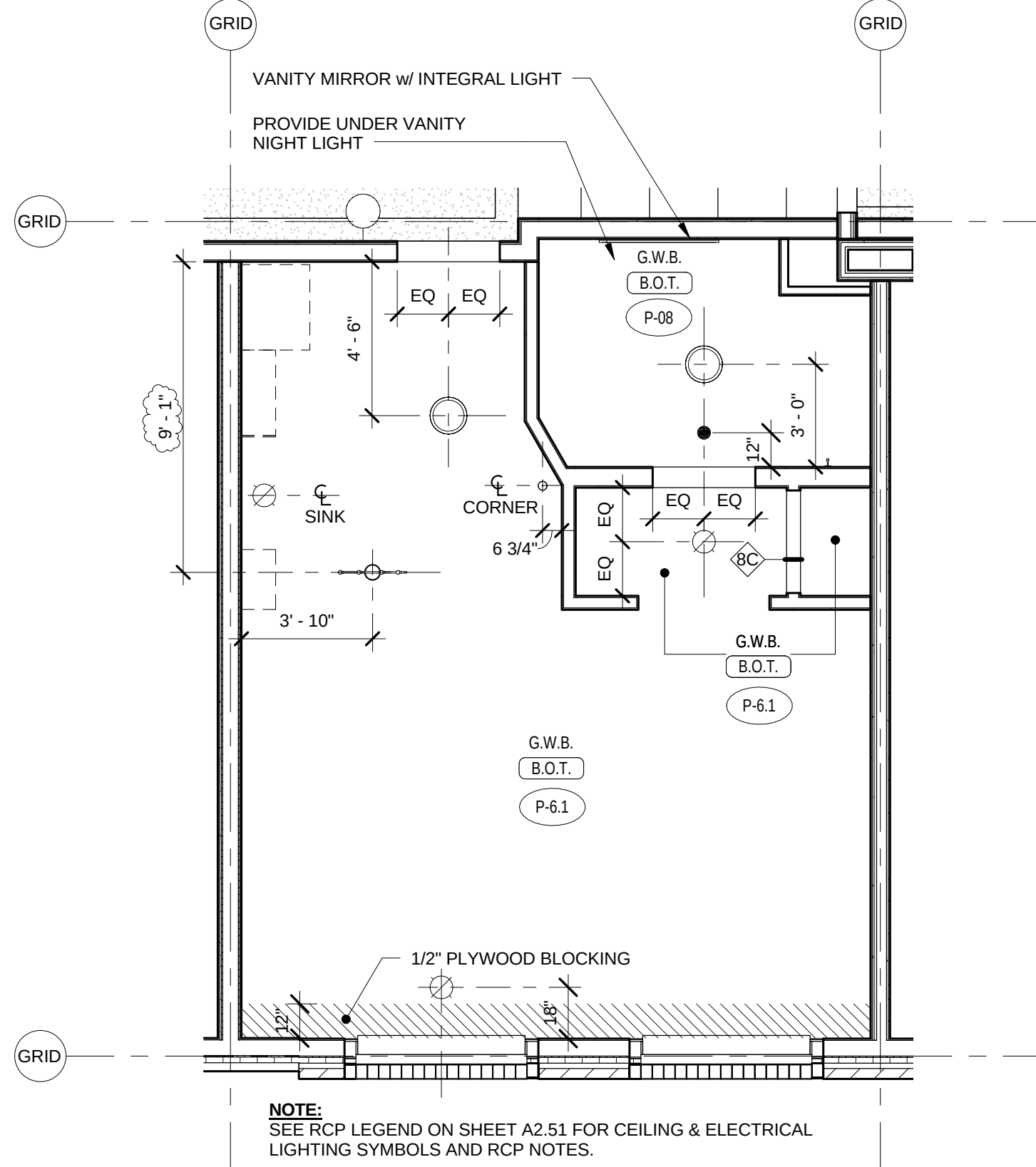
M BATH ELEVATION 2 NOTES ADDED
A2.2a 1/4" = 1'-0"



3 URBAN STUDIO - INTERIOR DESIGN PLAN 2 NOTES ADDED
A2.2a 1/4" = 1'-0"



1 URBAN STUDIO - TYPICAL FLOOR PLAN
A2.2a 1/4" = 1'-0" AREA: 420 FT.²



2 URBAN STUDIO - TYPICAL RCP 2 DIMENSIONS REVISED
A2.2a 1/4" = 1'-0"



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architect:
KMB
drawn:
AJB

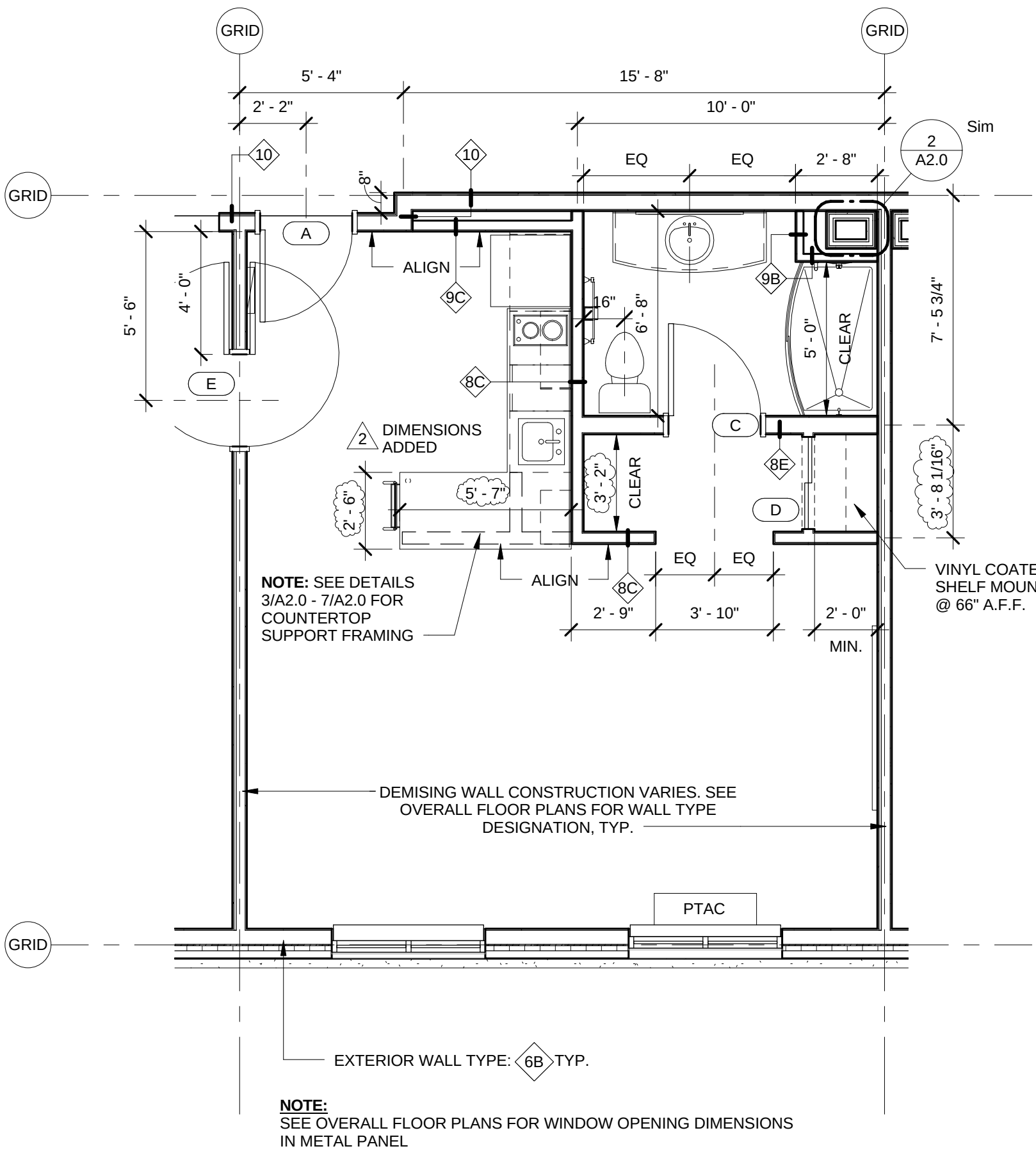
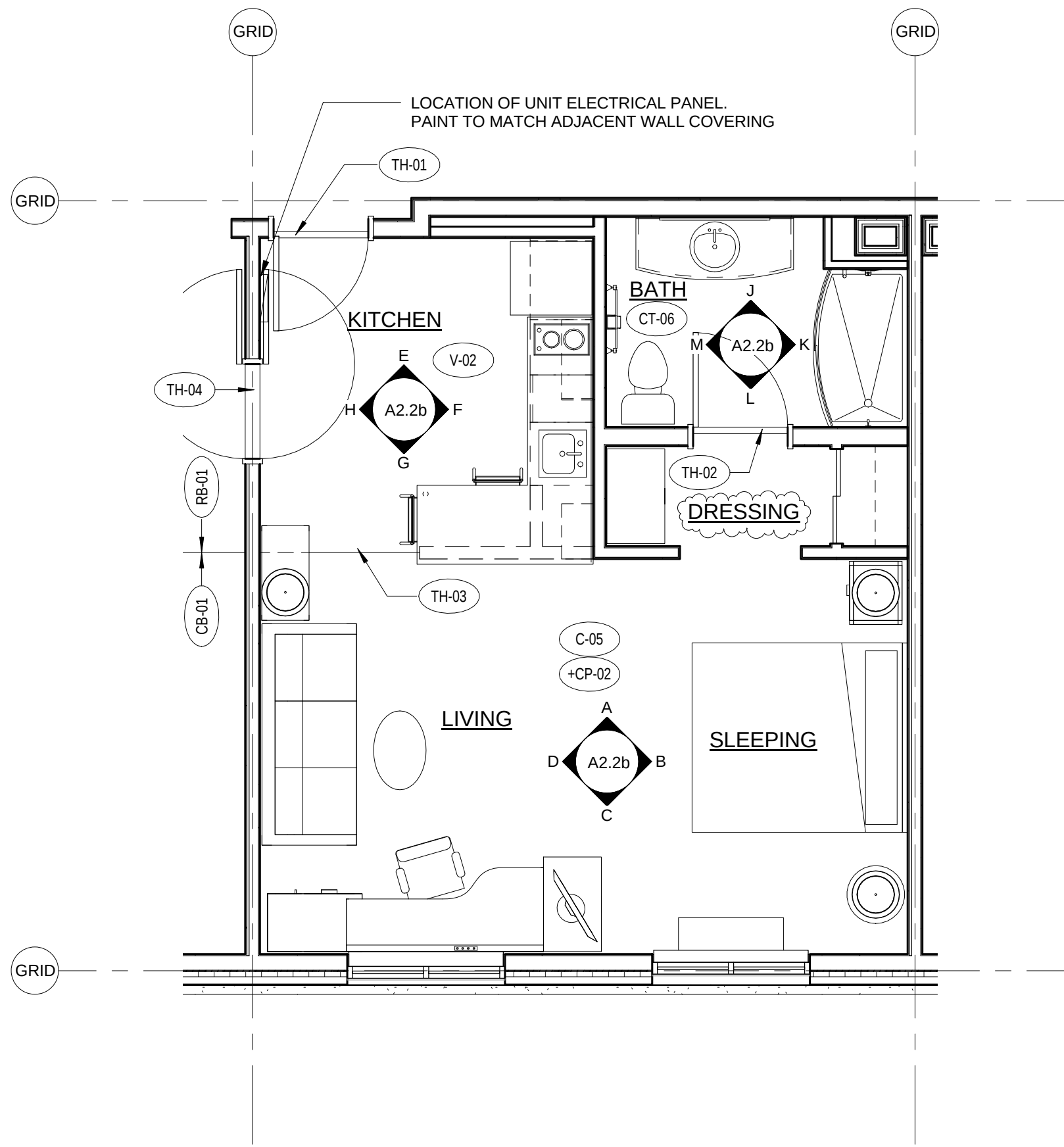
SXC NEEDHAM INN LLC
66 B STREET
NEEDHAM, MA 02494
UNIT PLANS/ELEVATIONS - STUDIO

A2.2a

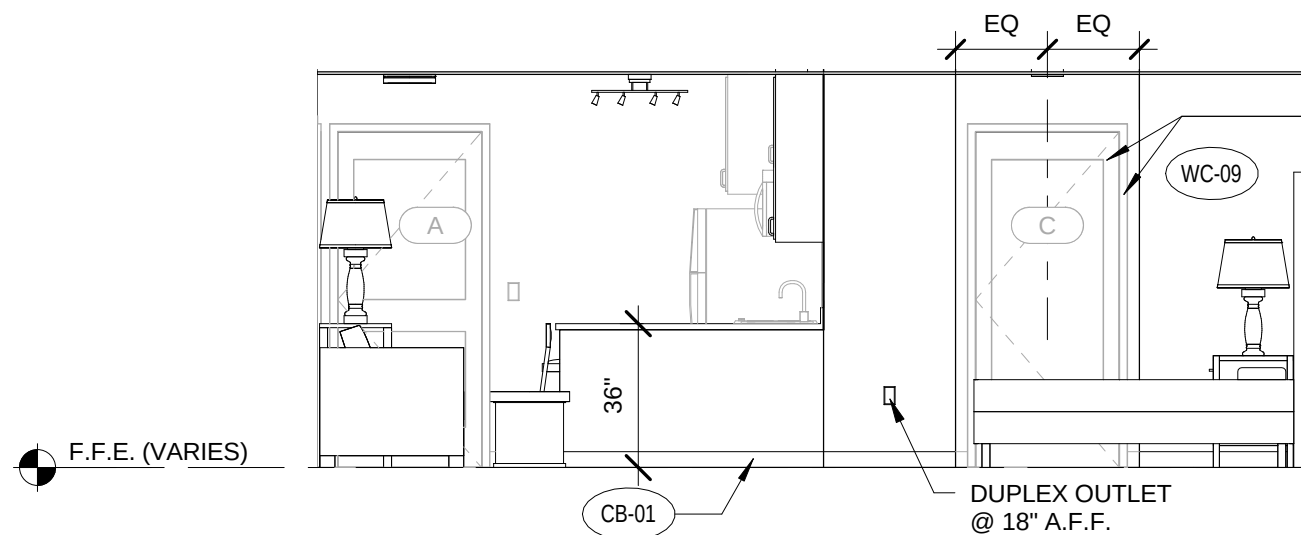
FINISHES REVISED 2

PLAN GENERAL NOTES

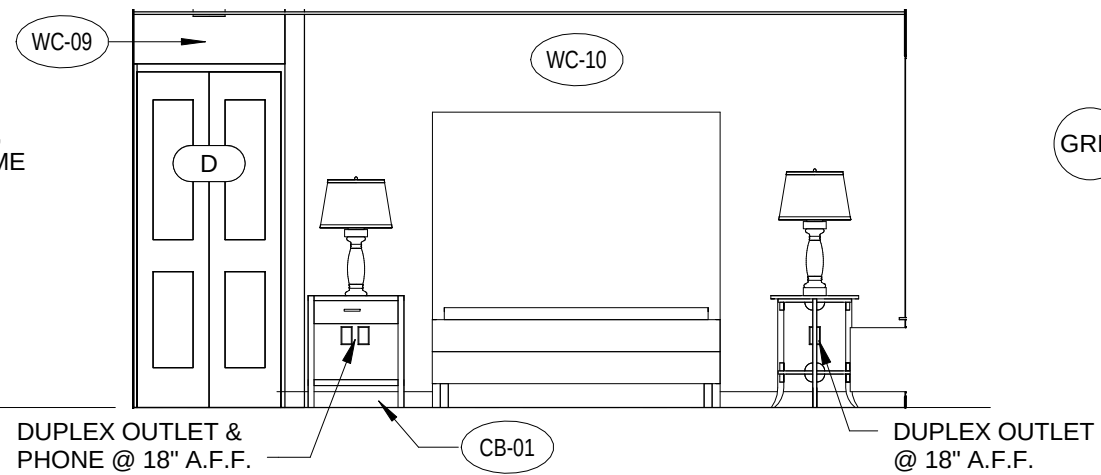
1. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH WORK.
2. ALL INDICATIONS AND NOTATIONS ON THE DRAWINGS APPLYING TO ONE AREA, COMPONENT OR CONDITION, SHALL APPLY TO ALL OTHER SIMILAR AREAS UNLESS CAREFULLY INDICATED OTHERWISE.
3. DIMENSIONS ARE TAKEN FROM COLUMN CENTER LINE AND FROM PARTITION CENTERLINE. U.O.N. CLEAR DIMENSIONS ARE TO THE FINISHED FACE OF THE NEW CONSTRUCTION AND SHALL TAKE PRECEDENCE OVER ANY OTHER DIMENSION.
4. CORRIDOR WALLS TO BE TYPE "10" UNLESS OTHERWISE NOTED.
5. DEMISING WALL TYPES - REFER TO OVERALL FLOOR PLANS ON SHEETS A1.2 - A1.5.
6. WALL PARTITIONS TYPES - REFER TO WALL ASSEMBLY SHEETS A4.60 - A4.62.
7. FOR UNIT PLANS - REFER TO UNIT PLAN SHEETS A2.2a - A2.2g.
8. WINDOW AND DOOR SCHEDULES AND DETAILS - REFER TO SHEETS A6.10 & A6.20 SERIES.
9. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL BATHROOM WALLS AND CEILINGS, TYPICAL.
10. FURNITURE SHOWN IS FOR REFERENCE ONLY, NOT IN CONTRACT.
11. PROVIDE BLOCKING AT ALL OWNER & BATHROOM ACCESSORIES INCLUDING BUT NOT LIMITED TO: TOILET PAPER HOLDERS, IRONING BOARD HOLDER, WIRE SHELVING, TOWEL BARS, AND DISPENSERS.
12. INSTALL NECESSARY BLOCKING IN BATHROOM WALLS FOR CURRENT AND FUTURE GRAB BARS.
13. BLOCKING CAN BE 16 GAUGE SHEET METAL, SOLID WOOD OR PLYWOOD.
14. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS. WHERE NO DIMENSIONS ARE PROVIDED, CONSULT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.
15. PROVIDE 1X, SCRIBE TO LAVATORY CABINETS AT WALL, TYPICAL AT ALL UNITS.
16. INTERIOR DOORS ADJACENT TO CORNER OF ROOM - DIMENSION FROM FACE OF GYPSUM BOARD TO FRAME TO BE 6" (TYPICAL UNLESS DIMENSIONED OTHERWISE).
17. SEE SHEET A2.0 FOR TOILET ACCESSORY MOUNTING HEIGHTS.
18. WALL OUTLETS SHALL NOT OCCUR IN SAME WALL CAVITY OF ADJACENT GUESTROOMS. SEE DETAIL 8/A2.0. IF UNAVOIDABLE, PROVIDE PUTTY PACKS AROUND ELECTRICAL BOX.
19. OWNER SHALL FURNISH EQUIPMENT CUTS AND UTILITY CONNECTION REQUIREMENTS FOR THE SPECIFIC EQUIPMENT TO BE PROVIDED WITHIN THE PROJECT AT THE TIME OF MEP/FP DESIGN.
20. DESIGN ENGINEERS, SUB-CONTRACTORS AND PRIME CONTRACTOR SHALL VERIFY COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL CODES, REQUIREMENTS & REGULATIONS WITH AUTHORITIES HAVING JURISDICTION FOR MINIMUM CODE DESIGN CRITERIA.



A LIVING / SLEEPING ELEVATION
A2.2b 1/4" = 1'-0"



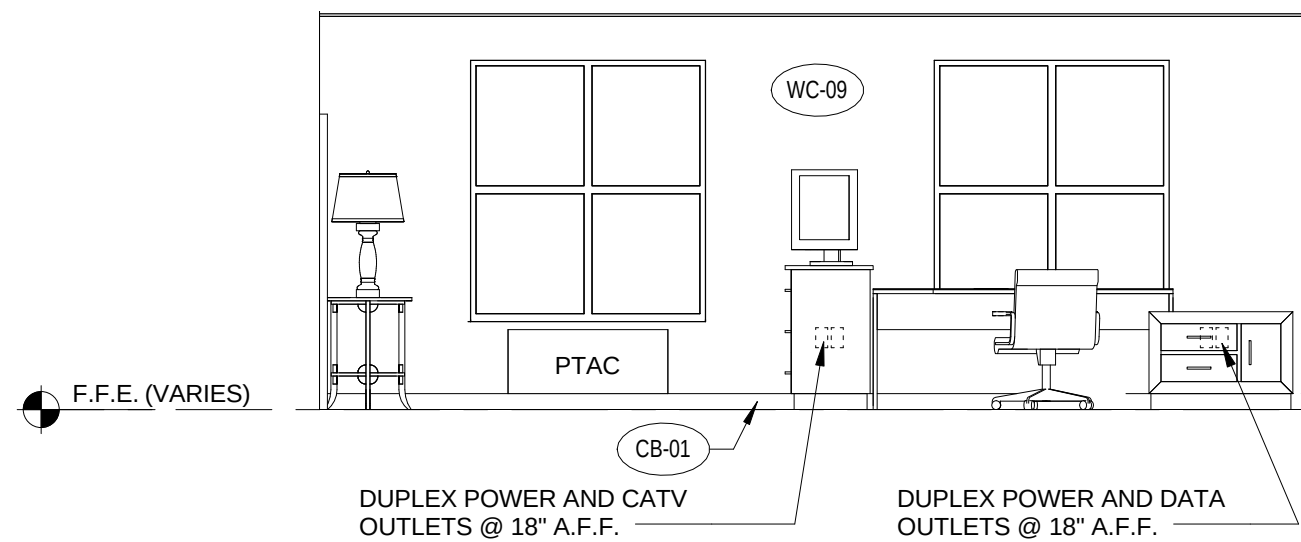
B LIVING / SLEEPING ELEVATION
A2.2b 1/4" = 1'-0"



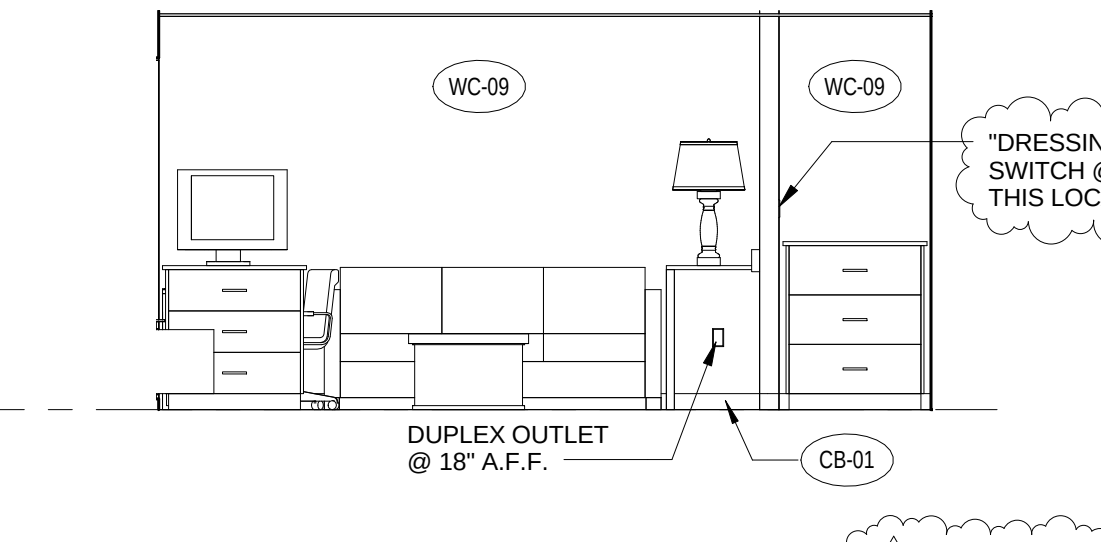
3 URBAN STUDIO 2 - INTERIOR DESIGN PLAN
A2.2b 1/4" = 1'-0"

2 NOTES ADDED

C LIVING / SLEEPING ELEVATION
A2.2b 1/4" = 1'-0"

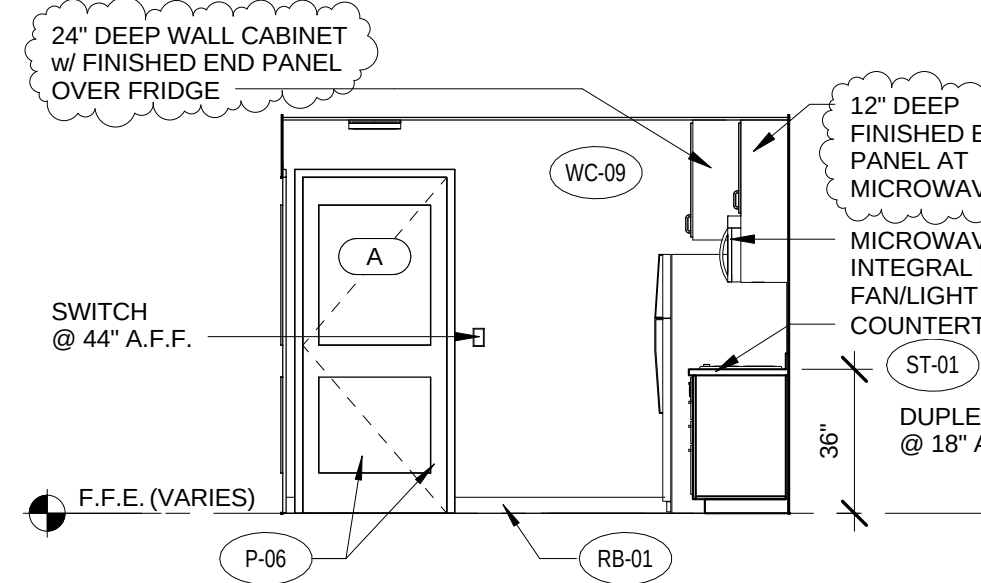


D LIVING / SLEEPING ELEVATION
A2.2b 1/4" = 1'-0"



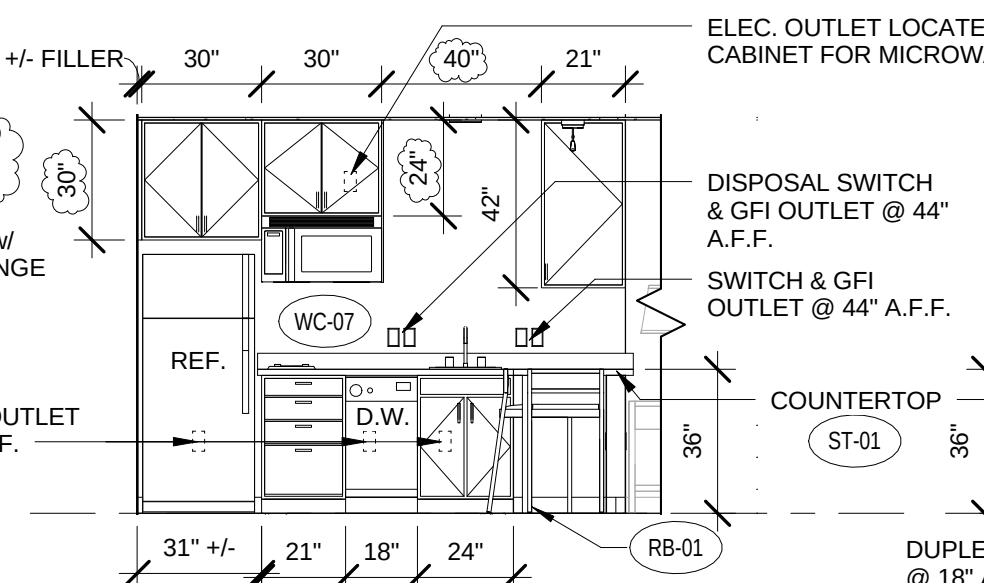
E KITCHEN ELEVATION
A2.2b 1/4" = 1'-0"

2 CABINET SIZE CHANGE

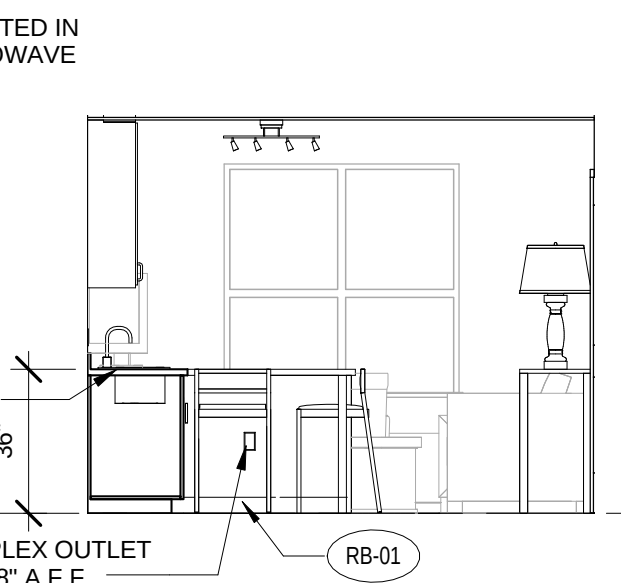


F KITCHEN ELEVATION
A2.2b 1/4" = 1'-0"

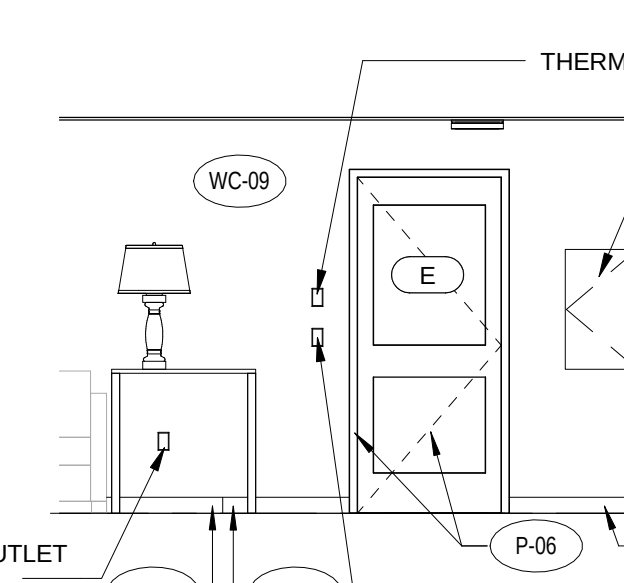
2 CABINET SIZE CHANGE



G KITCHEN ELEVATION
A2.2b 1/4" = 1'-0"

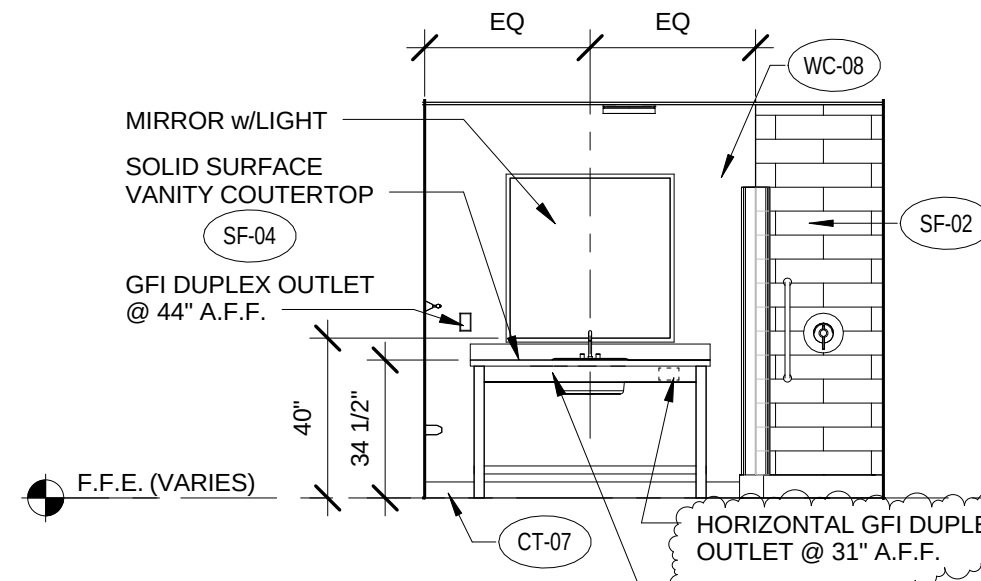


H KITCHEN ELEVATION
A2.2b 1/4" = 1'-0"

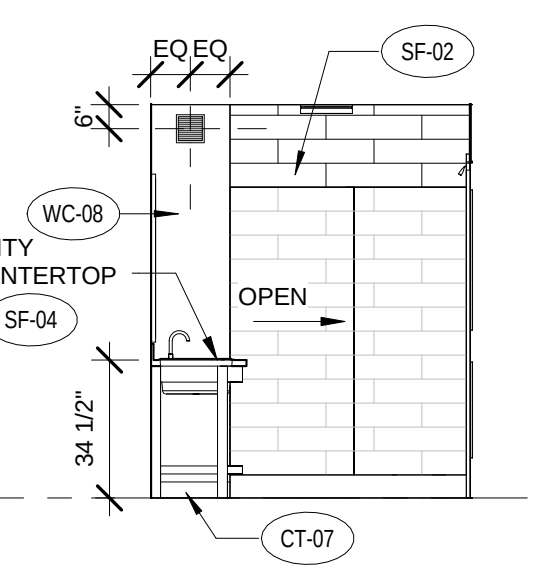


J BATH ELEVATION
A2.2b 1/4" = 1'-0"

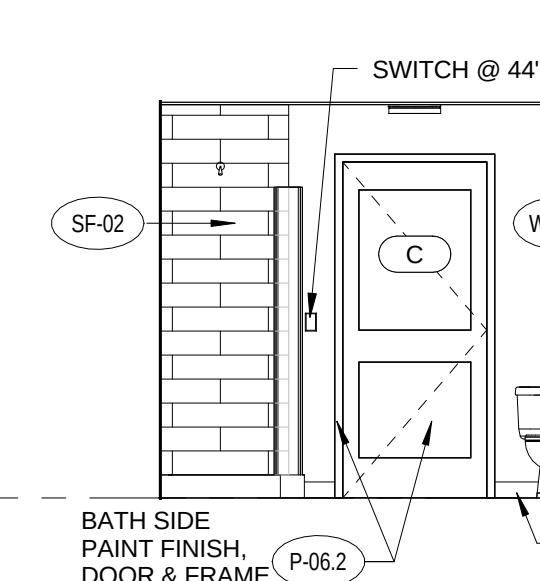
2 NOTES ADDED
2 NOTES REVISED



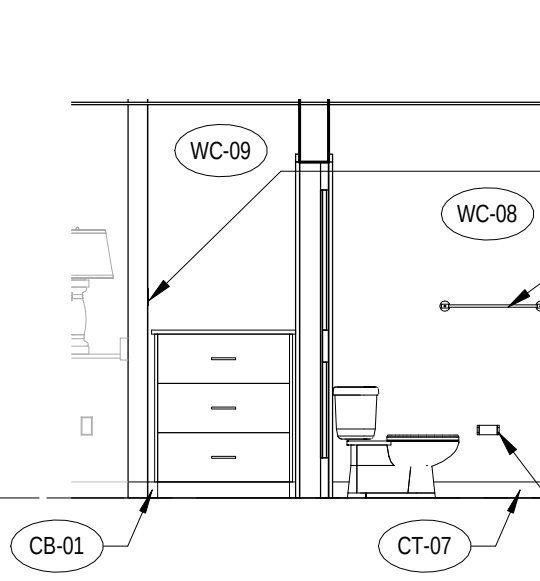
K BATH ELEVATION
A2.2b 1/4" = 1'-0"



L BATH ELEVATION
A2.2b 1/4" = 1'-0"



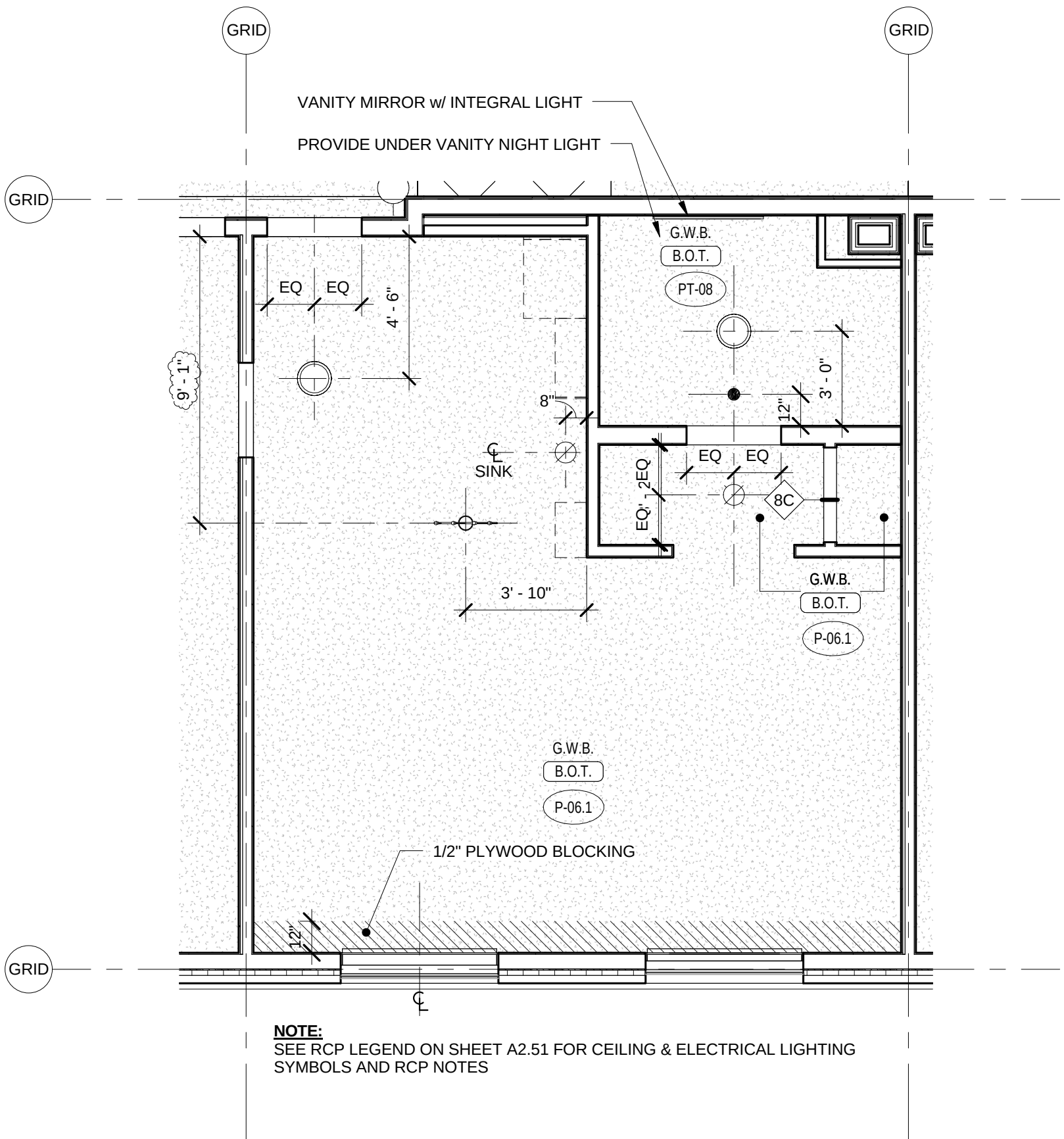
M BATH ELEVATION
A2.2b 1/4" = 1'-0"



1 URBAN STUDIO 2 - TYPICAL FLOOR PLAN
A2.2b 1/4" = 1'-0"

2 DIMENSIONS ADDED
2 DIMENSIONS REVISED

AREA: 470 FT.²



2 URBAN STUDIO 2 - TYPICAL RCP
A2.2b 1/4" = 1'-0"

2 DIMENSIONS REVISED

FINISHES REVISED 2

A2.2b

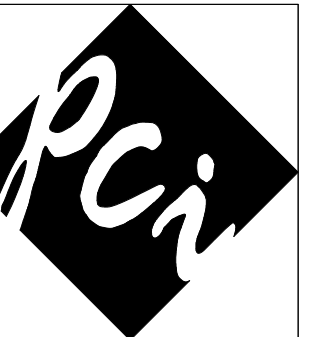
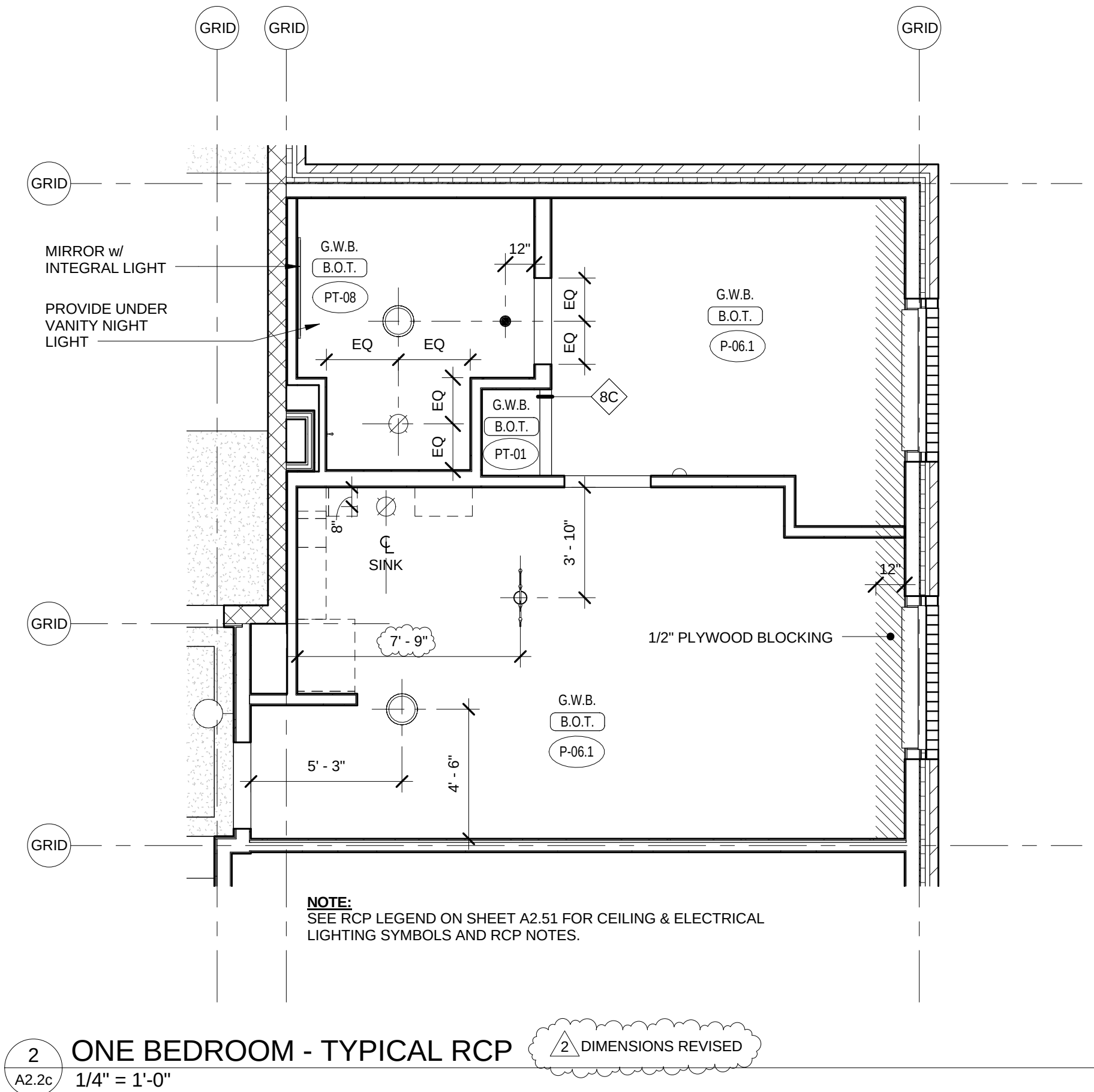
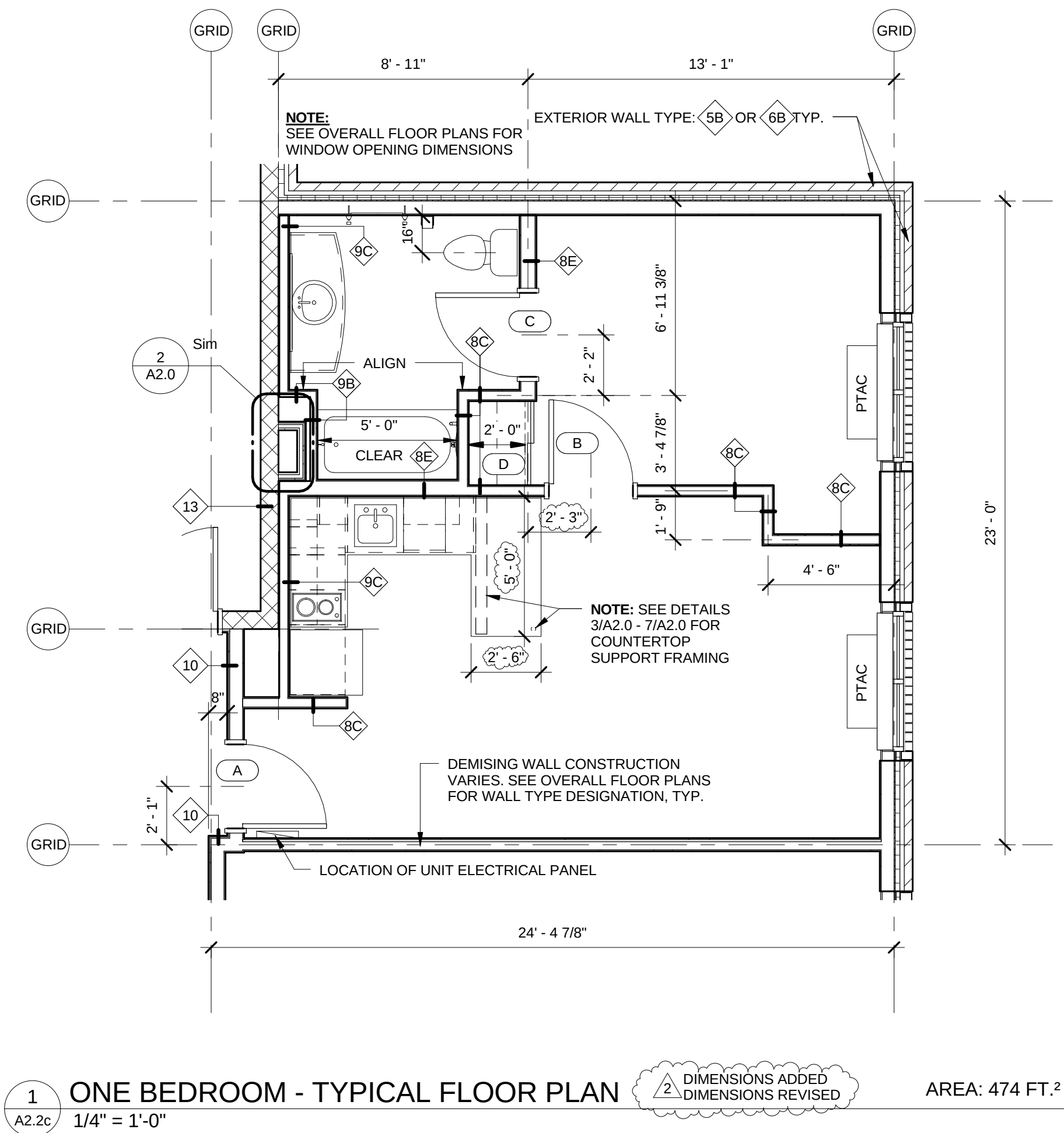
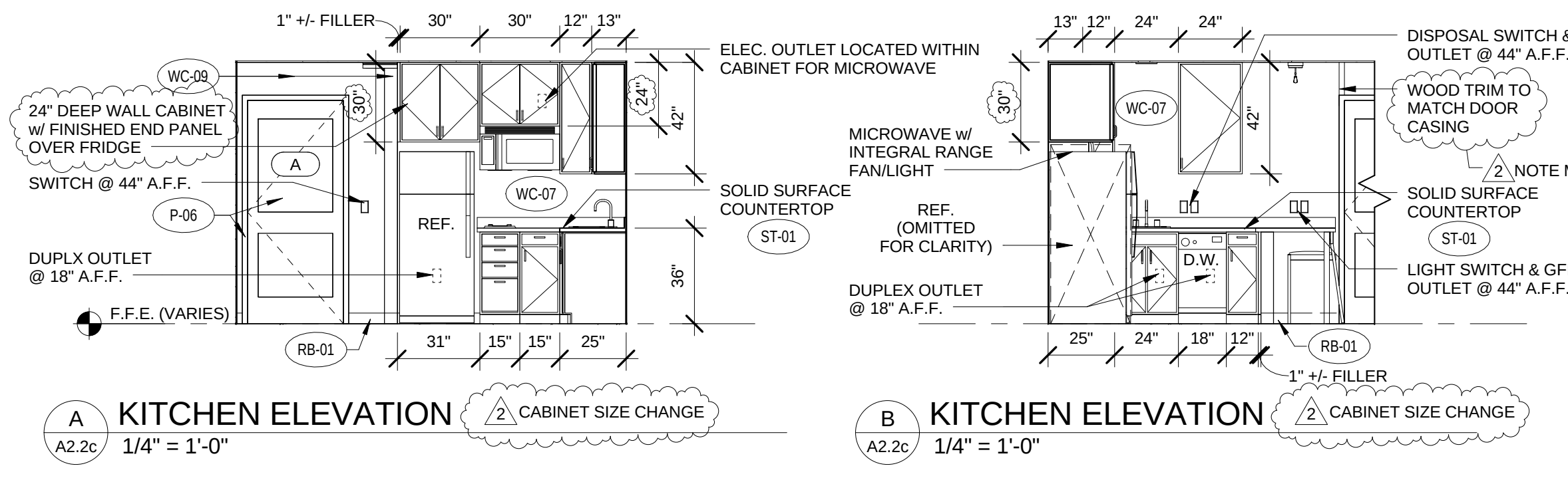
ISSUE:
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07/27/2012: ISSUE FOR CONSTRUCTION
11/20/2012: REVISION #2

architect:
KMB
drawn:
AJB

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66 B STREET
NEEDHAM, MA 02494
UNIT PLANS/ELEVATIONS - STUDIO 2

PLAN GENERAL NOTES

1. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH WORK.
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4. CORRIDOR WALLS TO BE TYPE 107 UNLESS OTHERWISE NOTED.
5. DEMISING WALL TYPES - REFER TO OVERALL FLOOR PLANS ON SHEETS A1.2 - A1.5.
6. WALL PARTITIONS TYPES - REFER TO WALL ASSEMBLY SHEETS A4.60 - A4.62.
7. FOR UNIT PLANS - REFER TO UNIT PLAN SHEETS A2.2a - A2.2g.
8. WINDOW AND DOOR SCHEDULES AND DETAILS - REFER TO SHEETS A6.10 & A6.20 SERIES.
9. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL BATHROOM WALLS AND CEILINGS, TYPICAL.
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15. PROVIDE 1X, SCRIBE TO LAVATORY CABINETS AT WALL, TYPICAL AT ALL UNITS.
16. INTERIOR DOORS ADJACENT TO CORNER OF ROOM - DIMENSION FROM FACE OF GYPSUM BOARD TO FRAME TO BE 6" (TYPICAL UNLESS DIMENSIONED OTHERWISE).
17. SEE SHEET A2.0 FOR TOILET ACCESSORY MOUNTING HEIGHTS.
18. WALL OUTLETS SHALL NOT OCCUR IN SAME WALL CAVITY OF ADJACENT GUESTROOMS. SEE DETAIL 8/A2.0, IF UNAVOIDABLE, PROVIDE PUTTY PACKS AROUND ELECTRICAL BOX.
19. OWNER SHALL FURNISH EQUIPMENT CUTS AND UTILITY CONNECTION REQUIREMENTS FOR THE SPECIFIC EQUIPMENT TO BE PROVIDED WITHIN THE PROJECT AT THE TIME OF MEPFP DESIGN.
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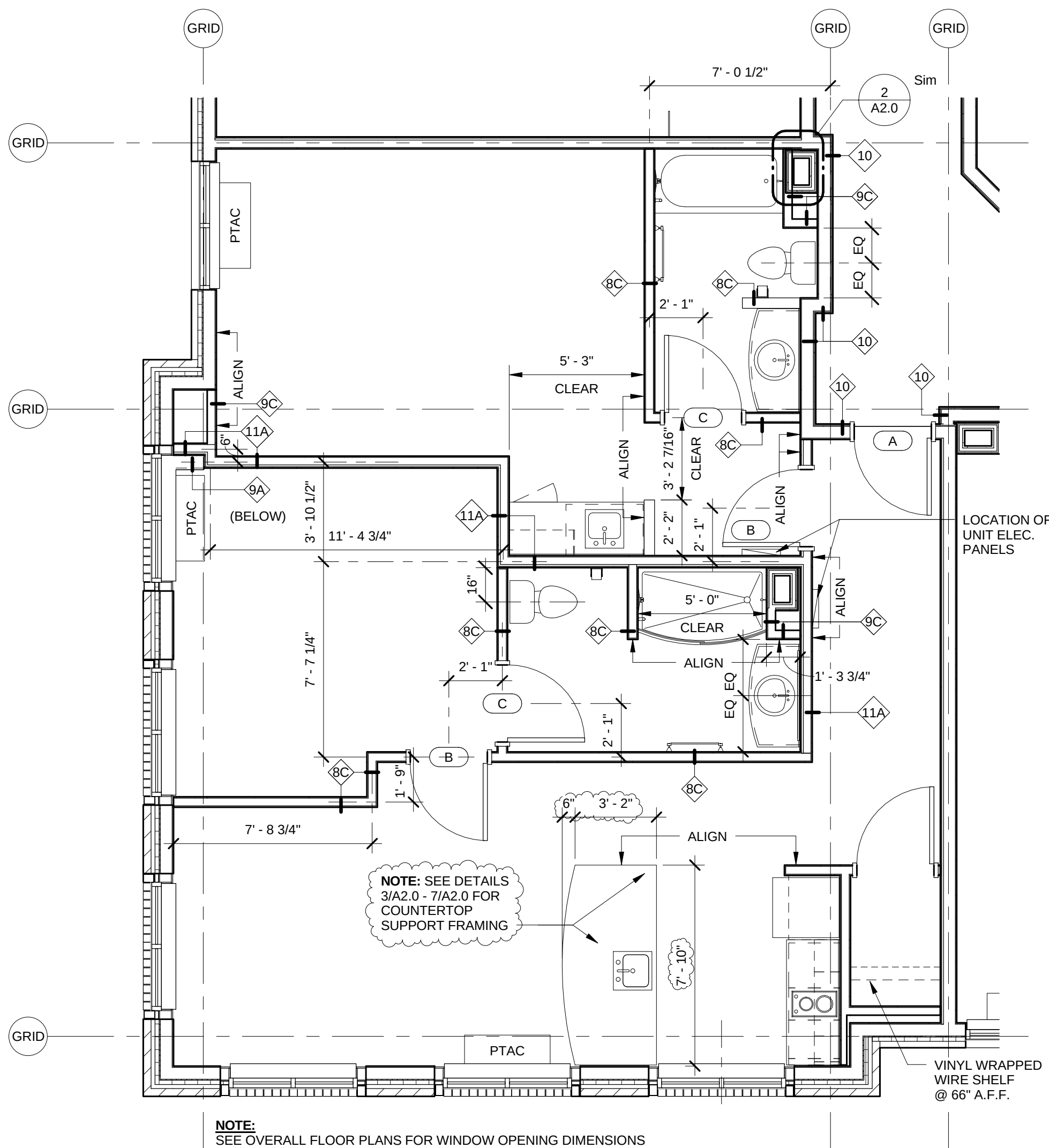
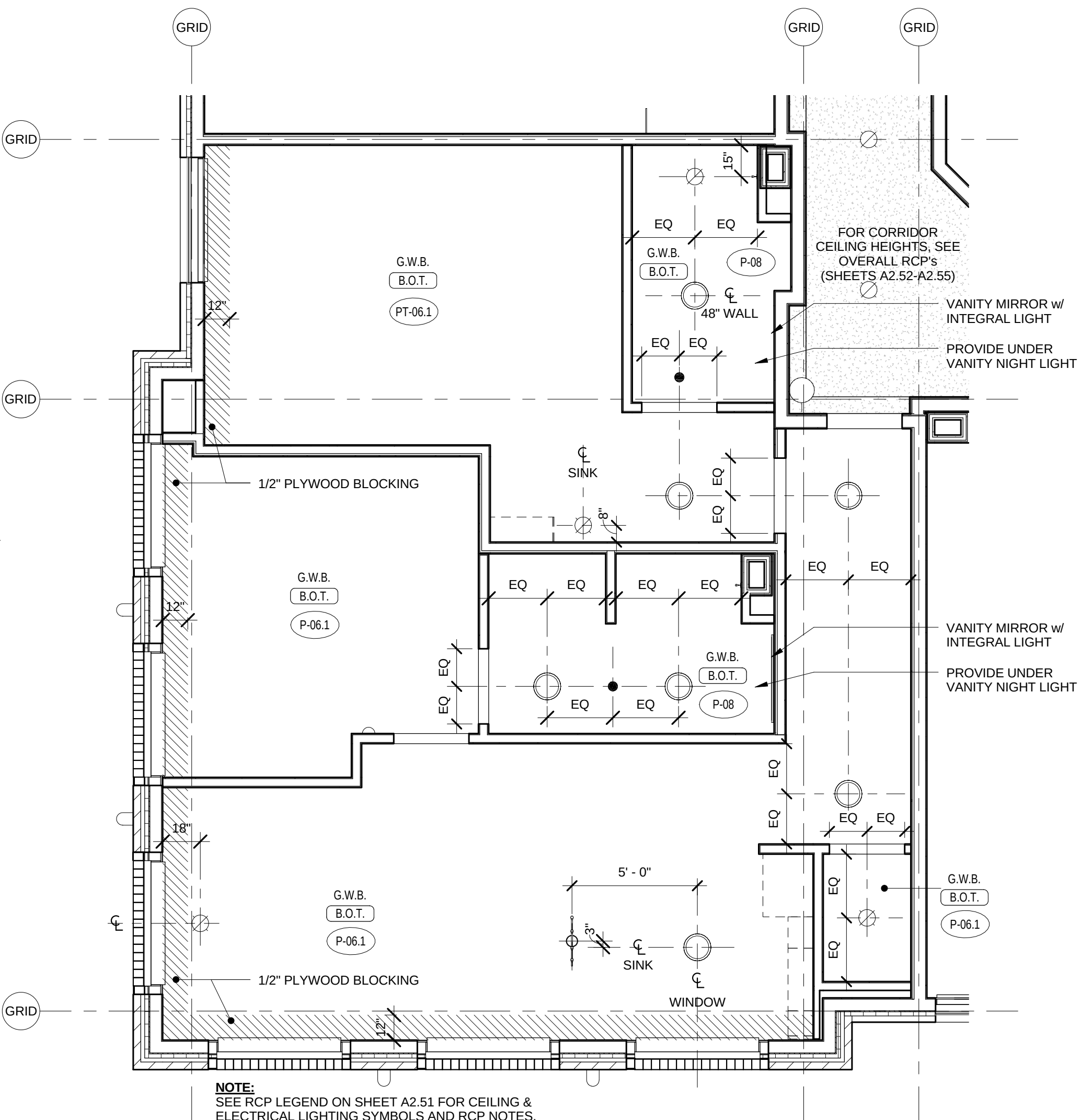
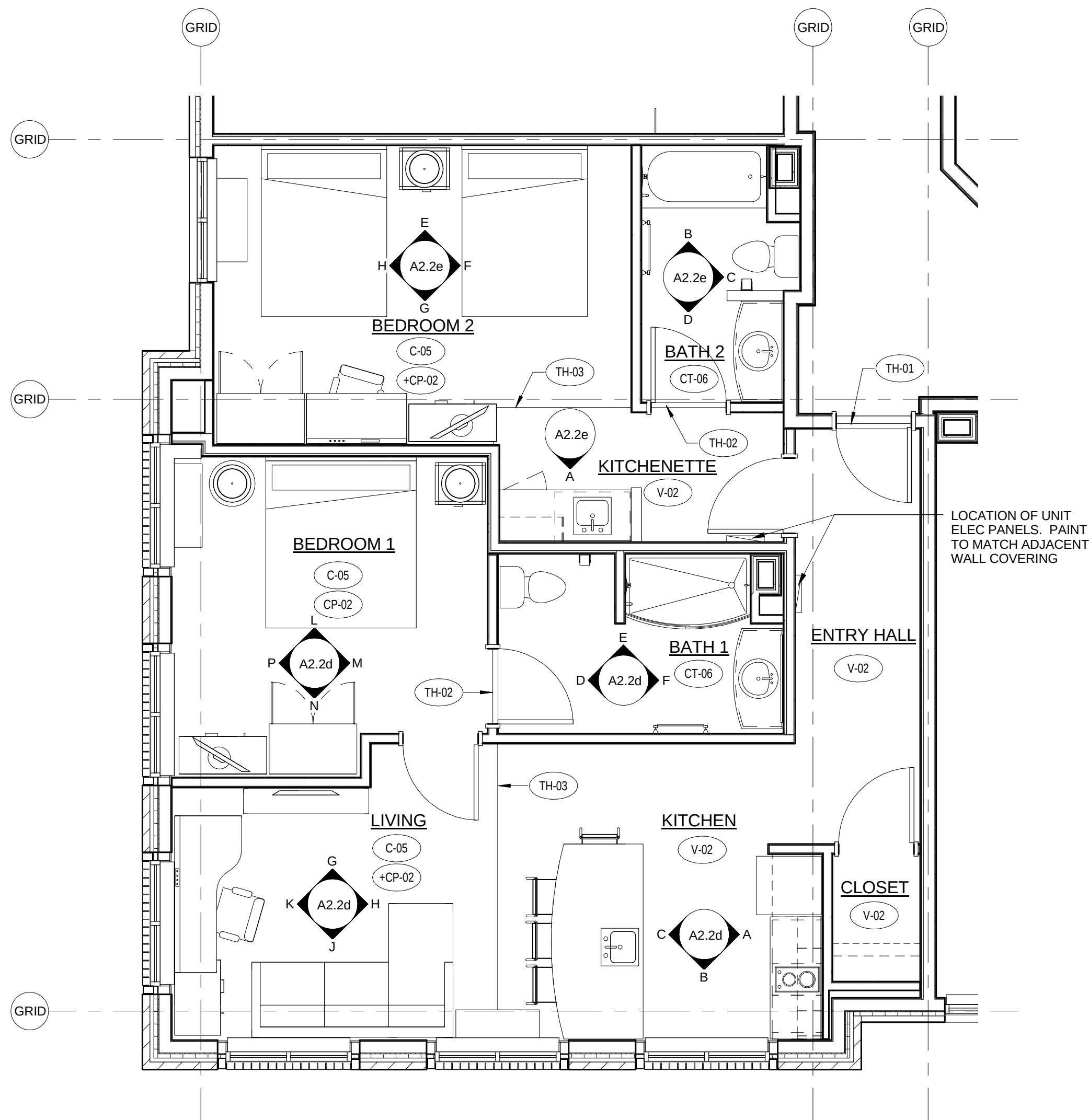
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11/20/2012: REVISION #2

architect:
KMB
drawn:
AJB

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66 B STREET
NEEDHAM, MA 02494
UNIT PLANS/ELEVATIONS - ONE BEDROOM

A2.2c

FINISHES REVISED 2

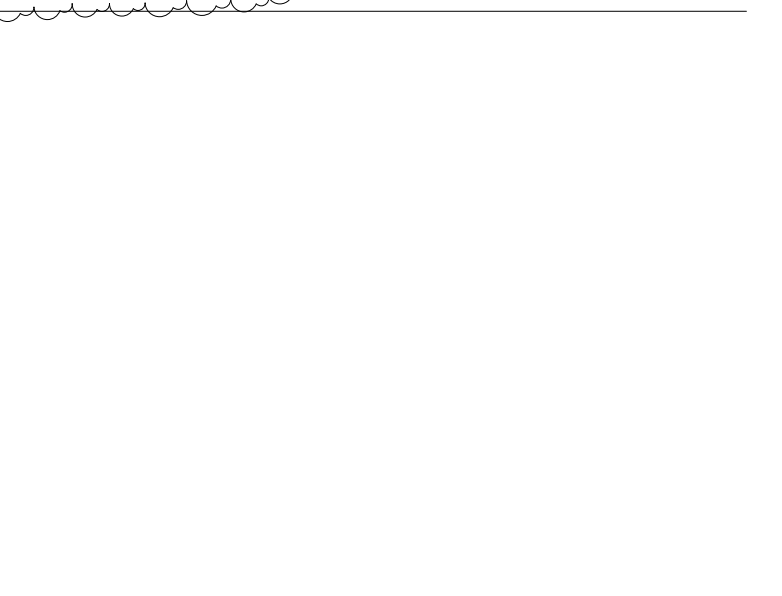
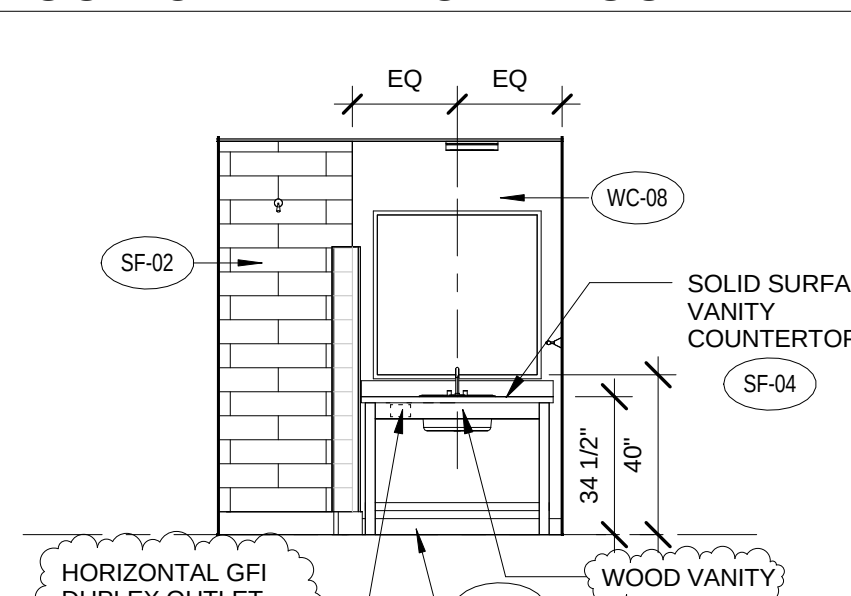
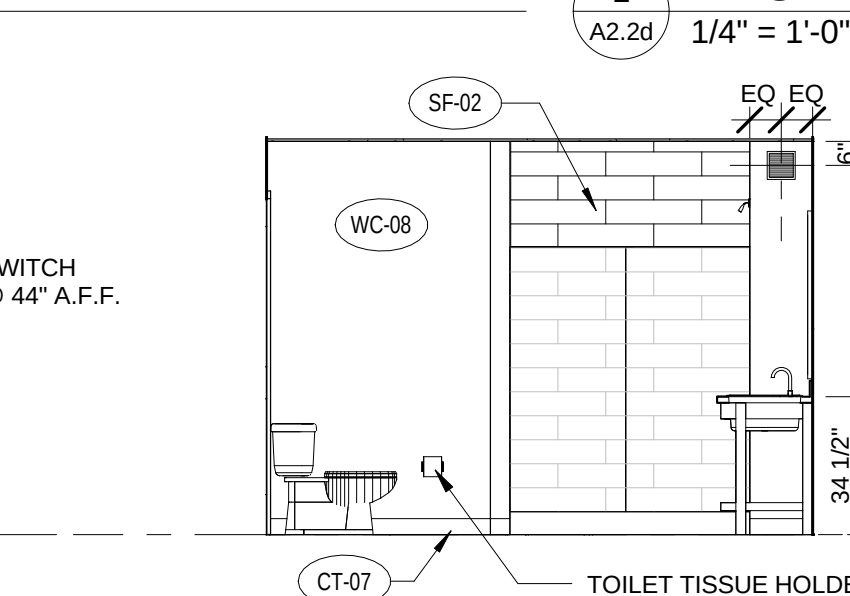
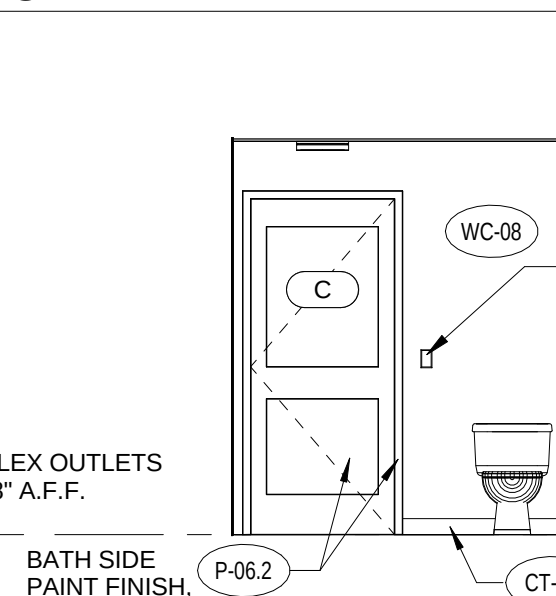
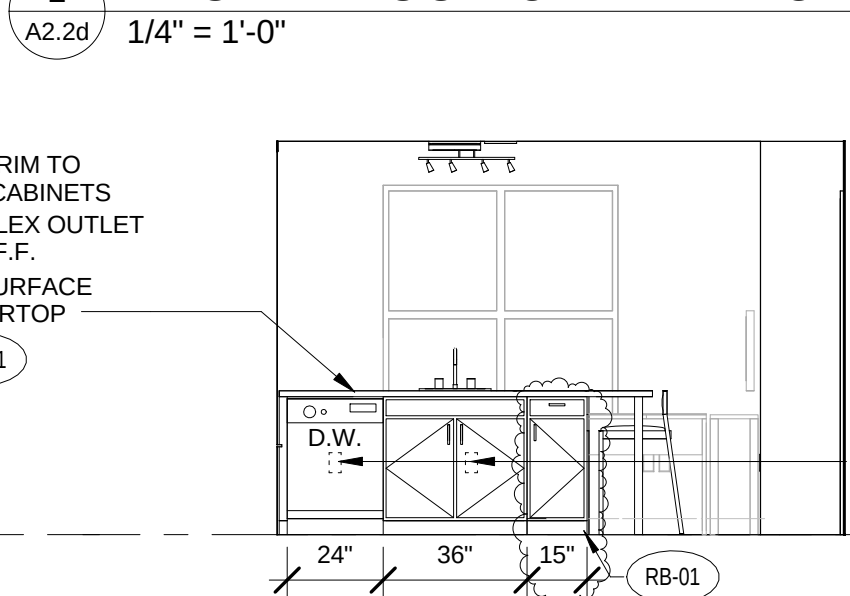
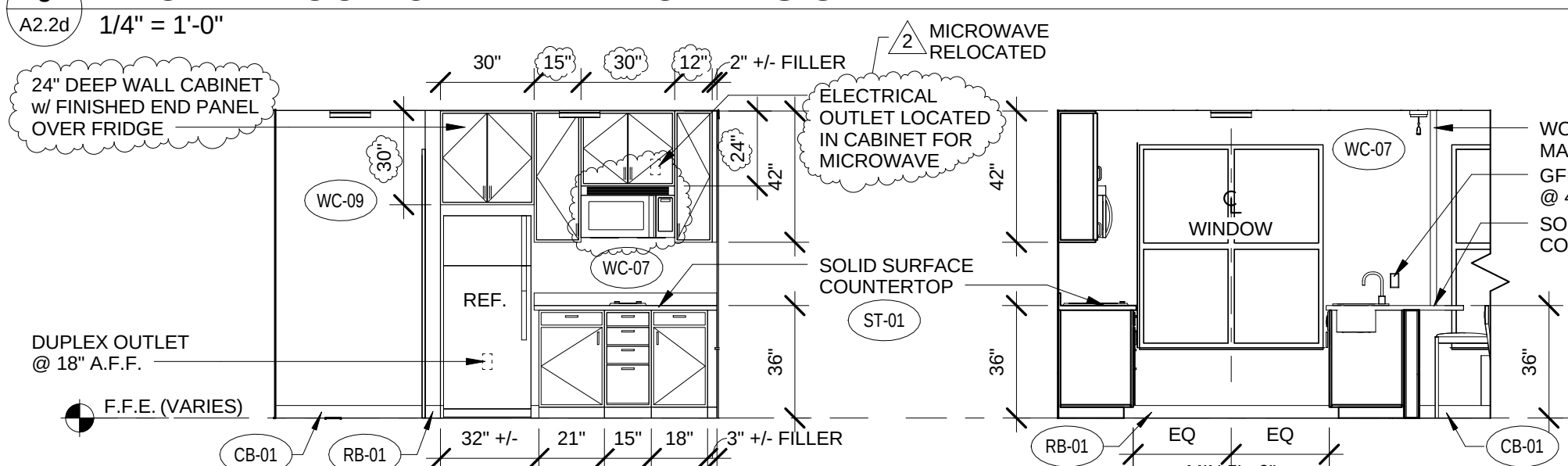


3 TWO BEDROOM UNIT - INTERIOR DESIGN PLAN

2 TWO BEDROOM UNIT - TYPICAL RCP

1 TWO BEDROOM UNIT - TYPICAL FLOOR PLAN

2 DIMENSIONS ADDED
NOTES ADDED
AREA: 972 FT.²



A KITCHEN ELEVATION
2 CABINET SIZE CHANGE

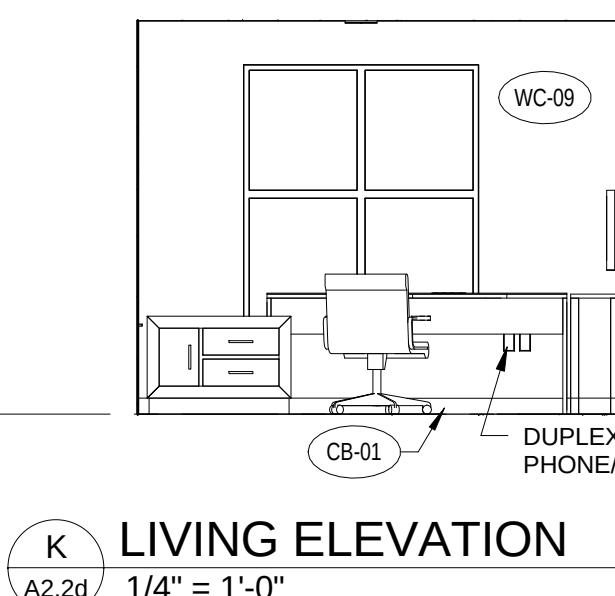
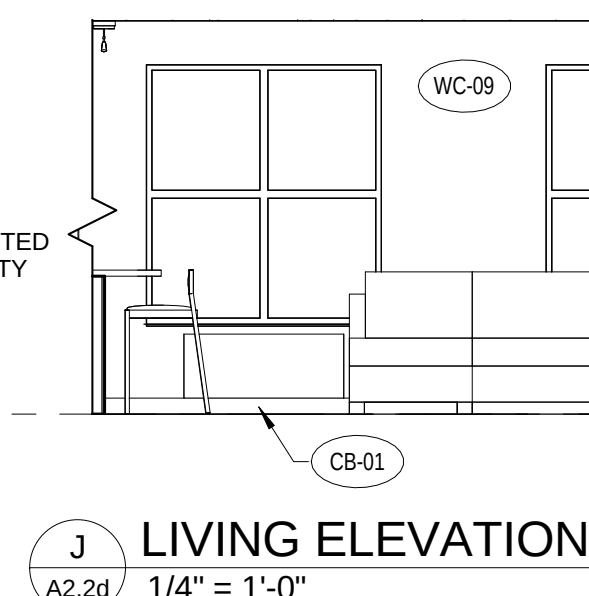
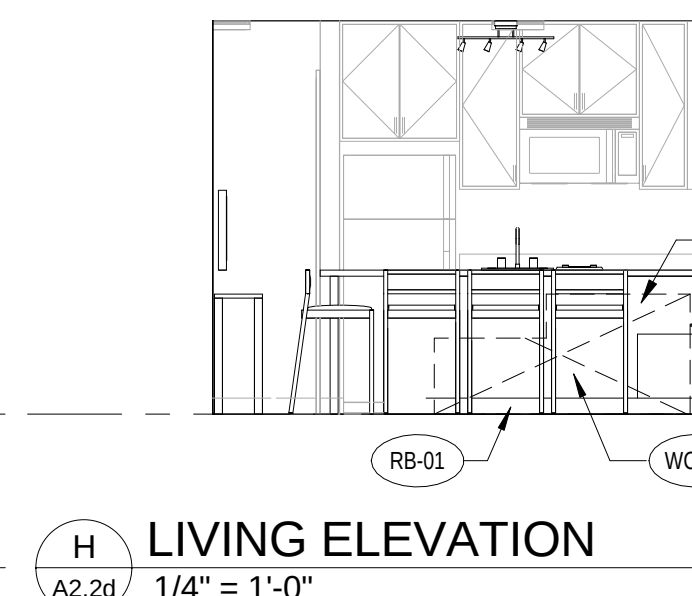
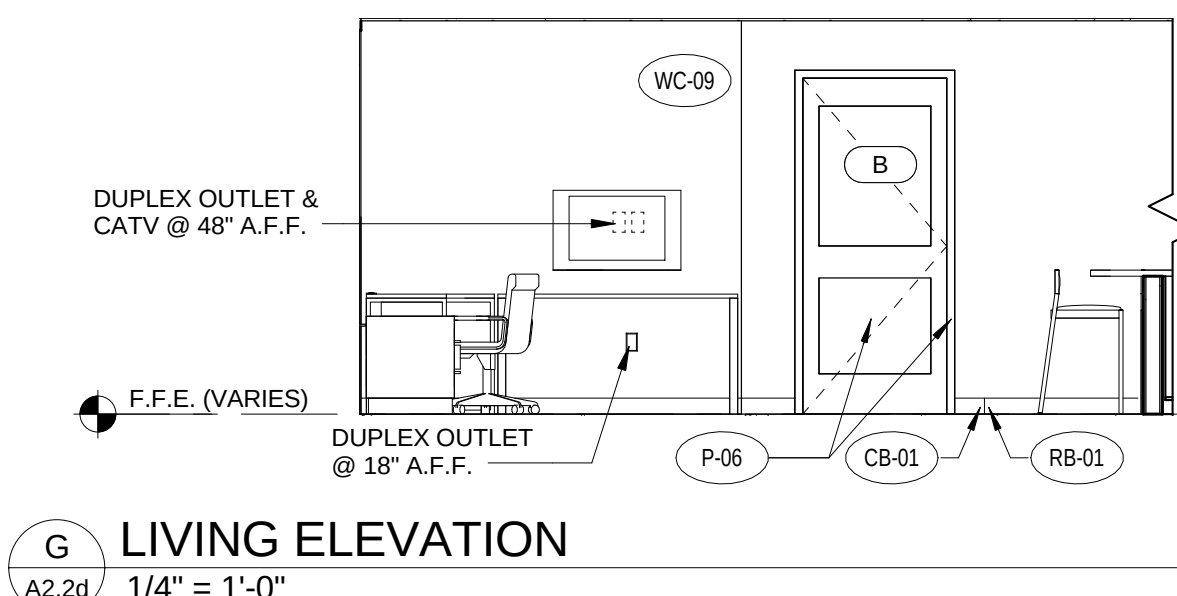
B KITCHEN ELEVATION
1/4" = 1'-0"

C KITCHEN ELEVATION
2 CABINET ADDED

D BATH ELEVATION
1/4" = 1'-0"

E BATH ELEVATION
1/4" = 1'-0"

F BATH ELEVATION
2 NOTES ADDED
NOTES REVISED

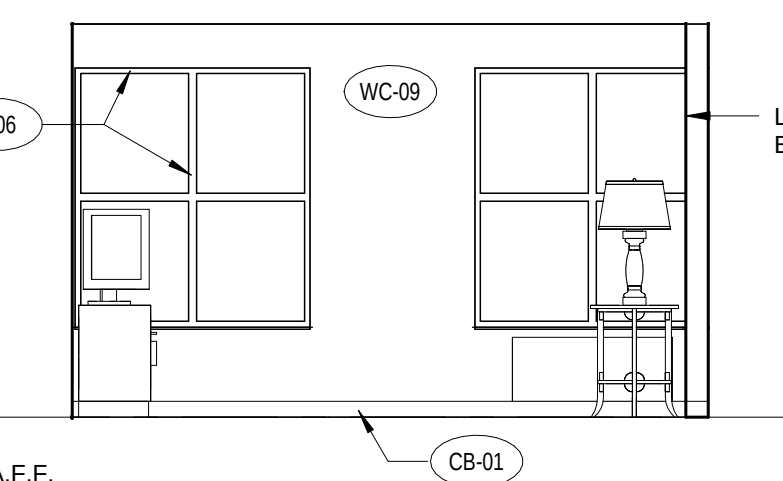
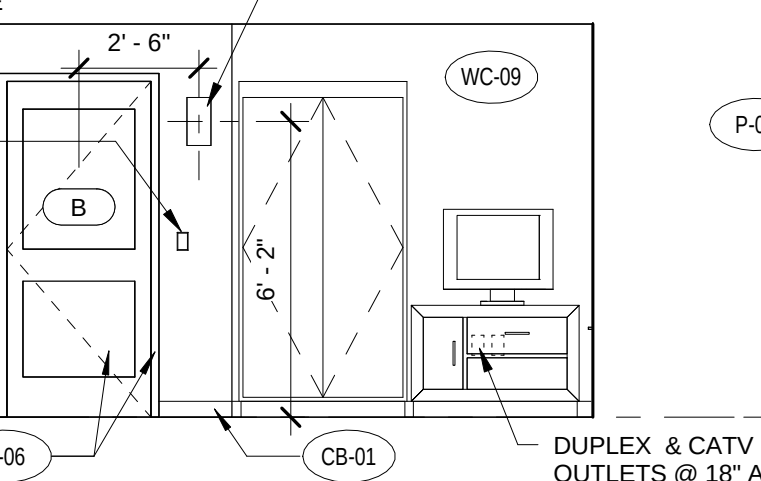
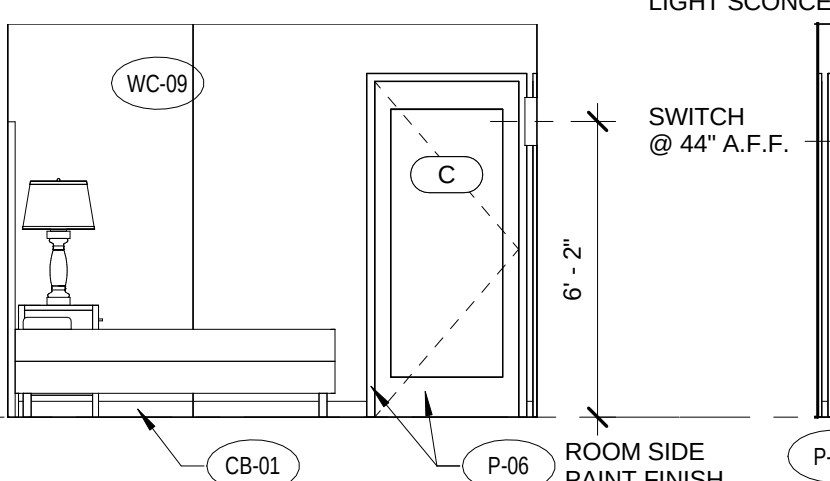
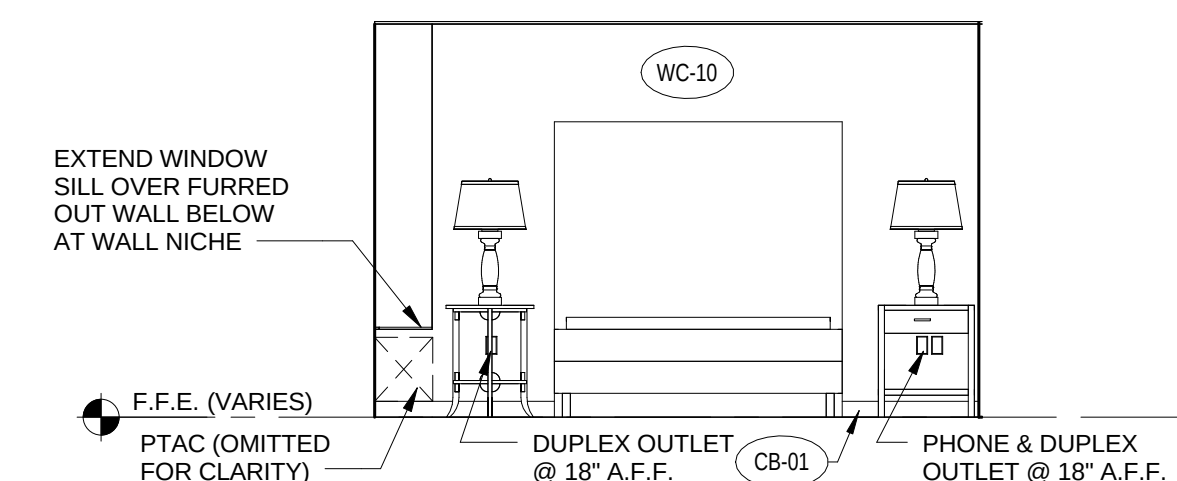


G LIVING ELEVATION
1/4" = 1'-0"

H LIVING ELEVATION
1/4" = 1'-0"

J LIVING ELEVATION
1/4" = 1'-0"

K LIVING ELEVATION
1/4" = 1'-0"



L BEDROOM ELEVATION
1/4" = 1'-0"

M BEDROOM ELEVATION
1/4" = 1'-0"

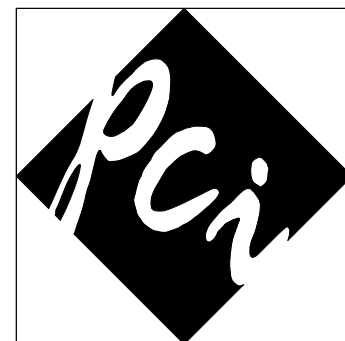
N BEDROOM ELEVATION
1/4" = 1'-0"

P BEDROOM ELEVATION
1/4" = 1'-0"

PLAN GENERAL NOTES

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4. CORRIDOR WALLS TO BE TYPE "10" UNLESS OTHERWISE NOTED.
5. DEMISING WALL TYPES - REFER TO OVERALL FLOOR PLANS ON SHEETS A1.2 - A1.5.
6. WALL PARTITIONS TYPES - REFER TO WALL ASSEMBLY SHEETS A4.60 - A4.62.
7. FOR UNIT PLANS - REFER TO UNIT PLAN SHEETS A2.2a - A2.2g.
8. WINDOW AND DOOR SCHEDULES AND DETAILS - REFER TO SHEETS A6.10 & A6.20 SERIES.
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15. PROVIDE 1X SCRIBE TO LAVATORY CABINETS AT WALL, TYPICAL AT ALL UNITS.
16. INTERIOR DOORS ADJACENT TO CORNER OF ROOM - DIMENSION FROM FACE OF GYPSUM BOARD TO FRAME TO BE 6" (TYPICAL UNLESS DIMENSIONED OTHERWISE).
17. SEE SHEET A2.0 FOR TOILET ACCESSORY MOUNTING HEIGHTS.
18. WALL OUTLETS SHALL NOT OCCUR IN SAME WALL CAVITY OF ADJACENT GUESTROOMS. SEE DETAIL 8/A2.0. IF UNAVOIDABLE, PROVIDE PUTTY PACKS AROUND ELECTRICAL BOX.
19. OWNER SHALL FURNISH EQUIPMENT CUTS AND UTILITY CONNECTION REQUIREMENTS FOR THE SPECIFIC EQUIPMENT TO BE PROVIDED WITHIN AT THE TIME OF MEP/FP DESIGN.
20. DESIGN ENGINEERS, SUB-CONTRACTORS AND PRIME CONTRACTOR SHALL VERIFY COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL CODES, REQUIREMENTS & REGULATIONS WITH AUTHORITIES HAVING JURISDICTION FOR MINIMUM CODE DESIGN CRITERIA.

FINISHES REVISED 2



Pro Con, Inc.
P.O. Box 4430
Manchester, NH
p 603.623.8811
f 603.623.8250
www.proconinc.com

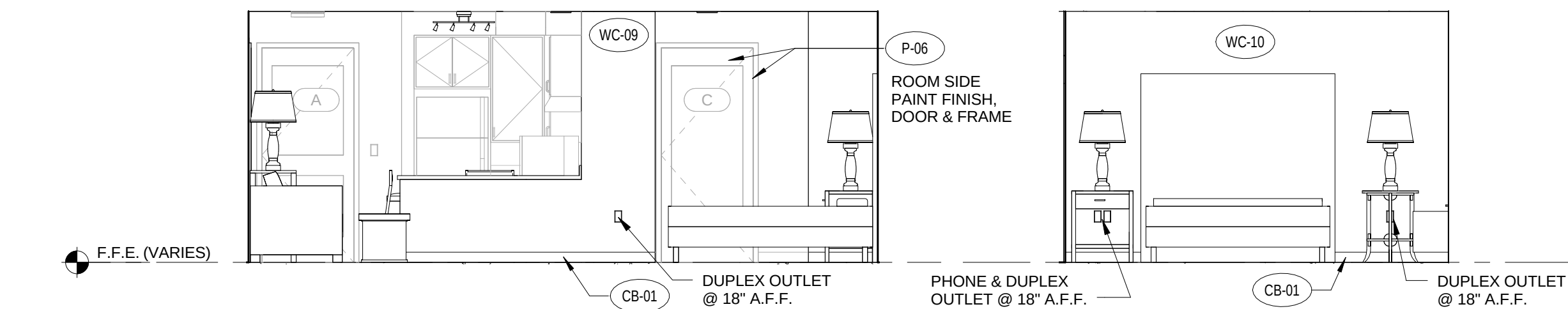
ISSUE:
05/25/2012: ISSUE FOR PERMIT & GMP
07/27/2012: ISSUE FOR CONSTRUCTION
11/20/2012: REVISION #2

architect:
KMB
drawn:
AJB

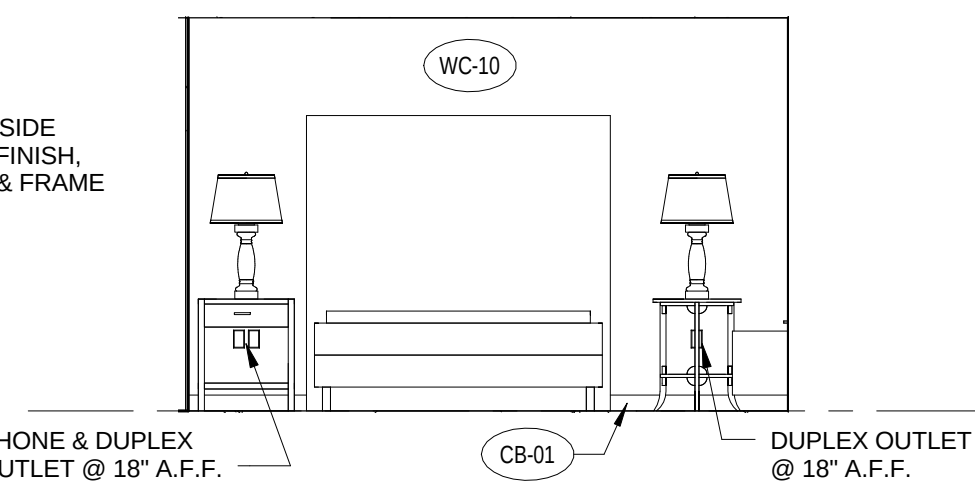
SXC NEEDHAM INN LLC
66 B STREET
NEEDHAM, MA 02494

UNIT PLANS/ELEVATIONS - TWO BEDROOM

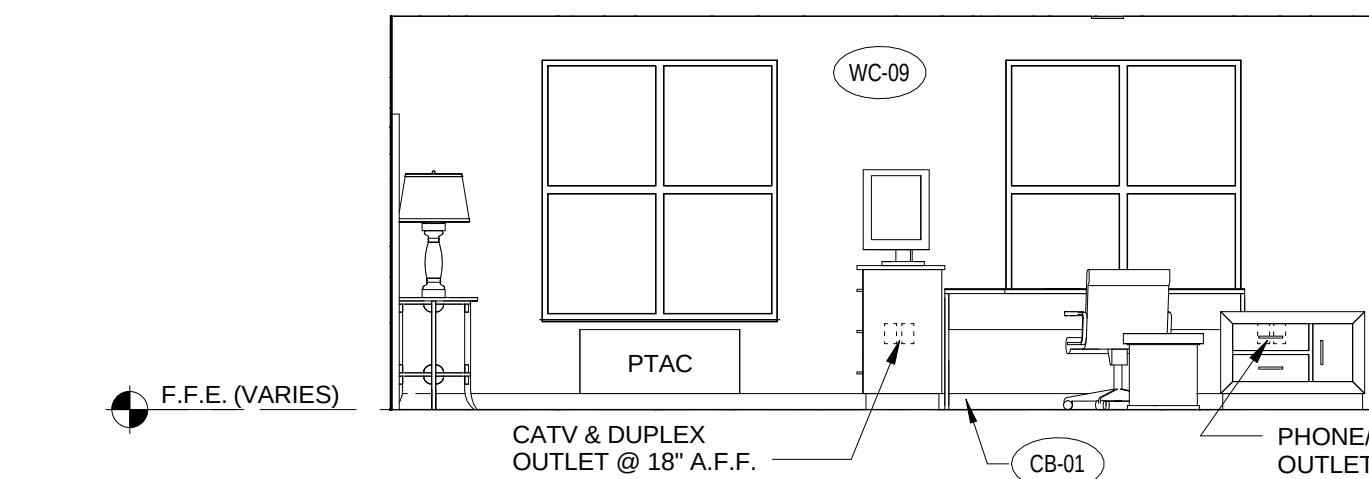
A2.2d



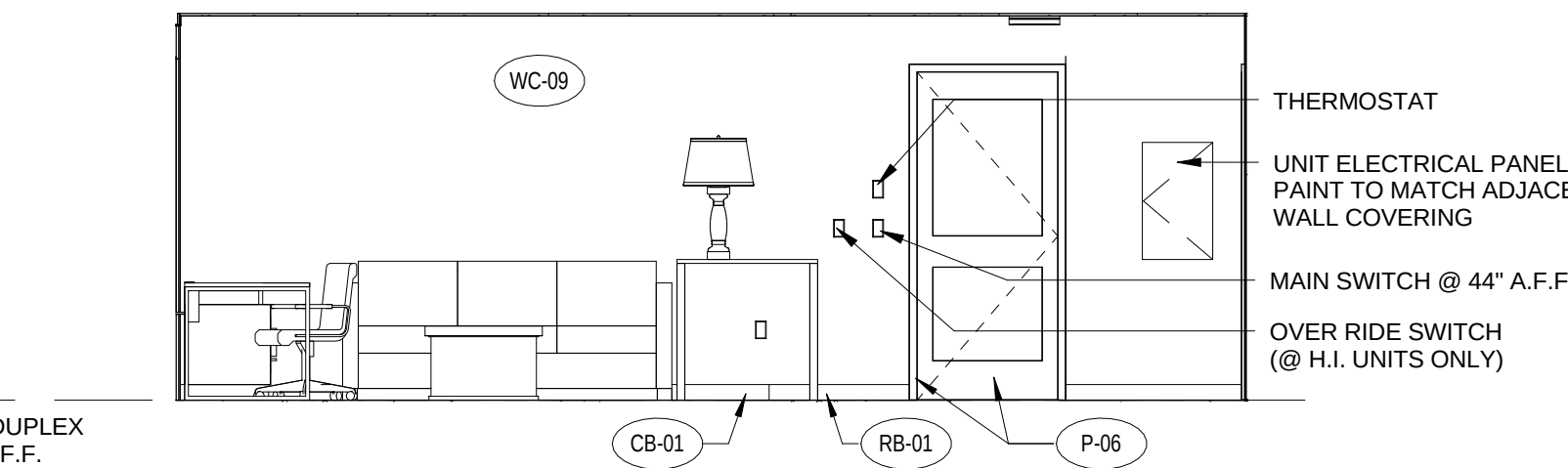
LIVING / SLEEPING ELEVATION
 $1/4" = 1'-0"$



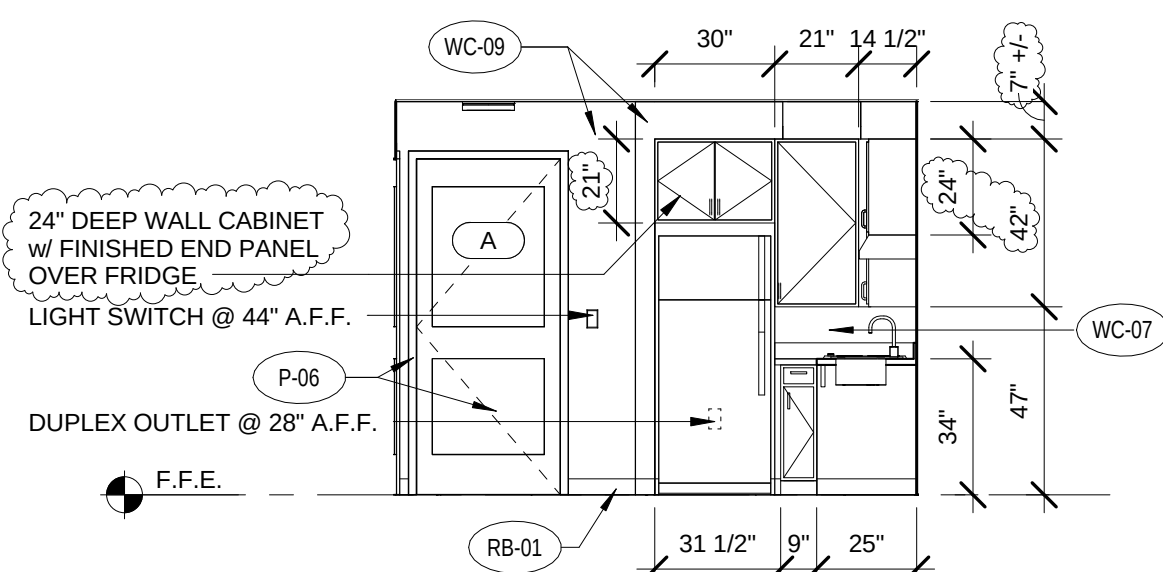
B LIVING / SLEEPING ELEVATION
 A2.2f 1/4" = 1'-0"



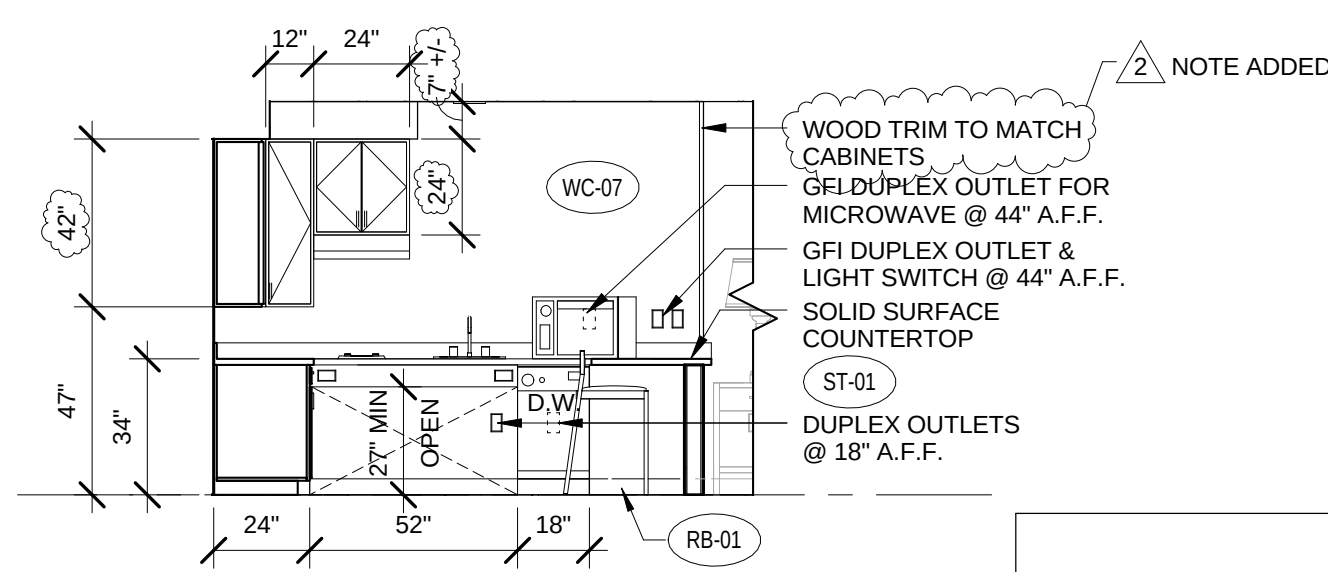
C LIVING / SLEEPING ELEVATION
 A2.2f 1/4" = 1'-0"



D LIVING / SLEEPING ELEVATION
 A2.2f 1/4" = 1'-0"



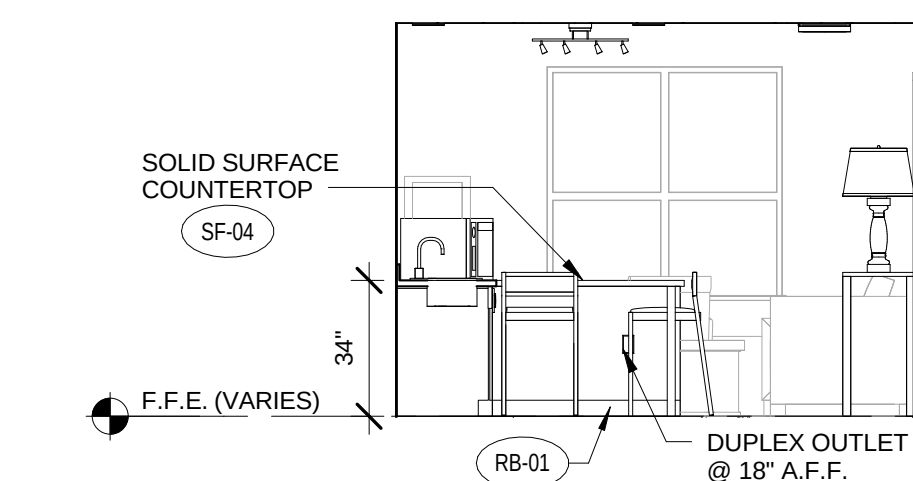
KITCHEN ELEVATION



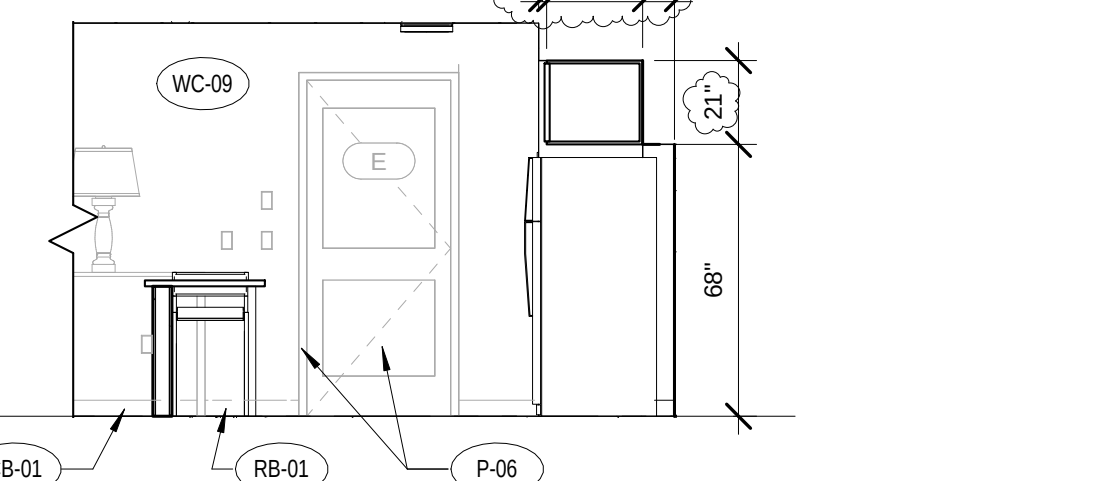
F
2.2f

KITCHEN ELEVATION

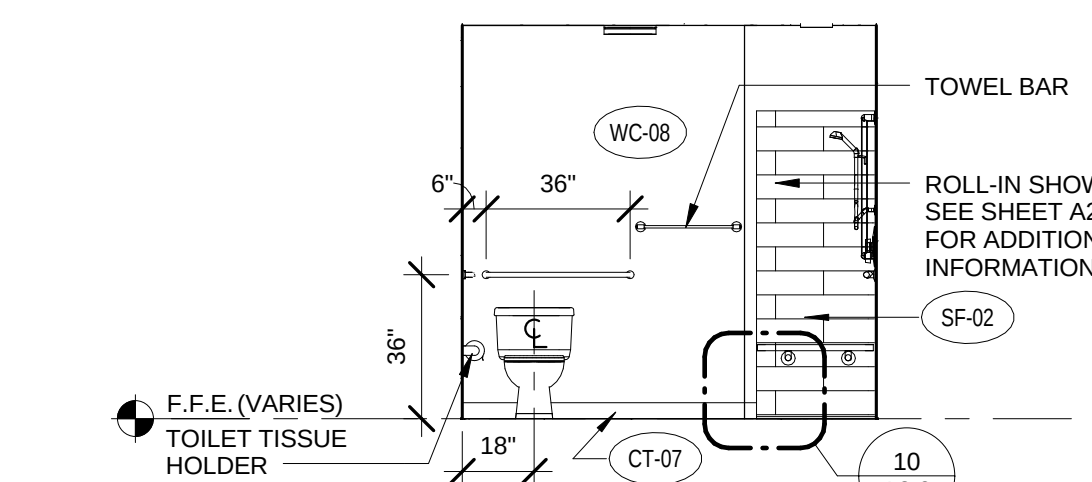
1/4" = 1'-0"



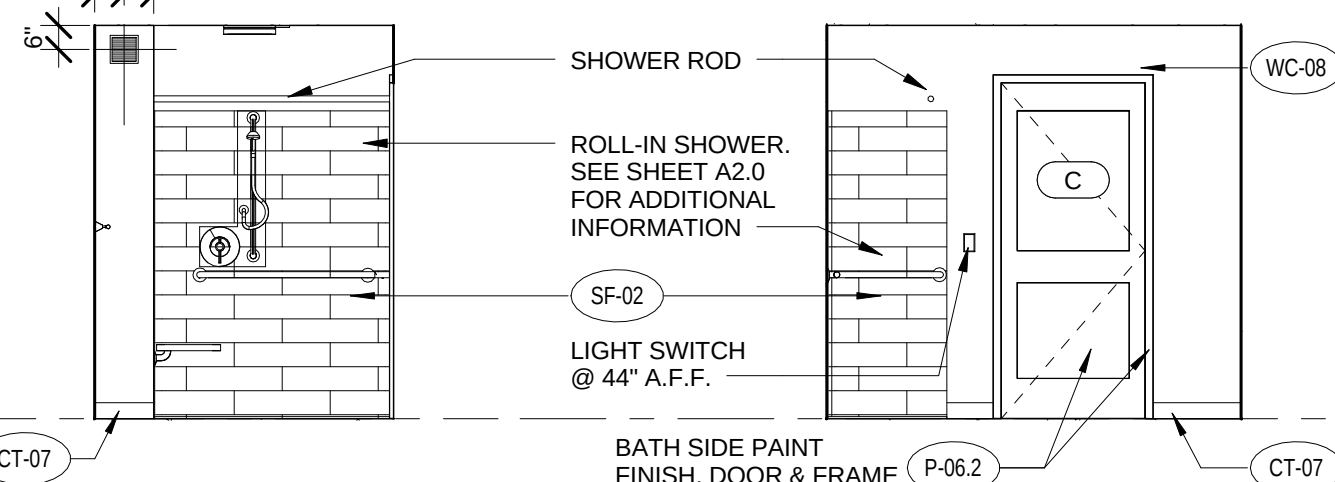
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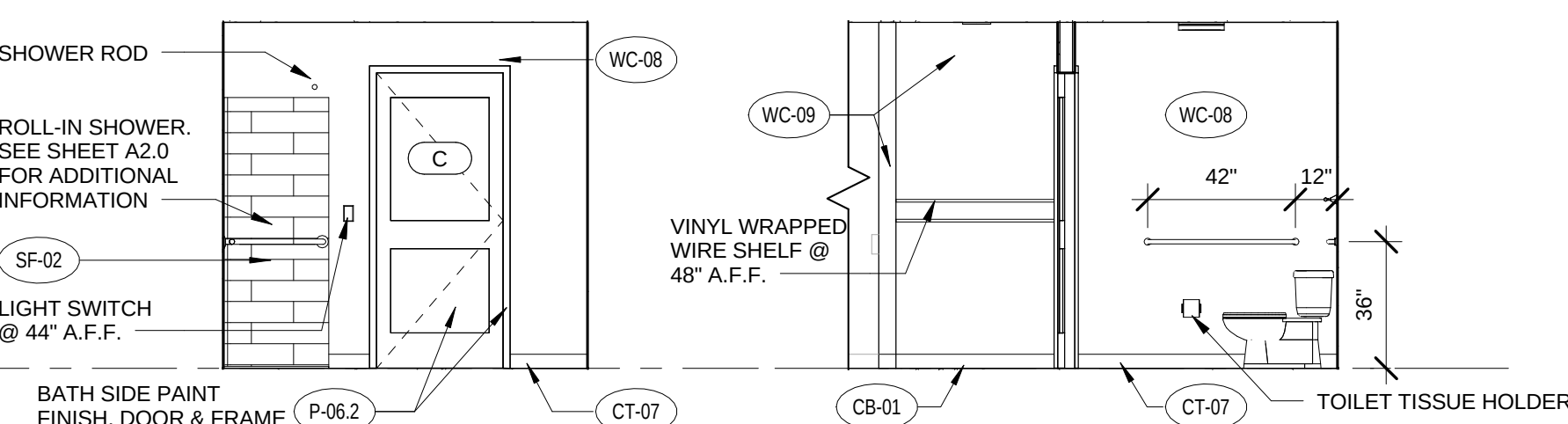
H KITCHEN ELEVATION
A2.2f 1/4" = 1'-0"



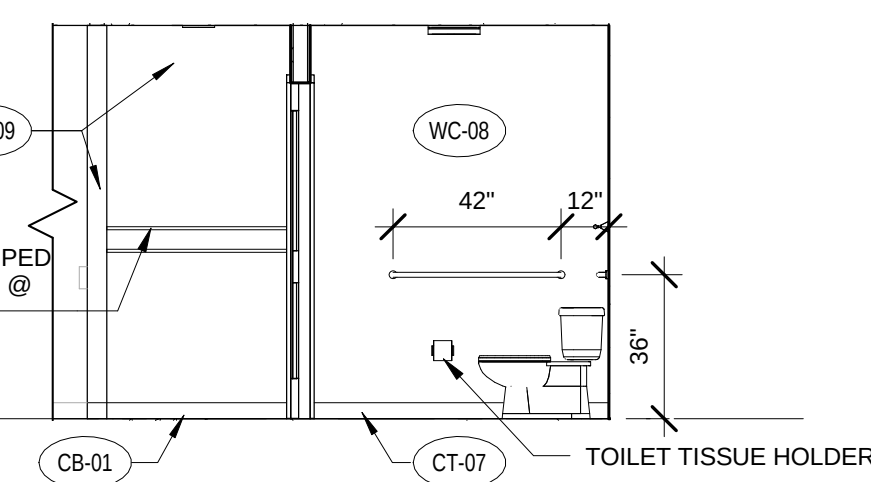
BATH ELEVATION 2 DETAIL CALL-OUT ADDED



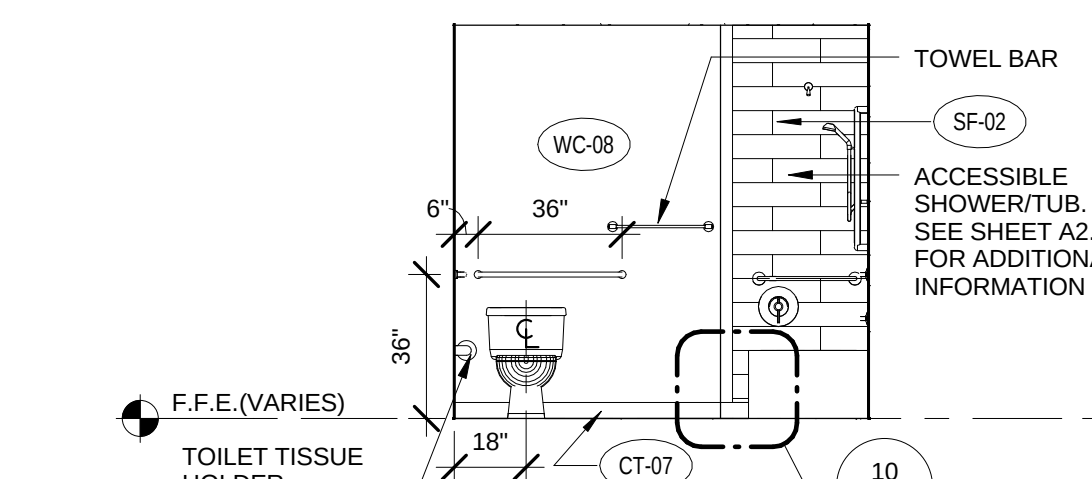
K1 BATH ELEVATION
A2.2f 1/4" = 1'-0"



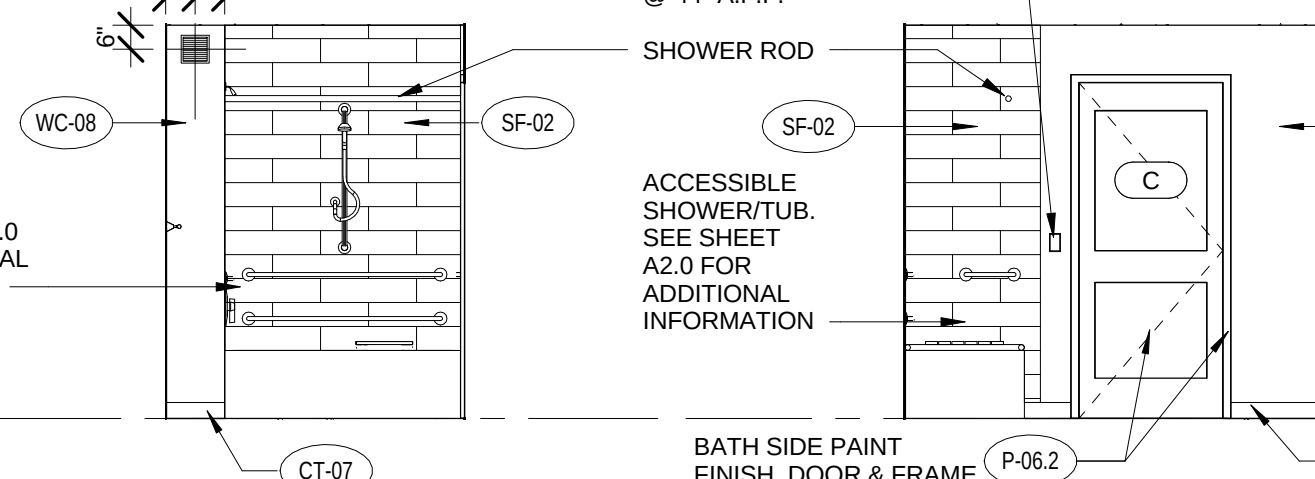
BATH ELEVATION



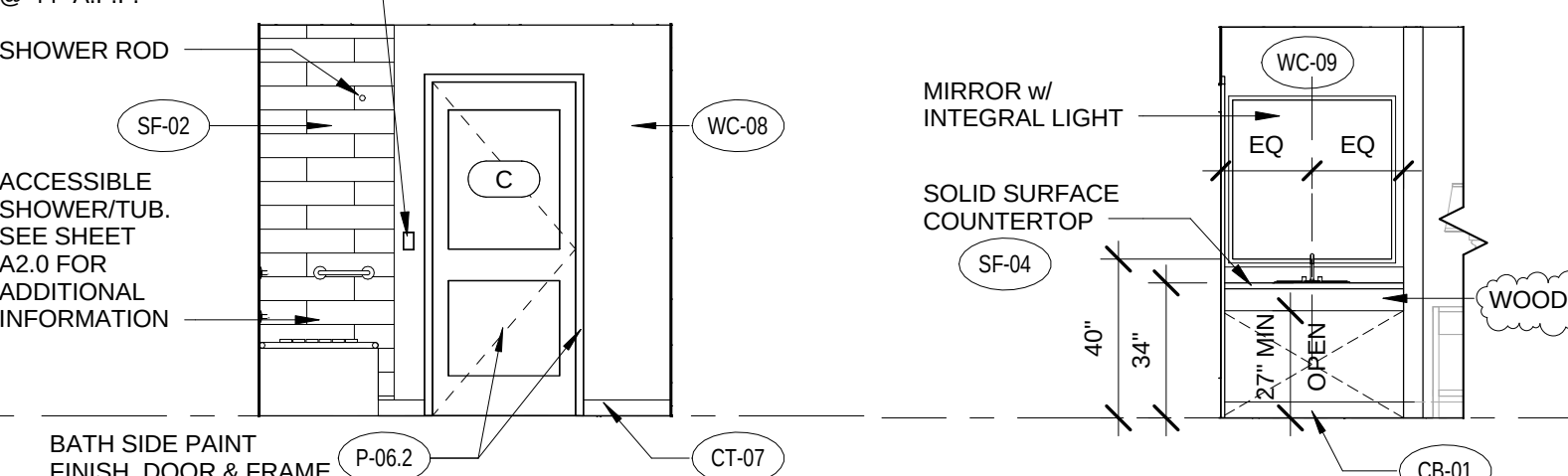
BATH ELEVATION
1/4" = 1'-0"



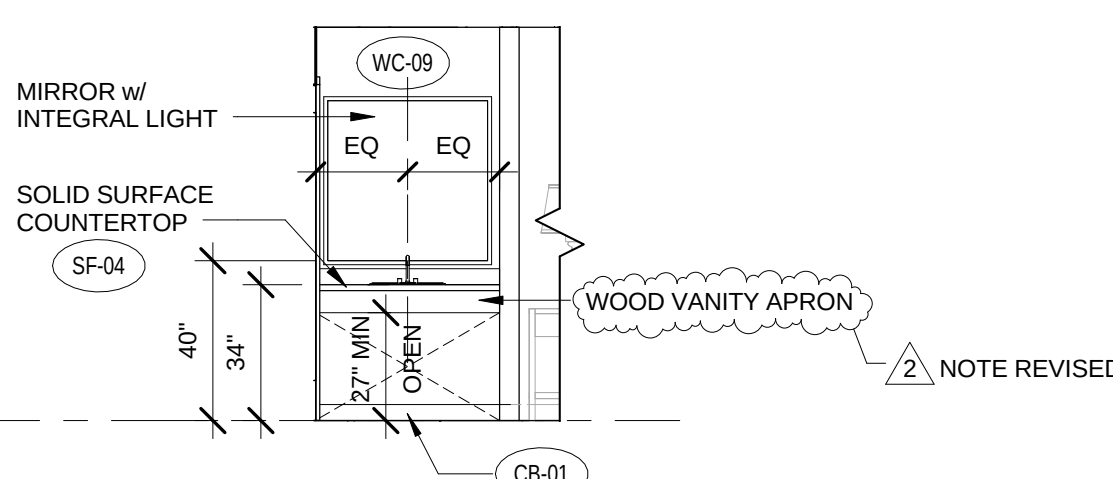
BATH ELEVATION 2 DETAIL CALL-OUT ADDED



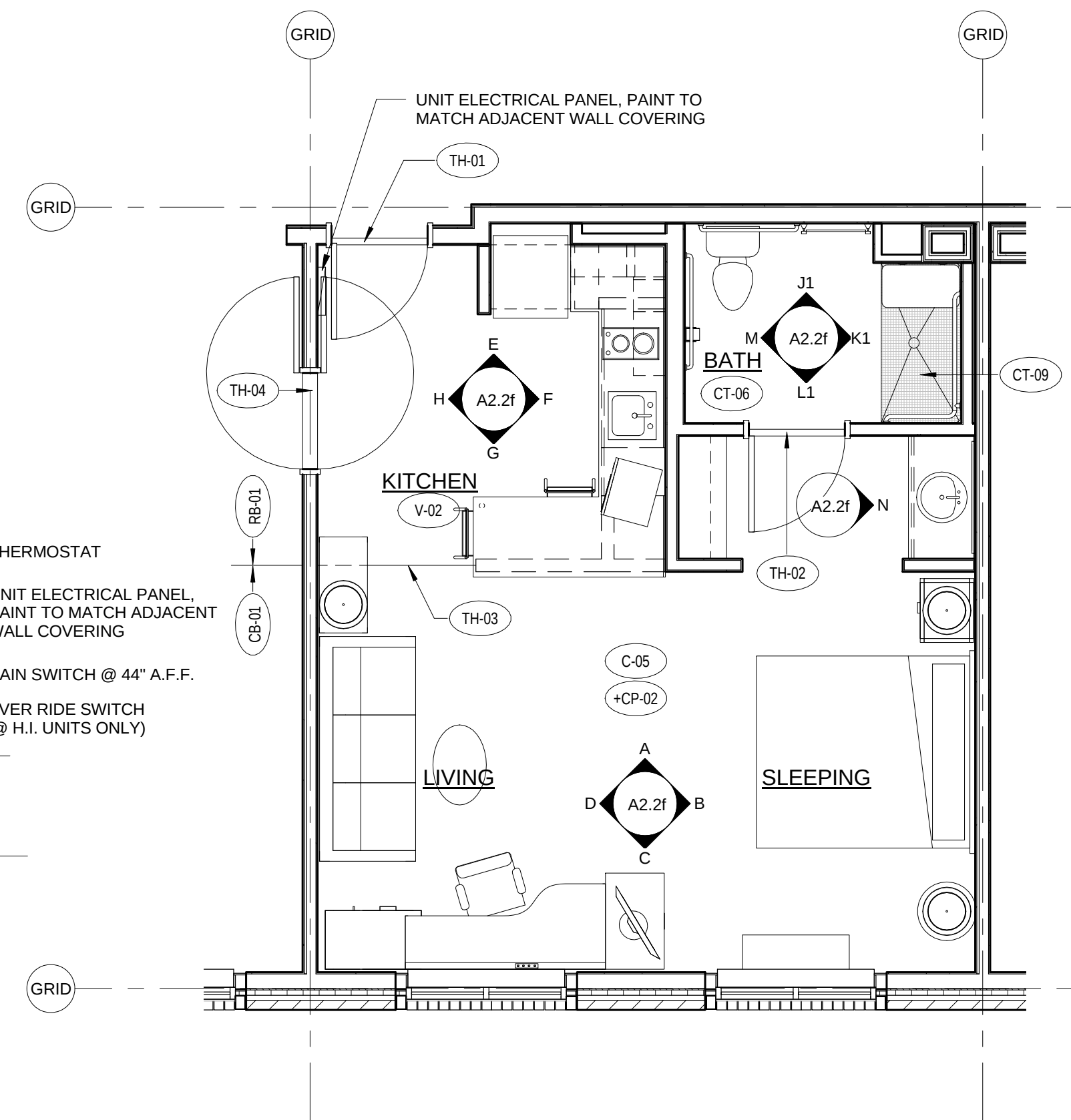
K2 BATH ELEVATION
A2.2f 1/4" = 1'-0"



BATH ELEVATION
1/4" = 1'-0"



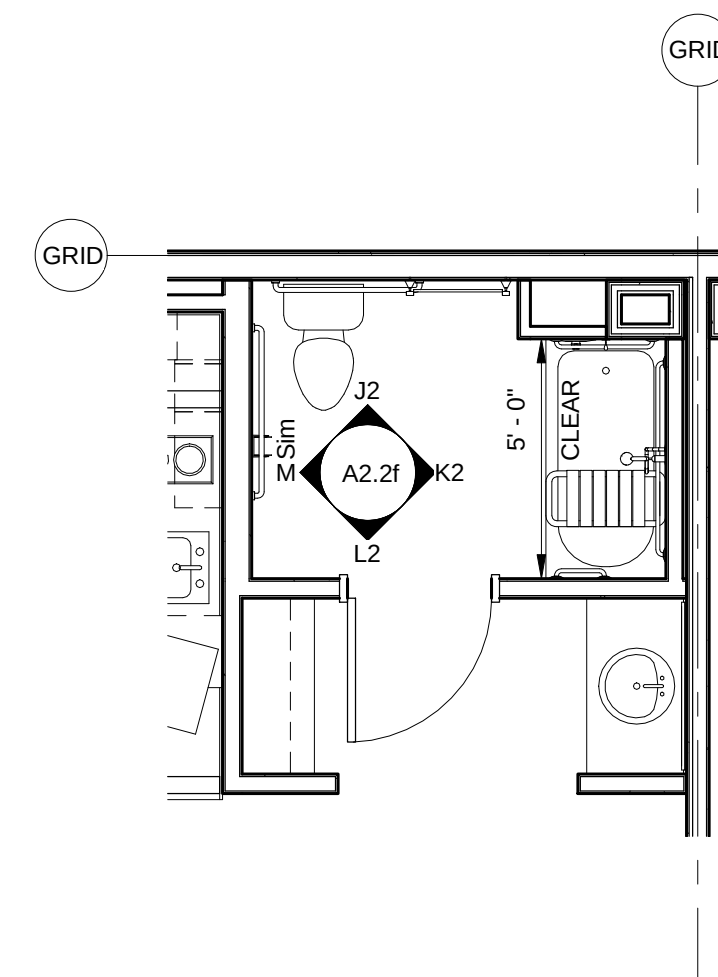
BATH ELEVATION



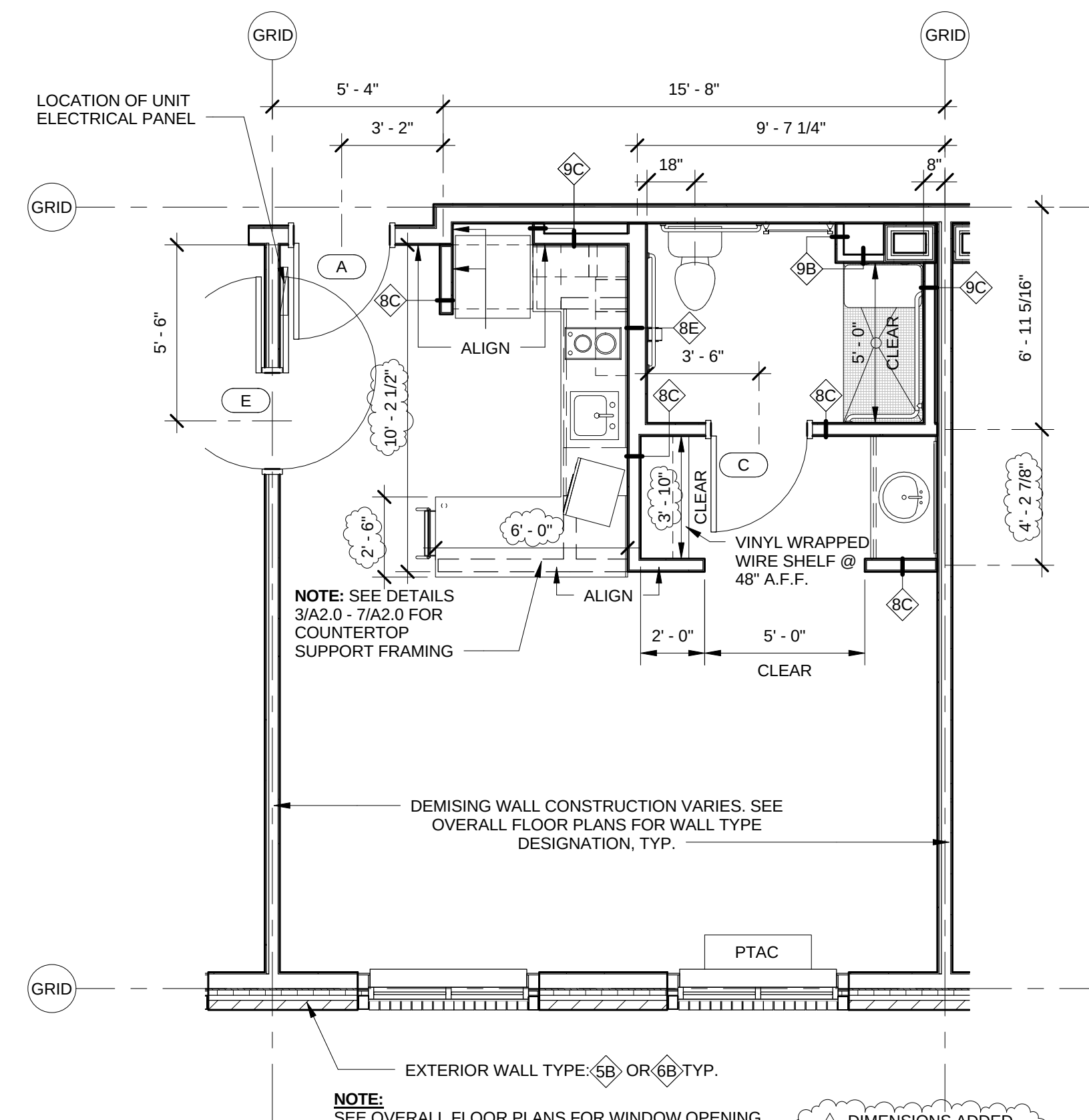
3 ACCESSIBLE STUDIO - INTERIOR DESIGN PLAN
A2.2f 1/4" = 1'-0"

PLAN GENERAL NOTES

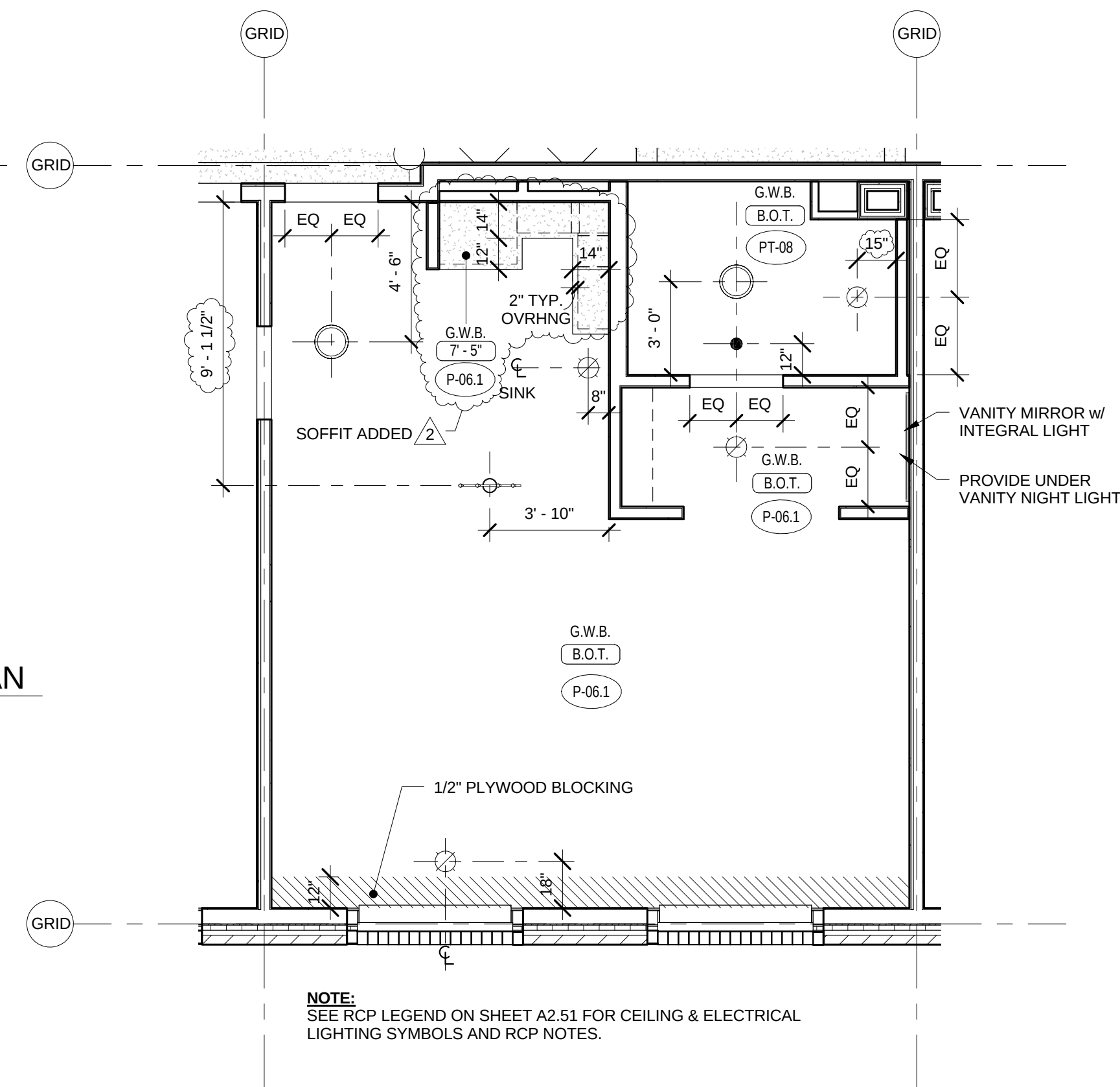
1. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH WORK.
11. ALL INDICATIONS AND NOTATIONS ON THE DRAWINGS APPLYING TO ONE AREA, COMPONENT OR CONDITION SHALL BE REPEATED ON OTHER SIMILAR AREAS UNLESS CAREFULLY INDICATED OTHERWISE.
12. DIMENSIONS ARE TAKEN FROM COLUMN CENTER LINE AND FROM PARTITION CENTERLINE, U.O.N. CLEAR DIMENSIONS ARE TO THE FINISHED FACE OF THE NEW CONSTRUCTION AND SHALL TAKE PRECEDENCE OVER ANY OTHER DIMENSION.
13. CORRIDOR WALLS TO BE TYPE "10" UNITS OTHERWISE NOTED.
14. DEMISING WALL PARTITIONS - REFER TO OVERALL FLOOR PLANS ON SHEETS A1.2 - A1.5.
15. WALL PARTITIONS TYPES - REFER TO WALL ASSEMBLY SHEETS A4.60 - A4.62.
16. FOR UNIT PLANS - REFER TO UNIT PLAN SHEETS A2.2a - A2.2g.
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19. FURNITURE SHOWN IS FOR REFERENCE ONLY, NOT IN CONTRACT.
20. PROVIDE BLOCKING AT ALL OWNER & BATHROOM ACCESSORIES INCLUDING BUT NOT LIMITED TO: TOILET, SINK, SHOWER, TUB, CLOSET, LINEN, ENTRY, HALL, ENTRY, TOWEL BARS, AND DISHWASHERS.
21. INSTALL NECESSARY BLOCKING IN BATHROOM WALLS FOR CURRENT AND FUTURE GRAB BARS.
22. BLOCKING CAN BE 16 GAUGE SHEET METAL, SOLID WOOD OR PLYWOOD.
23. DO NOT SCALE DRAWINGS - USE WRITTEN DIMENSIONS. WHERE NO DIMENSIONS ARE PROVIDED, CONSULT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.
24. ALL SINK, SHOWER, TUB, AND NAVIGATORY CABINET EQUIPMENT SHALL BE TYPICAL AT ALL UNITS.
25. INTERIOR DOORS ADJACENT TO CORNER OF ROOM - DIMENSION FROM FACE OF GYPSUM BOARD TO FRAME TO BE 6" (TYPICAL UNLESS DIMENSIONED OTHERWISE).
26. SEE SHEET A2.20 FOR TOILET ACCESSORY MOUNTING HEIGHTS.
27. WALL OUTLETS SHALL NOT OCCUR WITHIN 18" OF ANY ADJACENT GUESTROOMS. SEE DETAIL 8/A2.0 IF UNAVOIDABLE. PROVIDE PUTTY PACKS AROUND ELECTRICAL BOX.
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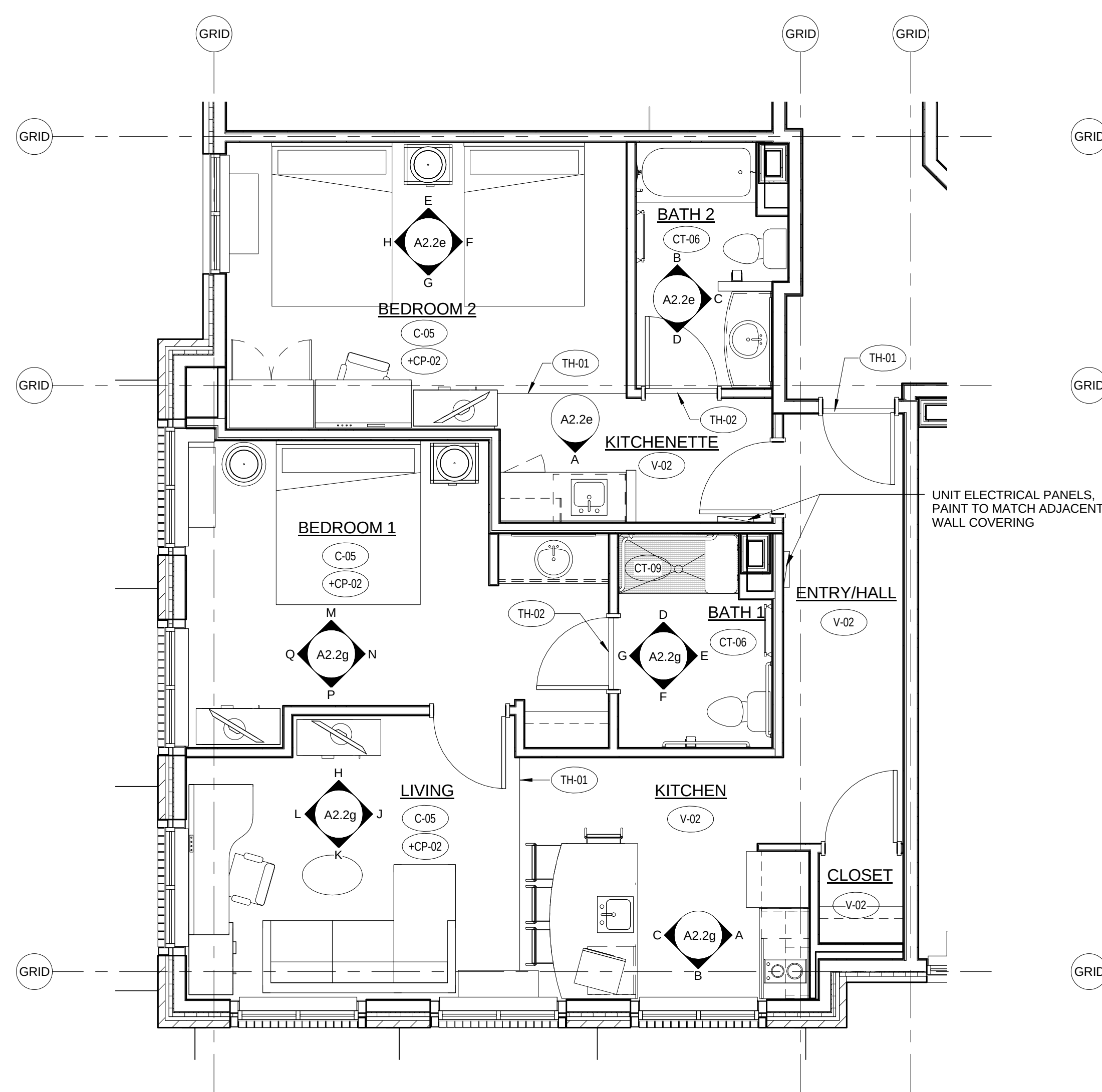
4 ALTERNATE BATHROOM PLAN
A2.2f 1/4" = 1'-0"



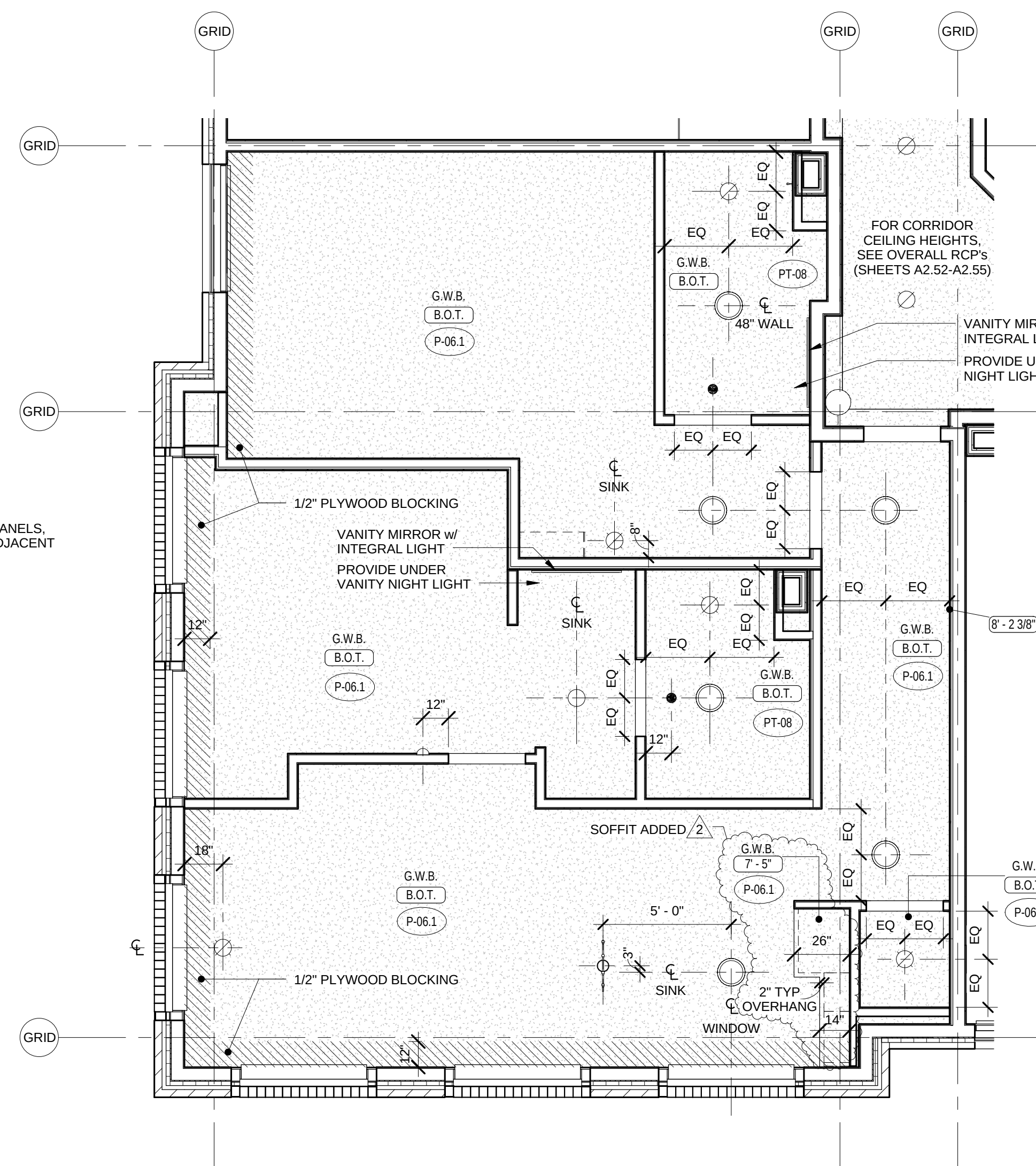
1 ACCESSIBLE STUDIO - TYPICAL FLOOR PLAN
A2.2f 1/4" = 1'-0"



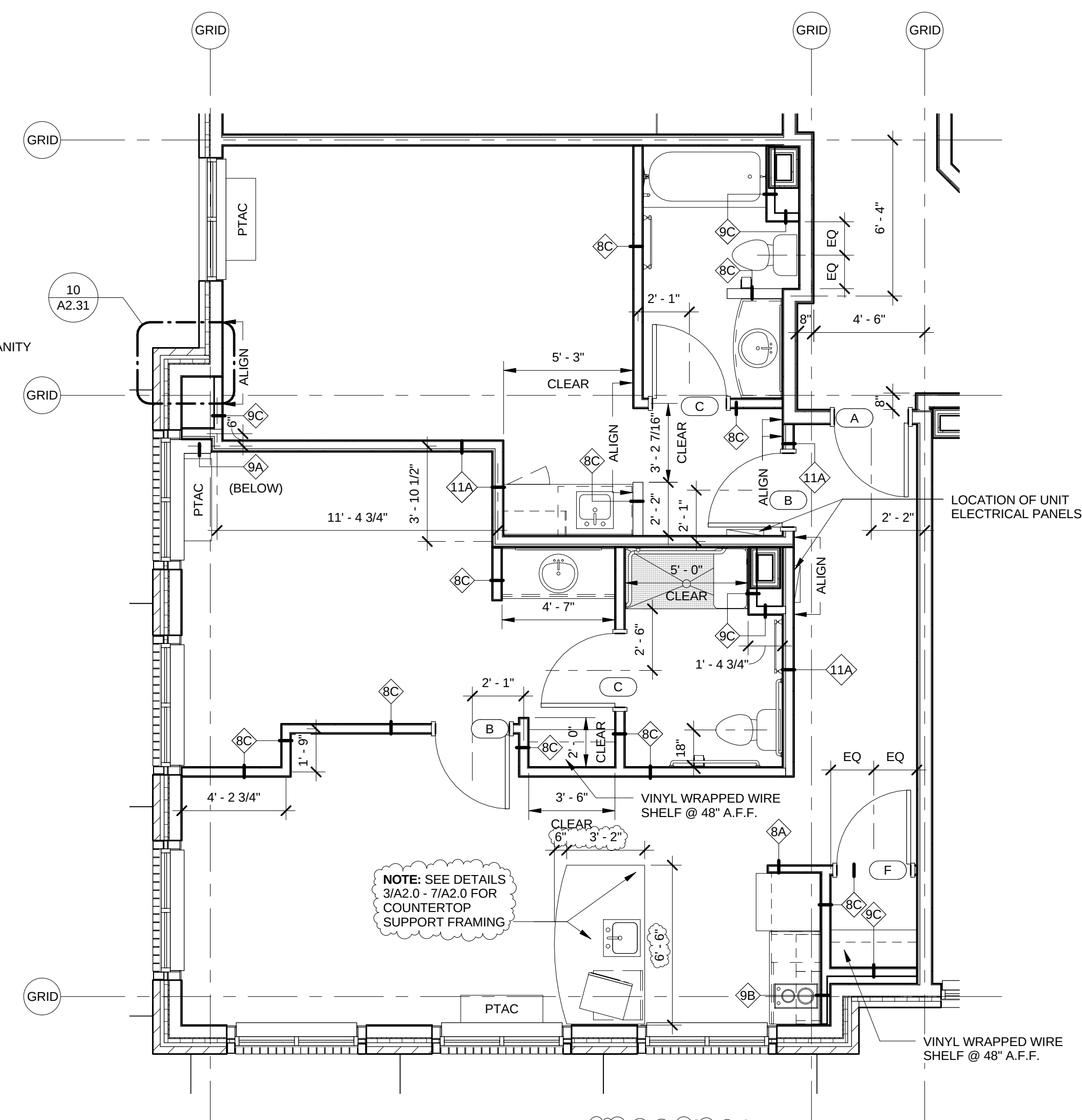
2 ACCESSIBLE STUDIO - TYPICAL RCP
A2.2f 1/4" = 1'-0"



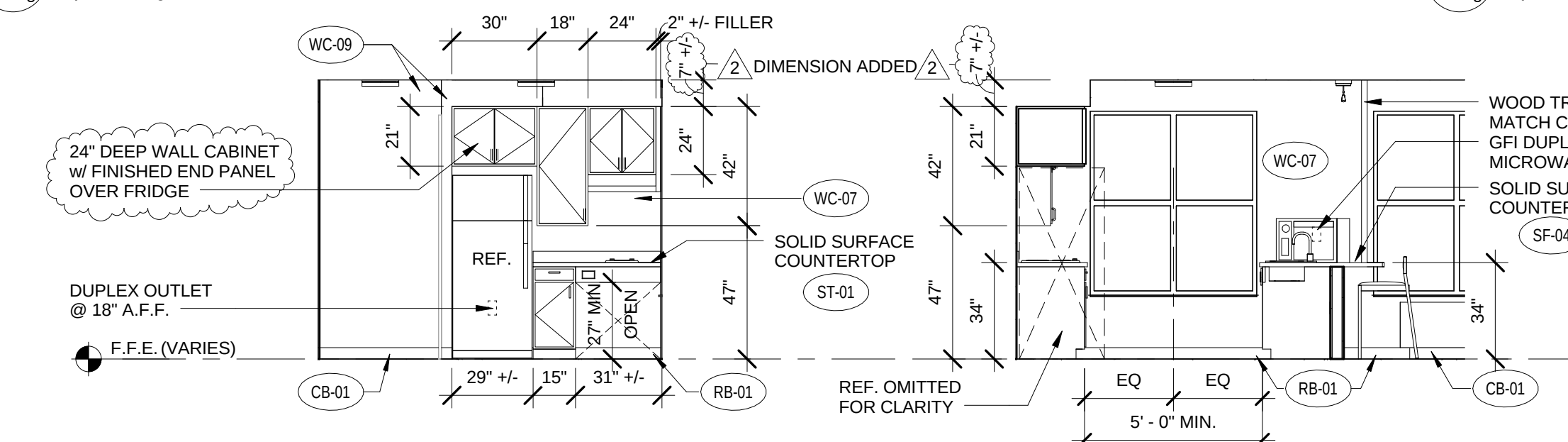
3 ACCESSIBLE 2 BEDROOM - INTERIOR DESIGN PLAN
A2.2g 1/4" = 1'-0"



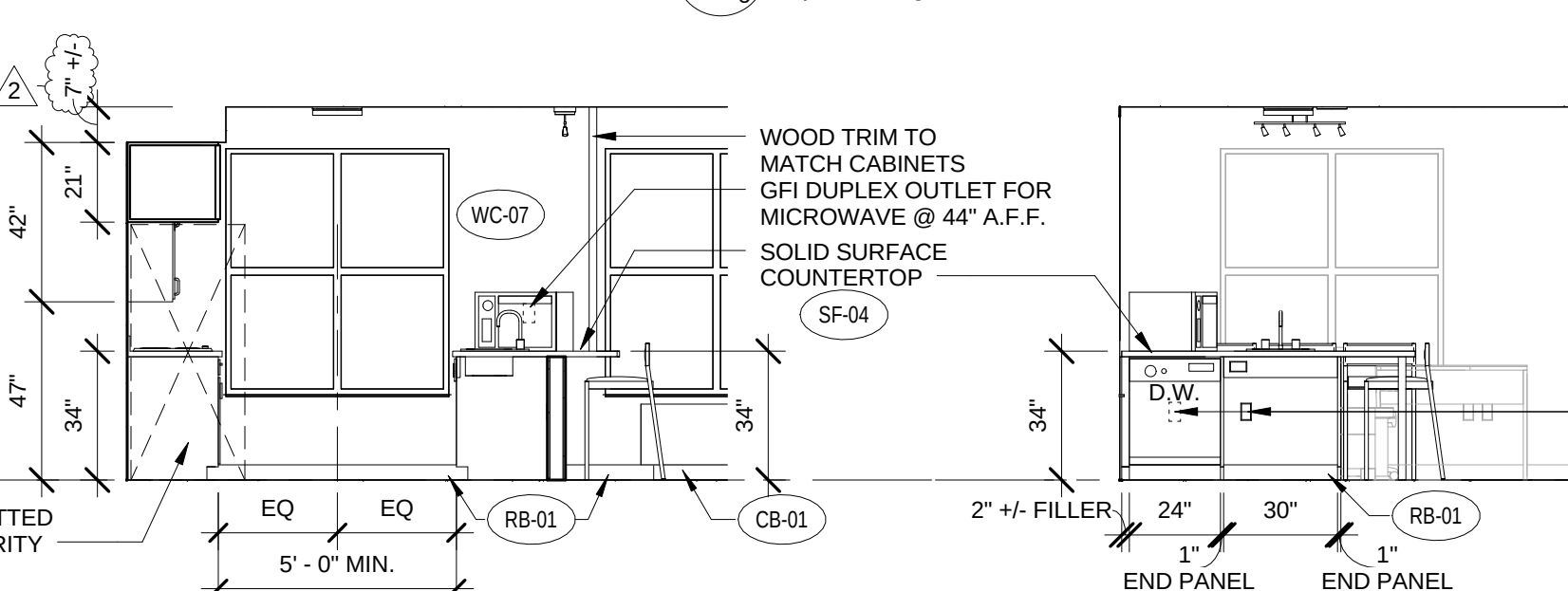
2 ACCESSIBLE 2 BEDROOM - RCP
A2.2g 1/4" = 1'-0"



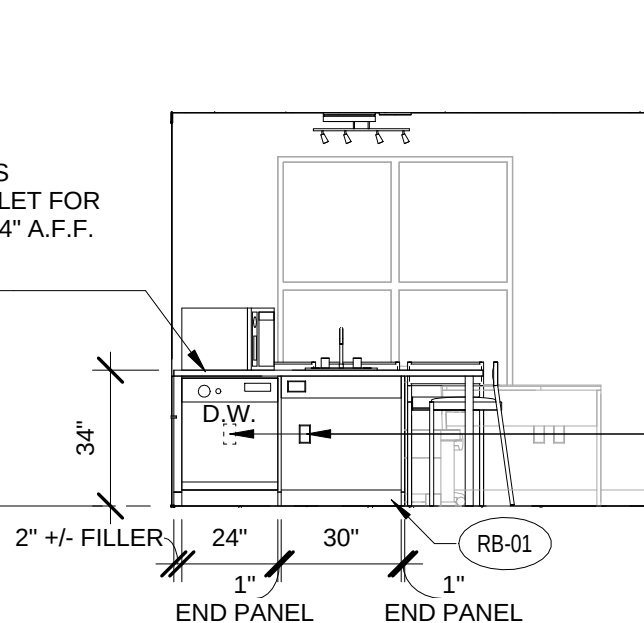
1 ACCESSIBLE 2 BEDROOM - FLOOR PLAN 2 DIMENSIONS ADDED
A2.2g 1/4" = 1'-0" DIMENSIONS REVISED AREA: 972 FT.²



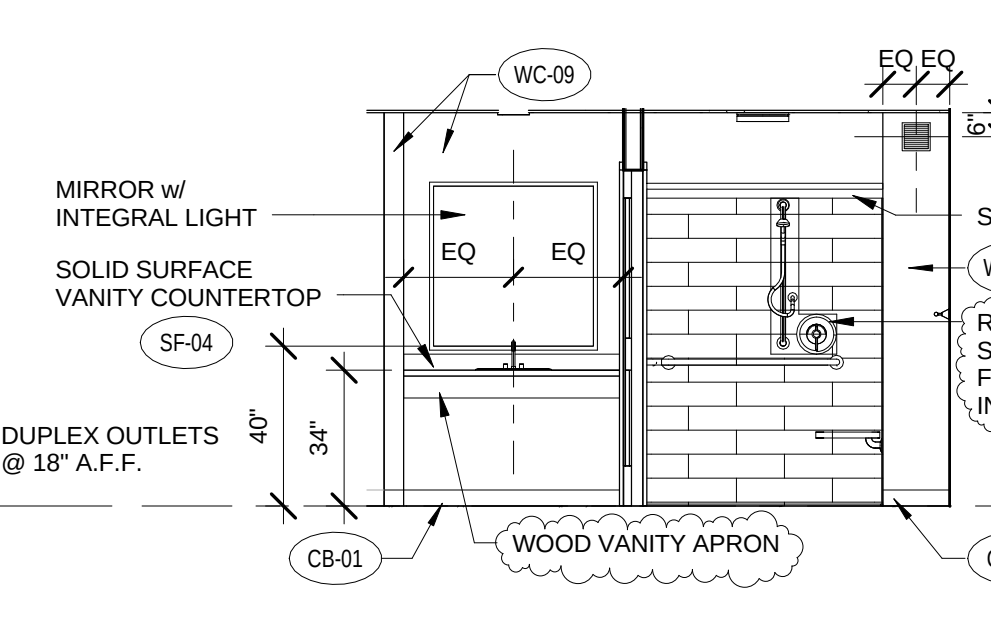
KITCHEN ELEVATION 2 SOFFIT ADDED
CABINET SIZE CHANGE



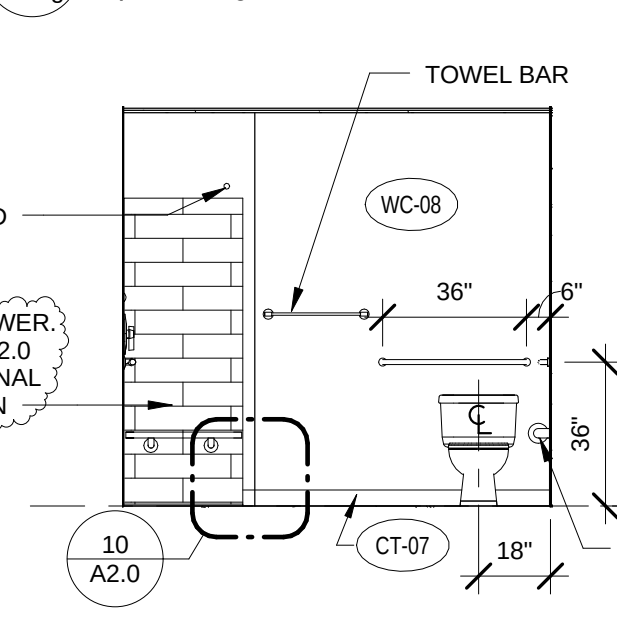
B KITCHEN ELEVATION
A2.2g 1/4" = 1'-0"



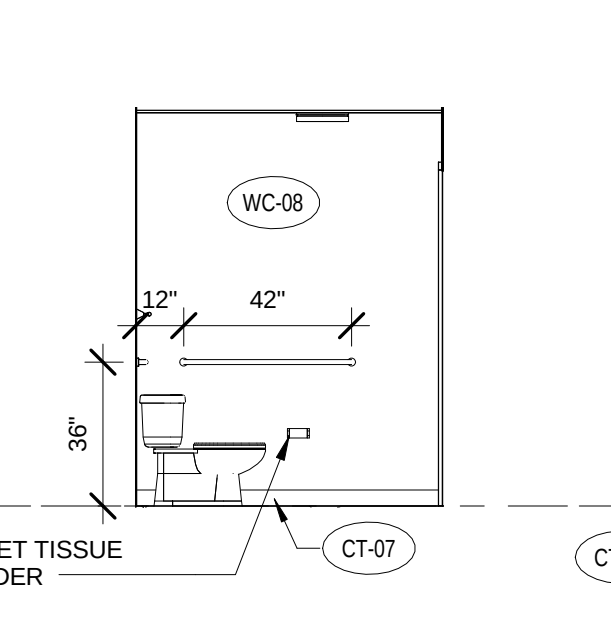
KITCHEN ELEVATION



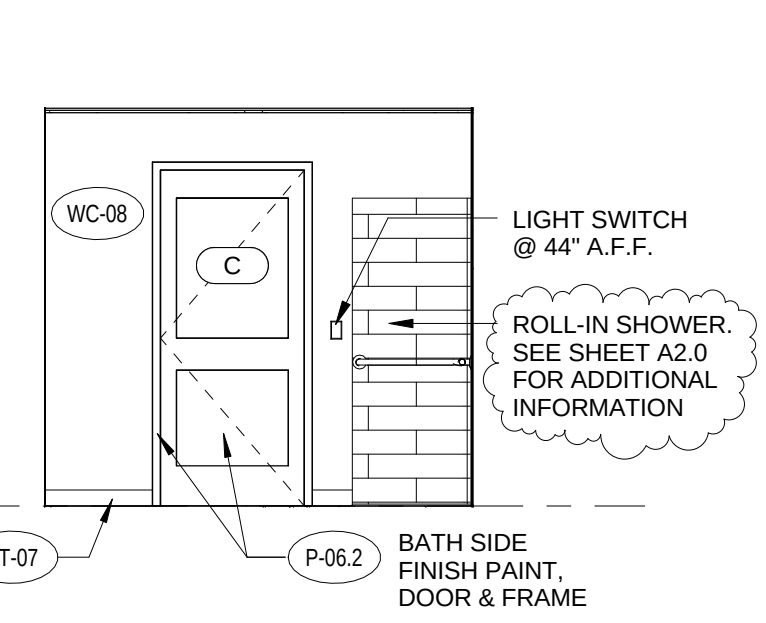
BATH ELEVATION 2 NOTES REVISED



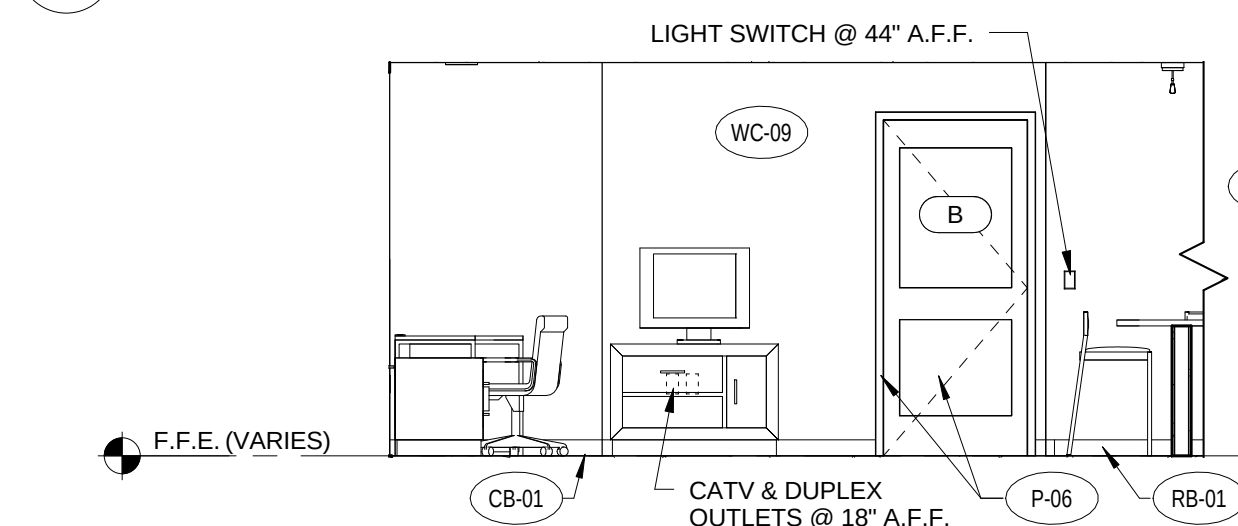
BATH ELEVATION



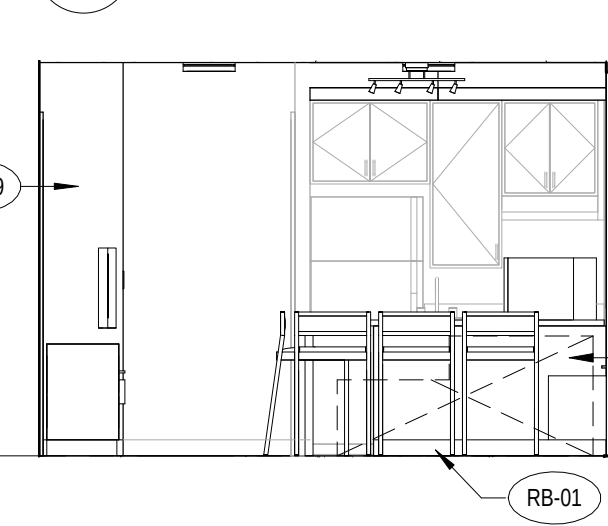
BATH ELEVATION



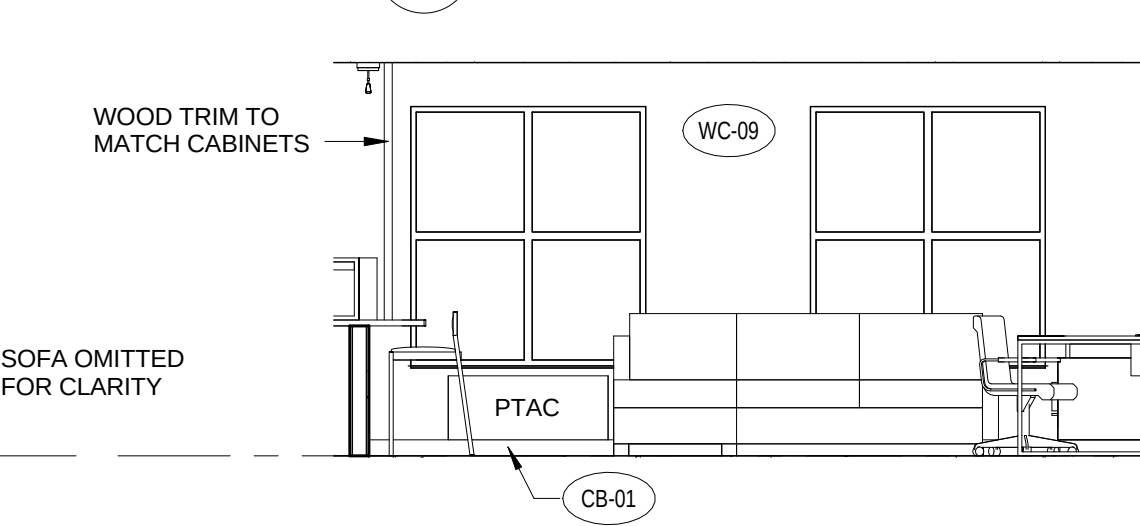
BATH ELEVATION 2 NOTE REVIS



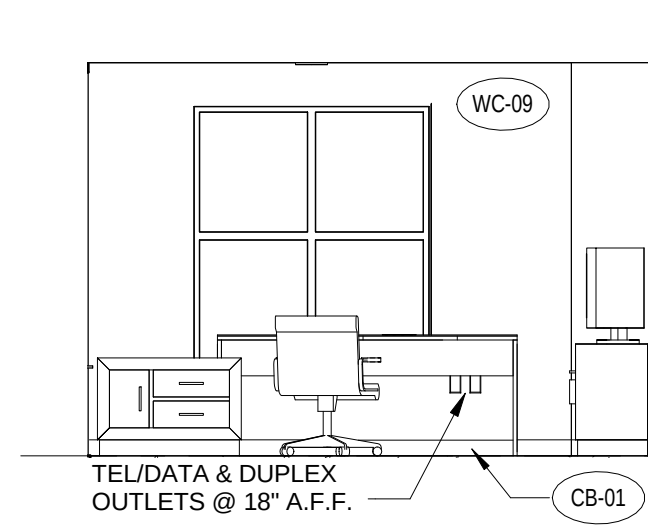
LIVING ELEVATION
 $1/4" = 1'-0"$



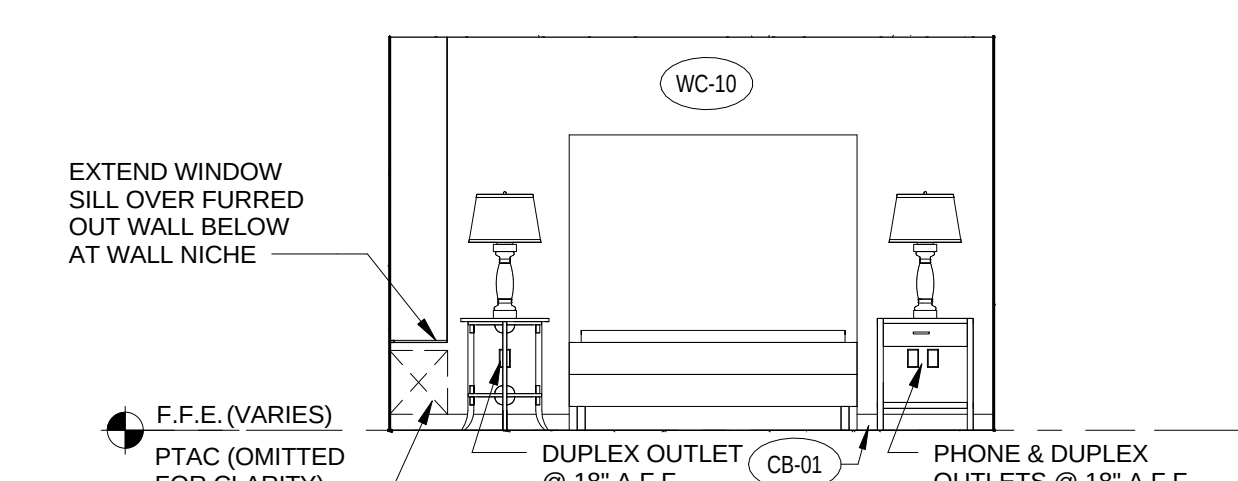
LIVING ELEVATION
1/4" = 1'-0"



LIVING ELEVATION
1/4" = 1'-0"



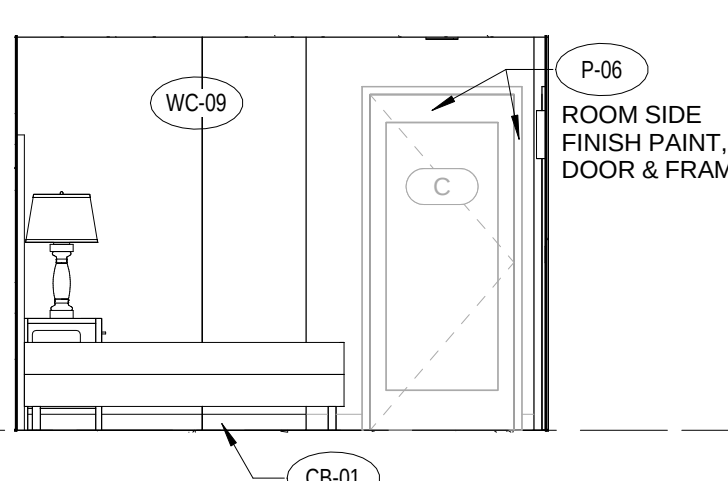
LIVING ELEVATION
1/4" = 1'-0"



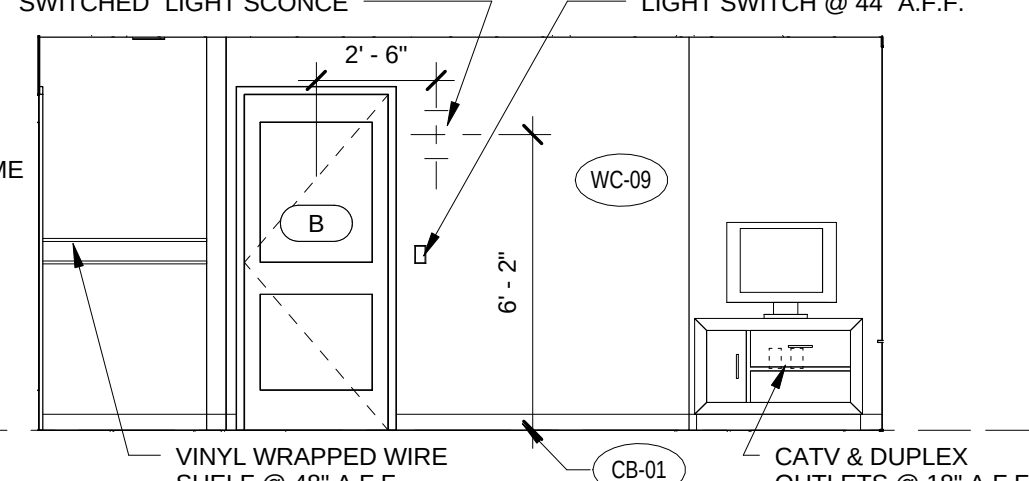
M
A2.2g

BEDROOM ELEVATION

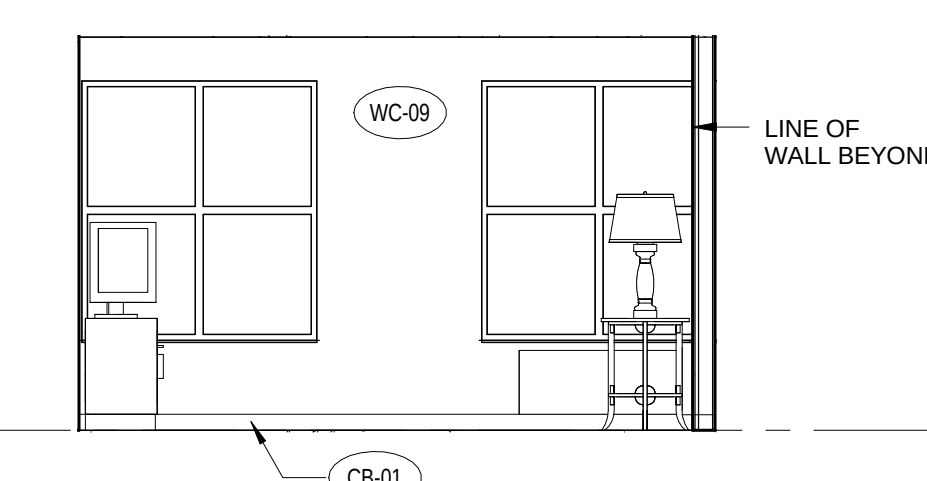
1/4" = 1'-0"



BEDROOM ELEVATION
1/4" = 1'-0"



BEDROOM ELEVATION



Q BEDROOM ELEVATION
2.2g 1/4" = 1'-0"

PLAN GENERAL NOTES

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15. PROVIDE 1X SCREWS TO LAVATORY CABINETS & WALL CUPBOARD AT ALL UNITS.
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FINISHES REVISED $\frac{1}{2}$

CORPORATE VOTE

The Board of Directors or LLC Managers of

Needham 365 Bev., LLC

Entity Name

duly voted to apply to the Licensing Authority of

Needham

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

4/2/2021

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Navin Dimond

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

Corporate Officer /LLC Manager Signature

Navin C. Dimond

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Office of the
SELECT BOARD

TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

LEGAL NOTICE

TOWN OF NEEDHAM

Application for Alteration of Licensed Premises in an All Alcoholic License in a Hotel

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Needham 365 Bev, LLC, LLC, d/b/a Residence Inn, Michael Gendrin, Manager, has applied for an alteration of licensed premises of the following kind: To expand licensed premises to include the hotel rooms and the market area – the market area would provide retail options for the hotel's customers. The hotel is located at 80 B Street, Needham.

IT IS ORDERED that a public hearing be held for said application via zoom on May 11, 2021 at 6:00 p.m. The Select Board invites all residents and interested parties to provide input at this meeting by raising your hand when appropriate during the hearing.

Zoom information: <https://us02web.zoom.us/j/89093905788>, or One tap mobile :

US: +13017158592,,89093905788# or +13126266799,,89093905788#

Or Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 Webinar ID: 890 9390 5788

Select Board
Licensing Board for the Town of Needham

To be published:
Needham Times
April 29, 2021

SXC NEEDHAM INN LLC
C/O THE LIGHTHOUSE GROUP
1985 CEDAR BRIDGE AVE STE 1
ATTN: SUSANNE WERNER
LAKEWOOD, NJ 08701

NEEDHAM EXPRESS LIMITED
C/O DANAC LLC
5404 WISCONSIN AVE
SUITE 301
CHEVY CHASE, MD 20815

117 KENDRICK DE, LLC
116 HUNTINGTON AVE STE
C/O BULLFINCH COMPANIES INC
BOSTON, MA 02116

COCA COLA BEVERAGES
1 EXECUTIVE PARK DR.
BEDFORD, NH 03110

NEEDHAM TRAVEL PROPERTY
400 FIRST AVE
ATTN: NORMANDY REAL ESTATE ATTN:
NEEDHAM, MA 02494

NORMANDY GAP-V
NEEDHAM,LLC
53 MAPLE AVE
MORRISTOWN, NJ 07960-5219

NORMANDY GAP-V
NEEDHAM, LLC
53 MAPLE AVE
MORRISTOWN, NJ 07960-5219

300 FIRST AVE REALTY LLC
180 WELLS AVE STE 100
NEWTON, MA 02459

FIRST NEEDHAM DE, LLC
116 HUNTINGTON AVE STE 600
BOSTON, MA 02116

FORTY A LIMITED
P.O. BOX 95
WESTWOOD, MA 02090

DIGITAL 128 FIRST
128 FIRST AVE
NEEDHAM, MA 02494

PARTNERS HEALTHCARE
PRUDENTIAL TOWER 800
BOYLSTON ST.
SUITE 1150
BOSTON, MA 02119

HATOUN, ANTOINE G.,
THE INTEX REALTY TRUST
110 A ST
NEEDHAM, MA 02494

150A #1 LIMITED
100 GALEN ST SUITE 301
WATERTOWN, MA 02472

CLAREMONT NEEDHAM SUITES
ONE LAKESHORE CT
BRIDGEWATER, MA 02324

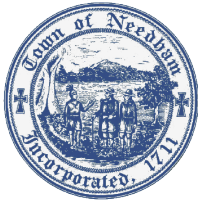
NICOLAZZO, CHARLES G. &
BIGELOW REALTY TRUST
50 TOWER RD
NEWTON, MA 02464

MCPF-NEEDHAM LLC
1 MET LIFE WAY ATTN: GENERAL
WHIPPANY, NJ 07981

NBCBOSTON REAL ESTATE LLC
ATTN: PROPERTY TAX
ONE COMCAST CENTER 32ND
FLOOR
PHILADELPHIA, PA 19103

NEEDHAM NINE OWNER LLC
C/O NORMANDY REAL ESTATE
53 MAPLE AVE
MORRISTOWN, NJ 07960

NEEDHAM RESIDENTIAL LLC
ATTN: SCOTT OSBORNE C/O
250 GIBRALTAR RD
HORSHAM, PA 19044

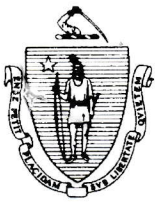


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/11/2021

Agenda Item	Change of Manager – Needham Golf Club
Presenter(s)	Michael Moffett, Proposed Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Needham Golf Club, 49 Green Street, has submitted an application for a change in manager to Mr. Michael Moffett. Our review indicates that Mr. Moffett meets the statutory requirements to serve as a manager of a Club facility licensed to dispense alcohol.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: <i>Move that the Select Board (approve / deny) application for a Change in Manager to Michael Moffett for the Needham Golf Club, 49 Green Street. If approved, forward this application to the ABCC for its review and final approval.</i>	
3.	BACK UP INFORMATION ATTACHED
1. Amendment Application for a Change of Manager 2. Applicant's Statement 3. TIPS Certification 4. Vote of the Corporate Board All other documents related to these transactions are on file in the Town Manager's Office.	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Needham Golf Club Inc

Needham

00006-CL-0770

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Michael Moffett

Food and Beverage Manager

mmoffett112@gmail.com

978-551-1185

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name

Michael Moffett

Date of Birth

[REDACTED]

SSN

[REDACTED]

Residential Address

121 West Jenness Street Lowell MA 01851

Email

mmoffett112@gmail.com

Phone

978-551-1185

Please indicate how many hours per week you intend to be on the licensed premises

50

Last-Approved License Manager

Brenda Budge

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers. Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2/2014	4/2019	Clubhouse Manager	North Andover Country Club	Jeff Isbell
4/2019	5/2020	Food and Beverage Manager	Oakley Country Club	Abbie Pingitore

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

Michael Moffett

Date

3/24/2021

APPLICANT'S STATEMENT

I, Michael Moffett the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Needham Golf Club
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Michael Moffett

Date: 3/24/2021

Title: Food and Beverage Manager



eTIPS Off Premise 3.1

CERTIFIED

Issued: 3/16/2021

Expires: 3/16/2024

ID#: 5440528

Michael Moffett
121 W Jenness St
Lowell, MA 01851-4822

For service visit us online at www.gettips.com



eTIPS On Premise 3.1

CERTIFIED

Issued: 3/19/2021

Expires: 3/19/2024

ID#: 5442153

Michael Moffett
121 W Jenness St
Lowell, MA 01851-4822

For service visit us online at www.gettips.com

CORPORATE VOTE

The Board of Directors or LLC Managers of Needham Golf Club
Entity Name

duly voted to apply to the Licensing Authority of Needham and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 3/16/2021
Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

Richard A. Zimbardo

“VOTED: To authorize ☐ ~~Richard A. Zimbardo~~

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

“VOTED: To appoint Michael J. Moffett

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

Richard C. Zimbardo
Corporate Officer /LLC Manager Signature

Richard A. Zimbardo
(Print Name) President

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Matthew Kane
(Print Name)



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/11/2021

MEETING DATE: 4/27/2021 (applicant requested move to 5/11/21)

Agenda Item	Public Hearing- (continued from March 23, 2021 & April 27, 2021) New All Alcoholic Retail Package Store License for Gordon's Fine Wines of Needham, Inc. (150 Gould Street)
Presenter(s)	David Gordon, Proposed Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Mr. Gordon has submitted an application for an All Alcoholic Retail Package Store License for Gordon's Fine Wines of Needham, Inc., d/b/a Gordon's Fine Wine, proposed to be located at 150 Gould Street, in space currently leased but not used by Bakers' Best, Inc. The facility will consist of 10,800 square feet all on one floor, with approximately 500 square feet that will be used for retail space and the remaining space to be used for storage. There is one entrance located at the front and two exits located on the property. The business model will be mostly delivery to customers. Mr. Gordon expects very little walk in traffic.
2.	VOTE REQUIRED BY SELECT BOARD
	Suggested Motion: That the Select Board (approve / deny) the application for a new All Alcohol Retail Package Store License under the Town of Needham Rules and Regulations Applicable to Package Stores for Gordon's Fine Wines of Needham, Inc, d/b/a Gordon's Fine Wine David Gordon, Manager. If approved, vote to forward the approved Alcohol License application to the ABCC for its review and final approval.
3.	BACK UP INFORMATION ATTACHED
	1. Agenda Fact Sheet from March 23, 2021 Select Board Meeting 2. Retail Application for License 3. Business Entity Summary/Articles of Incorporation 4. Corporate Vote 5. Tip Certifications 6. Floorplan 7. Business Certificate 8. Sub Lease Agreement 9. Proposed Concept 10. Legal Notice Information All other pertinent documents relative to the application that need to be forwarded to the ABCC are on file in the Town Manager's Office.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 03/23/2021

Agenda Item	Public Hearing New Retail All Alcohol License – Gordons Fine Wines
Presenter(s)	David Gordon, Proposed Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Gordons Fine Wines has submitted an application for a new retail all alcohol license to be located at 150 Gould Street. This hearing has been publicly noticed and abutter notifications have been sent. The Board will open and continue this hearing to its April 27, 2021 meeting in order to allow the new member(s) to the Board to hear and partake in the vote on the application. Mr. Gordon has agreed to the continuation date.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>None.</i>	
3.	BACK UP INFORMATION ATTACHED
none	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street Boston, MA 02114
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

Needham, MA

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

Off-Premises-15

TYPE

\$15 Package Store

CATEGORY

Wines and Malt Beverages

CLASS

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

This location of Gordon's Fine Wine will act as a logistics center and consultative sales facility. They will offer delivery services from the location, to serve their vast next day delivery clientele, as well as a small consultative sales area that will cater to event planning needs, as well as, fine wine consultations. Please see Exhibit A for additional concept information.

Is this license application pursuant to special legislation?



Yes



No

Chapter

207

Acts of

2012

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Gordons Fine Wines of Needham, Inc.

FEIN

83-2026263

DBA

Gordon's Fine Wine

Manager of Record

David Gordon

Street Address

150 Gould Street, Needham, MA 02494

Phone

TBD

Email

dgordon@gordonswine.com

Alternative Phone

TBD

Website

TBD

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

On one floor consisting of a warehouse and consultative/retail space (+/-10,800 S.F.).

Total Square Footage: +/- 10,800

Number of Entrances: 1

Seating Capacity: N/A

Number of Floors

1

Number of Exits:

2

Occupancy Number: TBD

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Stephen V. Miller, Esq.

Phone:

617-946-4600

Title:

Attorney

Email:

smiller@mqmlp.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	Corporation	Date of Incorporation	Sep 21, 2018
State of Incorporation	Massachusetts	Is the Corporation publicly traded? ☐ Yes ☒ No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Richard Gordon	72 Redwood Rd, Newton Ma 02459	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
President, Secretary, Treasurer, Director	100%	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident	☒ Yes ☐ No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident	☐ Yes ☐ No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident	☐ Yes ☐ No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident	☐ Yes ☐ No		

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
Please provide a copy of the management agreement.

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Richard Gordon	\$15 Package Store	Gordon's Fine Wines and Liquors of, Inc.	Boston, MA
Richard Gordon	\$15 Package Store	Gordon's Waltham Pack, Inc.	Waltham, MA
Richard Gordon	\$15 Package Store	Gordon's Liquor, Inc.	Waltham, MA

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Richard Gordon	Distributor	N.P. Beverage Corp.	Lawrence, MA
Richard Gordon	Distributor	Constadine Boston Distributing Co., Inc.	Westwood, MA

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name Bakers' Best, Inc.

Landlord Phone N/A

Landlord Email N/A

Landlord Address 150 Gould Street, Needham, MA 02494

Lease Beginning Date

*See Lease Paragraph 1 for Commencement Date

Rent per Month

38,824.25

Lease Ending Date

Month to Month

Rent per Year

465,891

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	0
B. Purchase Price for Business Assets	\$50,000
C. Other (Please specify)	0
D. Total Cost	\$50,000

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Gordon's Fine Wines	\$50,000.00
Total	\$50,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
N/A	N/A	N/A	☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Financial contributions will be provided through existing funds of the corporation.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

SECTION 6A: INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE (continued)

Name	License Type	License Name	Municipality
Richard Gordon	\$15 Package Store	Watertown Family Liquor Store, Inc.	Watertown, MA
Richard Gordon	\$15 Package Store	Gordon's Liquors of Newton, Inc.	Newton, MA

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name David Gordon

Date of Birth

SSN

Residential Address

142 Bridle Trail Road, Needham, MA 02451

Email

dgordon@gordonswine.com

Phone

617-680-2003

Please indicate how many hours per week you intend to be on the licensed premises

40+

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
March 2000	Present	Vice President	Gordon's Fine Wines & Liquors, Inc.	Richard Gordon

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature



Date

March 1st, 2021



William Francis Galvin
Secretary of the Commonwealth of Massachusetts



Corporations Division

Business Entity Summary

ID Number: 001347163

[Request certificate](#)

[New search](#)

Summary for: GORDONS FINE WINES OF NEEDHAM, INC.

The exact name of the Domestic Profit Corporation: GORDONS FINE WINES OF NEEDHAM, INC.

Entity type: Domestic Profit Corporation

Identification Number: 001347163

Date of Organization in Massachusetts:
09-24-2018

Last date certain:

Current Fiscal Month/Day: 09/30

The location of the Principal Office:

Address: 72 REDWOOD ROAD

City or town, State, Zip code, NEWTON, MA 02459 USA

Country:

The name and address of the Registered Agent:

Name: RICHARD GORDON

Address: 72 REDWOOD ROAD

City or town, State, Zip code, NEWTON, MA 02459 USA

Country:

The Officers and Directors of the Corporation:

Title	Individual Name	Address
PRESIDENT	RICHARD GORDON	72 REDWOOD ROAD NEWTON, MA 02459 USA
TREASURER	RICHARD GORDON	72 REDWOOD ROAD NEWTON, MA 02459 USA
SECRETARY	RICHARD GORDON	72 REDWOOD ROAD NEWTON, MA 02459 USA
DIRECTOR	RICHARD GORDON	72 REDWOOD ROAD NEWTON, MA 02459 USA

Business entity stock is publicly traded:

The total number of shares and the par value, if any, of each class of stock which this business entity is authorized to issue:

Class of Stock	Par value per share	Total Authorized		Total issued and outstanding
		No. of shares	Total par value	No. of shares
CNP	\$ 0.00	275,000	\$ 0.00	100

Consent	Confidential Data	Merger Allowed	Manufacturing
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View filings for this business entity:

ALL FILINGS

Administrative Dissolution

Annual Report

Application For Revival

Articles of Amendment

Articles of Certificate of Incorporation

[View filings](#)

Comments or notes associated with this business entity:

[New search](#)

CORPORATE VOTE

The Board of Directors or LLC Managers of

Gordons Fine Wines of Needham, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Needham, MA

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Feb 25, 2021

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

"VOTED: To authorize

Richard Gordon

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

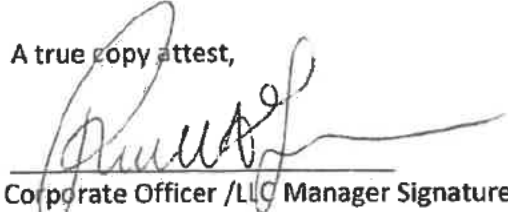
"VOTED: To appoint

David Gordon

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer / LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.

Congratulations!

This card certifies that you have successfully completed the TIPS (Training for Intervention ProcedureS) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



Sincerely,

Adam F. Chafetz
TIPS President

ID#: 4909533 Name: David M Gordon
Exam Date: 9/25/2018 Expiration Date: 9/25/2021



eTIPS Off Premise 3.0

CERTIFIED

Issued: 9/25/2018
ID#: 4909533

Expires: 9/25/2021

David M Gordon
Gordons Fine Wines and Liquors
894 Main St
Waltham, MA 02451-7401

For service visit us online at www.gettips.com

SUBLEASE

This Sublease (this "Sublease") is made effective as of the 1st day of March, 2021 (the "Effective Date"), by and between Bakers' Best, Inc., a Massachusetts corporation ("Sublessor") and Gordons Fine Wines of Needham, Inc., a Massachusetts corporation ("Sublessee").

RECITALS:

WHEREAS, Sublessor leases from Renco Investment Associates Limited Partnership, a Massachusetts limited partnership ("Prime Lessor") certain premises ("Premises") consisting of 20,000 rentable square feet of space in the building commonly known as 150 Gould Street, Needham, Massachusetts (the "Property") pursuant to a certain Lease Agreement dated as of June __, 2018 (the "Prime Lease"), a copy of which has been furnished to Sublessee; and

WHEREAS, Sublessor desires to sublet to Sublessee, and Sublessee desires to accept from Sublessor, a portion of the Premises consisting of approximately 10,814 rentable square feet (hereinafter, the "Subleased Premises") and being shown as Areas A-E on the plan attached as Exhibit A to this Sublease on the terms and conditions set forth in this Sublease.

Capitalized terms used but not defined in this Sublease shall have the meaning ascribed to such terms in the Lease.

NOW, THEREFORE, for good and valuable consideration the parties agree as follows:

1. Term. Sublessor hereby sublets to Sublessee the Subleased Premises for a term commencing on the date that Sublessee notifies Sublessor in writing that the Condition Precedent set forth in Section 3 below has been satisfied (the "Commencement Date") and continuing on a month-to-month basis until either party gives the other party written notice of termination at least one rental period in advance, which termination shall become effective on the last day of the next rental period.

2. Use. Sublessee shall use and occupy the Subleased Premises only for the retail sale and storage of alcoholic beverages under the name "Gordon's Fine Wines & Liquors" ("Permitted Use") and otherwise in accordance with the Lease.

3. Condition Precedent. Sublessor and Sublessee acknowledge and agree that Sublessee's obligations hereunder are conditioned upon Sublessee obtaining a liquor license (the "Condition Precedent") for the sale of liquor, beer, wine and alcoholic beverages at the Subleased Premises (the "Liquor License"). In the event that Sublessee does not obtain its Liquor License by April 1, 2021 (the "Outside Liquor License Contingency Date"), then either Sublessor or Sublessee shall have the right to terminate this Sublease by giving written notice of such termination to the other whereupon this Sublease shall terminate without further recourse to the parties. Such right of termination shall be the sole and exclusive remedy, either at law or in equity, available to Sublessor and Sublessee in the event this Sublease is terminated on account of Sublessee having not obtained the Liquor License on or prior to the Outside Liquor License Contingency Date.

3. Sublease Rent. Sublessee shall pay to Sublessor as sublease rent fifty-four and seven one hundredths (54.07%) percent of the Base Rent and Additional Rent payable by Sublessor to Prime Lessor under the Prime Lease, each monthly installment to be paid in advance on the first day of each month commencing on the Commencement Date. The amount of Base Rent and Additional Rent initially to be paid by Sublessee to Sublessor hereunder is \$38,824.25. Sublessor and Sublessee intend for this Sublease to be a "triple net sublease" in which Sublessee is responsible for the payment of (i) all Base Rent, Additional Rent and other charges payable by Sublessor to Prime Lessor under the Prime Lease, and (ii) the cost of the utilities Sublessee utilizes within the Subleased Premises. The Sublease Rent shall be paid to Sublessor without demand, deduction, offset or abatement.

4. Subordination to Prime Lease.

a. With respect to the Subleased Premises, all terms, covenants and conditions of the Prime Lease are made a part hereof. This Sublease is subject and subordinate in all respects the Prime Lease. In the event of any conflict or inconsistency between the terms and provisions of the Prime Lease and the terms and provisions of this Sublease, the terms and provisions of the Prime Lease shall govern and control. If, for any reason, the term of the Prime Lease terminates or expires for any reason whatsoever as to all or any portion of the Subleased Premises described in the Prime Lease prior to the stated expiration date provided in this Sublease, then this Sublease shall automatically terminate on the date of such termination or expiration of the Prime Lease, as fully and completely as if such date were the stated expiration date set forth in this Sublease.

b. Prime Lessor has agreed to perform certain obligations under the Prime Lease and upon reasonable notice from Sublessee of the failure of Prime Lessor to perform any such obligation or provide any such service, Sublessor will promptly and diligently undertake to enforce its rights under the Prime Lease; provided, however, that the method and manner of seeking enforcement thereof shall be solely within the judgement and determination of Sublessor. Notwithstanding anything herein to the contrary, Sublessor shall not be liable to Sublessee for money damages on account of the failure of Prime Lessor to perform any such failure constitute a constructive eviction of Sublessee.

c. This Sublease is subject to Prime Lessor's consent. Promptly following the execution and delivery of this Sublease, Sublessor shall request such consent. If Prime Lessor's consent is not received within thirty (30) days of the full execution and delivery hereof, either party by notice to the other given prior the receipt of Prime Lessor's consent, may cancel this Sublease, in which case Sublessor shall promptly return to Sublessee all sums paid by Sublessee hereunder.

5. Condition of Subleased Premises. Sublessee hereby accepts the Subleased Premises "as is" and in their present condition.

6. Indemnification. Sublessee shall not do or permit anything to be done which would cause the Prime Lease to be terminated by Prime Lessor or forfeited. Sublessee hereby indemnifies and holds Sublessor harmless from and against all direct damages of any kind which Sublessor may suffer by reason of any breach or default hereunder by Sublessee, including termination or forfeiture

of the Prime Lease, and from and against all other liabilities, claims and damages arising during the term in the Subleased Premises or out of or in connection with the use and occupancy of the Subleased Premises by Sublessee, except to the extent Sublessor is indemnified by its insurance carriers or by Prime Lessor for such liabilities, claims or damages.

7. Default. In the event that Sublessee shall be in default of any covenant or obligation under this Sublease that is not cured within seven (7) days after written notice from Sublessor (or such sooner period or if any other default set forth in the Prime Lease occurs with respect to Sublessee and is not cured within the applicable notice and cure periods set forth in the Prime Lease, whichever is sooner, then Sublessor shall have available to it all of the remedies available to Prime Lessor under the Prime Lease in the event of a like default or failure on the part of the Sublessor thereunder.

8. Assignment/Subletting. Sublessee shall not sublet the Subleased Premises, in whole or in part, not assign the Sublease nor permit any interest of Sublessee in this Sublease to become vested in any third party, without the prior written consent of Sublessor and Prime Lessor in each instance, which consent may be granted or withheld in either party's sole and absolute discretion.

9. No Brokers. Sublessee represents that it has not dealt with a real estate broker with respect to the Subleased Premises and agrees to indemnify Sublessor from any claim for a brokerage commission in connection with this Sublease.

10. Entire Agreement. All prior undertakings and agreements between the parties are merged within this Sublease, which alone fully and completely sets forth the understandings of the parties with respect to the Subleased Premises, and this Sublease may not be changed or terminated orally or in any manner other than by written agreements signed by the parties.

11. Notice. All notices given or required to be given pursuant to the provisions hereof shall be in writing and shall be hand-delivered or sent by reputable overnight delivery service or certified mail, postage prepaid, return receipt requested, to the following addresses, or to such other address as the party to be notified shall specify in writing by such notice:

Sublessor: Bakers' Best, Inc.
150 Gould Street
Needham, MA 02494
Attn: Michael Baker, President

Sublessee: Gordons Fine Wines of Needham, Inc.
894 Main Street
Waltham, MA 02451
Attn: David Gordon, Managing Director

Prime Lessor: Renco Investment Associates Limited Partnership
c/o Renco Management Inc.
P.O. Box 540667
Waltham, MA 02454

Attn: _____

Notices shall be deemed given and effective upon the date of delivery (or refusal to accept delivery) if delivered by hand or overnight delivery service, and upon the date set forth on the return receipt therefor if delivered by certified mail.

12. Insurance. During the term of this Sublease, Sublessee shall maintain insurance of such types, in such policies, with such endorsements and coverages, and in such amounts as are set forth in the Lease and otherwise as may be reasonably requested by Sublessor. All insurance policies shall name Prime Lessor and Sublessor as additional insureds and loss payees and shall contain an endorsement that such policies may not be modified or canceled without prior written notice to Prime Lessor and Sublessor given within such period of time as Sublessee's insurance carrier contractually commits, and if Sublessee's insurance carrier is unable or unwilling to provide such notice, then Sublessee shall provide no less than twenty (20) days' prior written notice to each of Prime Lessor and Sublessor of any such modification or cancellation in any insurance coverage required hereunder. Sublessee shall promptly pay all insurance premiums and shall provide Sublessor with policies or certificates evidencing such insurance on or before the Commencement Date.

13. Signage. The installation of any signage on the doors to the Subleased Premises and the listing of Sublessee's name on any Building directory shall be subject to the prior written consent of the Sublessor and shall be subject in all events to the terms of the Prime Lease. All costs of adding or replacing permitted signage identifying Sublessee on the Building directory and Subleased Premises entrance shall be the responsibility of and paid for by Sublessee.

14. No Waiver. The failure of Prime Lessor or Sublessor to insist at any time upon the strict performance of any covenant or agreement herein, or to exercise any option, right, power or remedy contained in this Sublease or in the Prime Lease shall not be construed as a waiver or a relinquishment thereof for the future. No act or thing done by Prime Lessor or Sublessor or its agents during the term hereof shall be deemed an acceptance or surrender of the Subleased Premises, and no agreement to accept a surrender of the Subleased Premises shall be valid unless in writing and signed by Sublessor. No payment by Sublessee or receipt by Sublessor of a lesser amount than the monthly installment of base rent due under this Sublease shall be deemed to be other than on account of the earliest rent due hereunder, or portion thereof, nor shall any endorsement or statement on any check or any letter accompanying any check or payment as rent be deemed an accord and satisfaction, and Sublessor may accept such check or payment without prejudice to Sublessor's right to recover the balance of such rent or pursue any other remedy in this Sublease or available to Sublessor at law or in equity.

15. Surrender of Subleased Premises. Upon the expiration or other termination of the term of this Sublease, Sublessee shall quit and surrender to Sublessor the Subleased Premises, broom clean, in good order and condition, ordinary wear and tear excepted, and Sublessee shall remove all of its personal property and trade fixtures as provided in the Prime Lease. Sublessee's obligation to observe or perform this covenant shall survive the expiration or other termination of the term of this Sublease.

16. Estoppel Certificates. Sublessor and Sublessee shall, from time to time, within ten (10) business days following request by the other, execute and deliver to such persons as the requesting party may request, a statement in recordable form certifying that this Sublease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as so modified), stating the dates to which base rent and other charges payable under this Sublease have been paid, stating that, to the certifying party's knowledge, the requesting party is not in default hereunder (or if a default is alleged to exist, stating the nature of such alleged default) and further stating such other matters as the requesting party shall reasonably request (to the extent accurate).

17. Counterparts and Electronic Signatures. This Sublease may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Facsimile, documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Sublease and all matters related thereto, with such facsimile, scanned and electronic signatures having the same legal effect as original signatures.

18. Governing Law. It is the intention of the parties hereto that this Sublease (and the terms and provisions hereof) shall be construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

[Remainder of page intentionally left blank. Signatures follow.]

This Sublease is executed as an instrument under seal as of the day and year first above written.

SUBLESSOR:

BAKERS' BEST, INC.

DocuSigned by:
By: Michael Baker
52C001C0863143D...
Michael Baker, its President,
duly Authorized

SUBLESSEE:

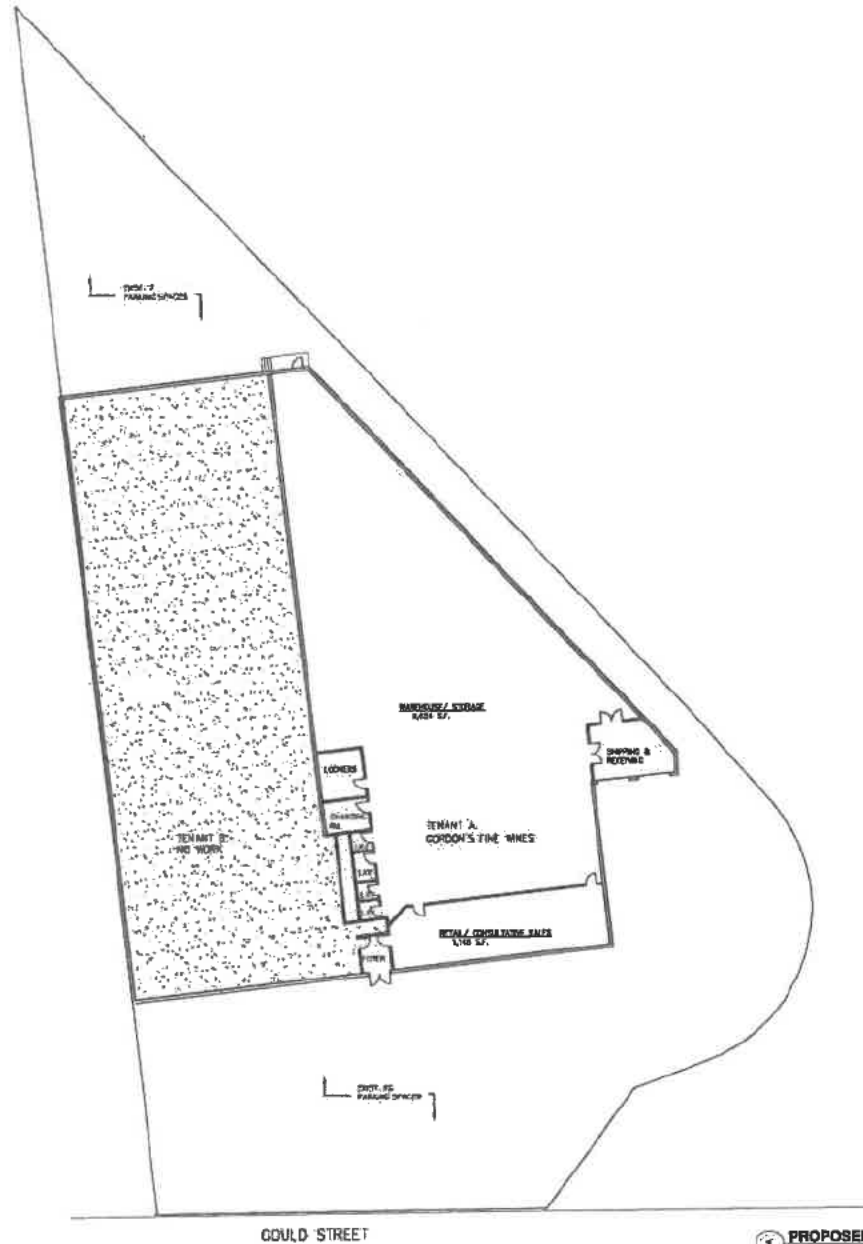
**GORDONS FINE WINES OF
NEEDHAM, INC.**

By: David Gordon
David Gordon, its Managing Director,
duly authorized

EXHIBIT A

Sublease Plan

[To Be Attached]



C
CONCISE DESIGN
GROUP
 7 KENT STREET #4
 BROOKLINE, MA 02445
 TEL: 617-285-0872

DWG. TITLE:
SPACE PLAN
 PROJECT : **150 GOULD STREET**
NEEDHAM, MA



REVISIONS:

JOB #:
2015
 SCALE:
 DRAWN:
 DATE ISSUED:
02.26.21

A1.0

Exhibit A:
Proposed Concept

ESTD **GORDON'S** 1934

Needham Logistics Center and Consultative Sales

In Conjunction with

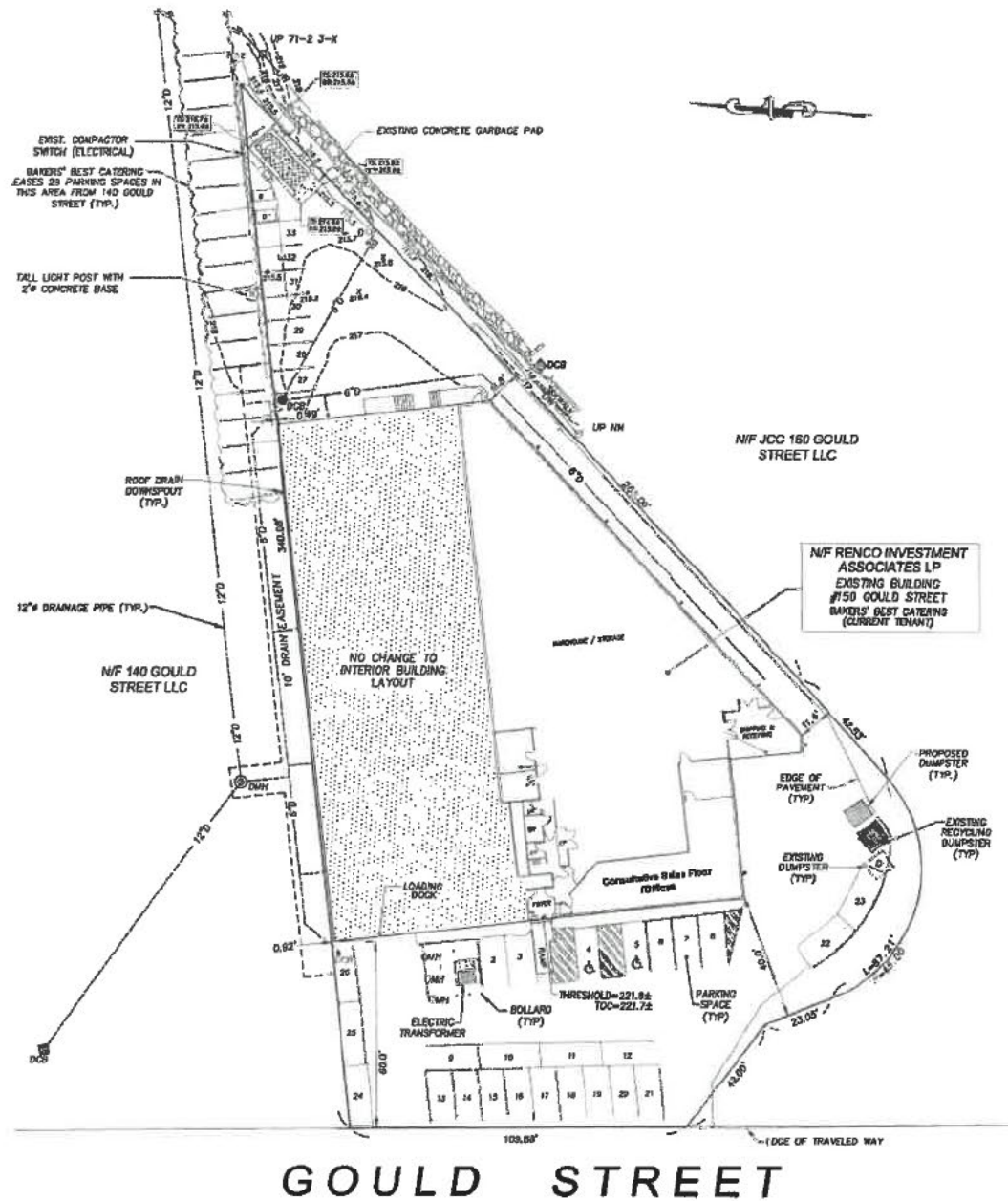
bakers'best
C A T E R I N G

About

- Incorporated in 1934, now it its 4th generation
- As a family we have been successful because of our ability to diversify and adapt to the communities we serve
- We have been very e-commerce focused over the last five years and especially now during Covid
- Efficiencies are needed to continue to serve our customer base
- Because of our relationship with Bakers, a 36 year old business, we have the opportunity to keep two family owned business thriving within the Needham community



Facility





Operations

- All delivery vans are out by 9AM (if not sooner) currently operating 5 vans, which are easily loaded as most delivery sizes are small.
- Our current next day delivery zone is large spanning from north shore to Plymouth and west to 495
- A small consultative sales area consisting of ~500 sq ft will cater to event planning needs as well as fine wine consultation. By law we must have a sales area, we will have very little “walk in traffic.”



Bakers Best Opportunity

- Because of Covid, current business is off substantially
- Makes it hard to come back at full strength with current occupancy costs
- By having Gordons occupy space next door it gives best chance of success in the future
- Gordons and Bakers have been working on and strategizing about further cost reduction activities like shared delivery drivers and other logistic support

Commitment to Community

- We are humbled to have you consider this opportunity.
- Like many other great business in town, especially family owned ones we take great pride in our community.
- In the spirit of some of these great Needham family businesses
 - Ira B. Gordon Scholarship fund will be expanded to Needham
 - Bakers will establish an apprenticeship giving two high school students the ability to learn culinary arts as well as the catering business.





TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669

RECEIVED
TOWN OF NEEDHAM
SELECT BOARD
2021 MAR 17 A 9:57

Office of the
SELECT BOARD

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

LEGAL NOTICE

PUBLIC HEARING

Gordons Fine Wines of Needham, Inc. – 150 Gould Street

New All Alcohol Retail Package Store License

A public hearing will be held via Zoom on Tuesday, March 23, 2021 at 6:30 p.m. under the provisions of Chapter 138, Section 15 of the M.G.L. on the application of Gordons Fine Wines of Needham, Inc. for a new all alcoholic Retail Package Store License, located at 150 Gould Street, Needham. The premise has 10,800 square feet all on one floor to be used as warehouse and consultative/retail space. There is one entrance and two exits.

The Select Board invites all residents and interested parties to provide input at this meeting by raising your hand when appropriate during the hearing. Zoom information: <https://us02web.zoom.us/j/89093905788>. Public comments may also be directed to the Select Board c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA or by email at: selectboard@needhamma.gov.

Select Board
Licensing Board
for the Town of Needham

Needham Times, March 11, 2021

March 8th, 2021

Dear Abutter,

I'd like to use this opportunity to introduce myself. My name is David Gordon and I am the Managing Director of Gordons Fine Wine and Liquors. We are a family run, four generation business which was incorporated in 1934. Our rich history, relationships and ability to change with the times have led us to this opportunity.

My first job was making sandwiches for Michael Baker and our families have been friends in business and life for many years. The current Covid crisis has a great impact the catering business and in the spirit of helping reduce occupancy costs and future collaboration we have decided to apply for a liquor license into 150 Gould St which has vacant warehouse space that Bakers Best does not occupy.

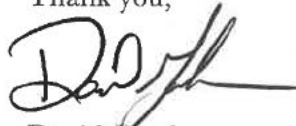
I want to be very clear how we are going to operate as many can perceive us operating a "liquor store." We are, under no circumstances, operating a retail store, there will be no product for sale on a sales floor. This facility will act as a logistical and consultative center for our business in the following ways. 1) Our e-commerce and delivery business will operate here processing orders and 2) A small, 500 sq ft, consultative sales area focusing on appointments of a couple people doing small tastings and wine cellar assessments.

We operate 5 small vans that deliver orders, typically small in size, to most places in eastern Massachusetts. Our vans leave around 10AM and are back between 4PM and 6PM. We will have a full-time staff at the facility of 7 to 10 people. Our relatively small footprint combined with a scaled down Bakers Best business will have a far less traffic than in the past.

Additionally, I am a Needham resident with a young family. I want nothing more than to operate and build a great business in this great town we all love. If you have any questions or would like to talk about our plans, please feel free to call or email anytime.

Dgordon@gordonswine.com and 617-680-2003.

Thank you,

A handwritten signature in black ink, appearing to read 'David Gordon', with a stylized flourish at the end.

David Gordon



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/11/2021

Agenda Item	Equal Justice in Needham Public Safety Reports
Presenter(s)	Smriti Rao Rebecca Waber Vijay Fisch

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Ms. Rao, Ms. Waber and Mr. Fisch will make a presentation about their report and answer any questions that the Select Board may have.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion Only</i>	
3.	BACK UP INFORMATION ATTACHED
a. Equal Justice in Needham Public Safety Reports	



Equal Justice in Needham Public Safety Report: Part 1

An Analysis of Collective Bargaining and Use of Force Policy in Needham

Part 1 of a Project to Reimagine Public Safety in Needham

By

Equal Justice in Needham Public Safety Working Group

*Tuesday, December 1st 2020
Needham, MA*

Preface

Equal Justice in Needham (EJN) is a diverse and multigenerational grassroots organization of concerned citizens formed through local organizing in response to and in solidarity with the 2020 national uprisings over widespread police violence and racism in the United States, and is in support of the Movement for Black Lives.

EJN has defined an ambitious project to evaluate the effects of systemic racism in Needham and to offer solutions based on analysis of available data. Elements of this project include evaluation of the treatment of people based on their identity in public spaces, as well as the actions and structures of town employees, boards, and policies.

The primary aim of this effort is to increase community accountability and oversight. Much of the information in this report has already been conveyed to town leadership, and we look forward to working with town leadership to refine and implement these recommendations. EJN is committed to improving the lives of all residents, visitors, and workers in Needham.

The project will present a series of sub reports focused on different areas of town life selected based on their importance and other factors. The initial analytical effort has focused on Public Safety. This project will include several phases, including Public Safety Governance Policies, NPD Management, and Officer Performance Measurement. There will likely be additional phases of this project, including the Fire Department, Health and Human Services and other elements of Town Government. Other Reports are scoped to include Housing/Zoning and Education.

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- The Current Structure of Police Governance and Oversight in Needham
- Principal Policy Documents
 - The Needham Town Collective Bargaining Agreement with the Police Union
 - The Needham Police Department Use of Force Policy

P. 12 — *Chapter 2: Review of Needham Town Collective Bargaining Agreement with the Police Union*

- Issues pertaining to specific clauses within the contract, specifically those directly affecting training, conduct, and discipline
- Other Issues: Gaps and Lack of Clarity

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EJN Working Group Projects Plans

Report 1 — Public Safety

Part 1: Needham Police Collective Bargaining Agreement (CBA) & Use of Force Policy *(complete 10/25/20)*

- Review of use Needham Police Collective Bargaining Agreement
- Review of Needham Police Department Use of Force Policy
- Conclusions and Recommendations

Part 2: NPD Management and Officer Performance Measurement *(drafting, projected release by early 2021)*

- Data Requested (Public Records Request, \$963)
- Review of use Data Provided by the NPD
- Relevant Findings
- Conclusions and Recommendations

Report 2 — Needham Housing Policies and Systemic Injustice *(project in discovery phase)*

Part 1: Needham Zoning Policies

- Review of Needham Zoning Policies
- Relevant Findings
- Conclusions and Recommendations

Part 2: 40B and Needham

- Review of 40B in Needham
- Relevant Findings
- Conclusions and Recommendations

Part 3: Alternative Housing Solutions

- Review of Alternative Housing Solutions
- Relevant Findings
- Conclusions and Recommendations

Part 4: Needham Housing Authority

- Review of Housing Authority
- Relevant Findings
- Conclusions and Recommendations

Report 3 — Needham Education and Systemic Injustice *(project not yet scoped)*

Highlights: Public Safety Report: Part 1

(a shorter version was published¹ as an op-ed in the Needham Times on 11/18/20)

In view of the treatment of Marvin Henry by the Needham Police, EJNI has undertaken an evaluation of Needham's policies and procedures with respect to the town's governance of Public Safety. This initial evaluation included the Collective Bargaining Agreement (CBA) that the town is due to re-negotiate with or is already re-negotiating with the Police Union, and the Needham Police Department Use of Force Policy.

Our completed review of the CBA suggests that it is especially lacking on the issue of performance evaluation, discipline, and discharge procedures for police officers. This is in contrast with the Needham School Committee's contract with the Needham Teachers' Union. The use of Force Police Document also needs to be redesigned to meet the modern standards presented by nationally recognized subject matter experts such as Campaign ZERO (see Chapter 4).

To avoid a repeat of the unconscionable treatment of Marvin Henry, EJNI strongly recommends that the Town of Needham make the following items a priority during negotiations of the Needham Police Force Collective Bargaining Agreement (CBA):

- Remove Section 4 from Article 25 of the CBA "DISCIPLINE, DISCHARGE, AND EMPLOYEES' PERSONNEL FILES," which allows for removal of disciplinary letters from personnel files after 2 years.
- Include the Needham Use of Force Policy by reference in Article 25 of the CBA.
- Institute clear processes and metrics for regular evaluation of officers' performance on the job either directly within the CBA, or as in the case of the Teachers Union contract, via an attachment to the CBA.
- Add a section on "Discharge," which is currently entirely unaddressed in the CBA.
- Publish the names, badge numbers, trainings and disciplinary records of police officers on the town's website.
- Define how officers' performance will be evaluated.
- Define what would constitute valid grounds for discipline, under what circumstances disciplinary actions will be taken.
- Define the nature of such disciplinary actions.

Alongside these changes to the CBA, EJNI recommends that the town update the Needham Police Use of Force Policy to bring it in line with the recommendations of Campaign ZERO. Campaign ZERO has been nationally recognized as an expert group on the issue of policing for

¹ <https://www.wickedlocal.com/story/needham-times/2020/11/17/opinion-needham-school-union-contract-has-public-oversight-why-doesnt-police-union/6328240002/>

public safety, including by Needham's own Police Chief Schlittler in an op-ed written in the summer of 2020.²

In Chapter 3, we point out some important ways in which the NPD's claims to already be in alignment with Campaign ZERO's recommendations fail to hold up. For example, while NPD claims never to use chokeholds, the use of chokeholds is not in fact banned in the NPD Use of Force Policy document. This seems like a puzzling omission if NPD is in fact against the use of chokeholds. See Appendix A for the complete text of Chief Schlittler's op-ed with EJA's annotations.

Likewise, while the revised Use of Force Policy document does now, belatedly, mention de-escalation, we argue in Chapter 3 that there is a significant difference between some ancillary mentions of de-escalation, and a Use of Force Policy that is designed around de-escalation as a central guiding principle. Given the Police Chief's acknowledgement that the principles laid down by Campaign ZERO are worthy of implementation, we ask our town to act to actually implement them in full.

Our review indicates the need for Needham to rethink its governance structure for public safety. In the Conclusions chapter (Chapter 4), we urge Needham to put in place a system of greater citizen oversight, based upon the model used to govern Needham's Public Schools.

² NPD Chief Schlittler 8 Can't Wait Statement, published in the Needham Times (6/24/20): <http://www.needhamma.gov/DocumentCenter/View/21586/8-Cant-Wait-Statement-from-Chief-Final?bidId=>

Chapter 1: An Introduction to the Governance Structure for Public Safety

The Context

Towns and cities throughout the United States are currently grappling with the fact that many of the policies and systems that govern public safety serve to reinforce systemic racism and injustice. The residents of Needham, like those of many other towns and cities across the country, showed their commitment to addressing systemic racism by attending Black Lives Matter solidarity vigils and protests in large numbers, and pushing the town government to begin a serious exploration of systemic racism within Needham. On Oct 4, 2020, Town Meeting Members overwhelmingly supported (157-14) the passage of non-binding Warrant Article 17,³ submitted as a Citizens' Petition by EJN, committing the town to study systemic racism as it affects public safety and housing in Needham. This report is an effort to support the town in appropriately responding to the content and spirit of Warrant Article 17.

The moral urgency of this issue in Needham was heightened by the courageous decision of Mr. Marvin Henry to come forward and describe his mistreatment at the hands of our own police in January 2020. Not only was he wrongly accused of shoplifting, he was publicly handcuffed for over half an hour, thus enduring both physical and emotional violence. Even after it became obvious to the Needham Police that Mr. Henry was wrongly accused, they did not contact him to let him know he was no longer a suspect, allowing him to worry daily about a summons in the mail. It was only after he decided to go public and retained legal representation that the Needham Police publicly announced that he was no longer a suspect or under investigation. It is now clear that Marvin Henry was completely innocent and never should have been detained, which the Needham Police have belatedly acknowledged.

Mr. Henry came forward. What we do not know is how many others like Mr. Henry were too intimidated to do so. It is therefore a task of consequence and seriousness to ensure that we work to change the policies, processes and structures that allow such injustices to occur. As residents of this town we understand that our elected officials represent each of us and our values. It is upon us, those they represent, to make it clear that racial equity and fair treatment is a priority and that we expect our town government to act in a manner that represents our values. It is in this spirit, and in the spirit of aiding our town government in its stated goal of making Needham a more just and inclusive town that we undertake our study.

We believe that our town should think about Public Safety holistically as including Police, Fire and Health and Human Services (including mental health services). The Police and Fire departments work closely together as first responders in our town, making it difficult to separate them out in analyses of overall Public Safety. As the Needham Police themselves have argued, there is an increasingly important link between mental health and public safety, and the Police

³ Warrant Article 17 as it appeared in the October 2020 Needham Town Meeting Warrant: <https://drive.google.com/file/d/1H51hjsnov1MeQ1YcupKhcjuTN64VC1zi/view?usp=sharing>

are increasingly having to work on issues of mental health. Since we are in the midst of a pandemic, it should be even clearer that Health is a vital component of Public Safety.

Nevertheless, given the urgency of understanding the Policing aspect of Public Safety in Needham, this report is focused on Policing. In this Part 1 report, we concentrate on a) describing the current governance structure for Policing in our town, b) identifying and analyzing some key documents that shape procedures and outcomes and preparing a Public Records Request for further data based on this analysis (see Appendix B), and c) making preliminary recommendations with respect to governance, policy, and structure based on our analysis thus far. In Part 2, we hope to present an analysis of the data we receive through the Public Records Request (PRR) and extend our recommendations accordingly.

The Current Structure of Police Governance and Oversight in Needham

The Select Board of Needham in the role of Police Commissioners have direct oversight over Policing in Needham. This oversight responsibility is largely delegated to the Town Manager. This is notably different from the way that Public Health and the Public Schools are governed, as both have separate Oversight Boards partly or wholly composed of elected members focused on a specific area of town government and policy. Given that the Select Board delegates supervisory powers to our Town Manager, the oversight of the NPD is effectively provided by the Town Manager and her office, with the Select Board receiving updates as needed. Our research suggests that the Town Finance Committee is not involved in the governance of policing, providing input specifically on significant budgetary decisions from a financial point of view.

Our research also indicates, and the text of the CBA bears this out, that hiring and firing decisions made by the Police Chief are also largely overseen by the Town Manager, with the input of the Needham Director of Human Resources. The town's Personnel Board is responsible for salary-setting across town departments and plays a role in resolving any disputes regarding discipline, but does not appear to have been very active in the last few years.

Thus, in effect, the Needham Police Department receives only mild and occasional oversight from town government, given the many other responsibilities of the Town Manager. This is in sharp contrast to the oversight provided by the School Committee and the Needham Board of Public Health when it comes to those areas of town governance.

This means that the task of reimagining or reforming policing in Needham, or responding to criticisms of policing in our town, is left to the Police Chief and his staff within the NPD. As we point out in Chapter 2, in contrast to our Public School system, there is very little publicly available data that tracks the performance of the NPD as a department over time or in comparison to other towns. This lack of data collection both reflects a lack of rigorous oversight and represents an opportunity for Needham to set a standard for professional policing. Currently the public has little insight into how, and how successfully, this very important

department is responding to the changing public safety needs of our town. To avoid repeating the kind of mistreatment that Mr. Marvin Henry endured, or perhaps worse, Needham needs to begin to modernize its management of the police department.

Principal Policy Documents

The Collective Bargaining Agreement (CBA) between the Town of Needham and the Needham Police Union⁴

What happened to Mr. Henry has raised questions about the procedures and processes currently in place in the event of police misconduct in our town. How good is our town at tracking such incidents? How carefully do we monitor the performance of individual police officers and the department as a whole? What are the procedures for addressing any serious misconduct by any member of the police department? The answers to at least some of these questions lie in the Collective Bargaining Agreement (CBA) that the Town negotiates with the Police Union.

Apart from spelling out some key rights of employees, the CBA should also define some of their responsibilities. The CBA should serve as a vehicle for the Town of Needham, acting on behalf of the public, to make clear what these responsibilities are. Thus, in the case of the Needham Teacher's Union CBA, which is negotiated by the School Committee, an attachment to the CBA provides a very clear picture of the process for evaluating the performance of teachers, thereby helping us understand what standards are being set for teachers in Needham. As we note in Chapter 2, no such understanding can be gleaned from the Police Union CBA.

The CBA can also define procedures for discharge or discipline in the event of poor performance or misconduct. Here too we find that substantial improvements can be made. We wish to emphasize that EJN supports the right to unionize, as well as fair and just compensation for all workers. Chapter 2 of this report, which provides our completed analysis of the current CBA, focuses much more on critical gaps with respect to evaluation, discipline and discharge than upon wages or benefits.

The current Police Union CBA expired in June, 2020 and is thus due to be renegotiated very soon. It is unclear to us when that is going to happen, or indeed, if it has already happened. EJN was informed that no member of the public can observe the Union negotiations. It is our understanding therefore that the Select Board must vote to hold an executive session in order to conduct its bargaining privately, as otherwise all operations of the Select Board are open to the public. We assume that this vote will be on record and its details available to the public.

It is also our understanding that no elected member of the Select Board (or any other elected body) attends the CBA negotiations. The negotiations are conducted by the Town Manager and the Director of Human Resources with the help of members of their office. The Select Board is

⁴ Needham Police Union Community Bargaining Agreement:
<https://www.needhamma.gov/DocumentCenter/View/2383/Police-Union-7115---63019?bidId=>

updated as required. We also understand that the Finance Committee is not involved directly in the negotiating process, although apprised privately of any progress made in executive sessions.

In anticipation of the CBA negotiations occurring at some point in the Fall, EJNI completed our analysis of the current CBA and sent the material in Chapter 2 of this report to the Town Manager, Select Board, and Director of Human Resources Rachel Glisper. We have not yet heard back on any of our specific recommendations.

*The Needham Police Department's Use of Force Policy*⁵

A police department's Use of Force Policy is a central document when it comes to understanding incidents like the mistreatment of Mr Henry, not to mention the murders of George Floyd or Breonna Taylor. The Use of Force policy document is expected to summarize the best thinking of the department on when, to what extent, what kind of force should be used. This should serve to guide the actions of police officers in the field, and the response of their supervisors to those actions.

The text of a Use of Force Policy document should also be treated as a crucial window into policing for members of the public. The document helps us understand the extent to which the police prioritize the presumption of innocence, and see themselves as keeping the peace and de-escalating situations rather than acting with force. It is, and should be treated as, a document of public significance that is written thoughtfully and carefully, and regularly updated to reflect the changing needs of the public, and best available knowledge about what does and does not work in policing.

EJNI conducted a careful review of the Needham Use of Force Policy document, comparing it with best practices as described by subject matter experts such as those at Campaign Zero. We also compared Needham's Use of Force Policy document to those of surrounding towns. We noted that the document neither reflects cutting edge current thinking on the Use of Force in policing, nor does it appear to have undergone any substantial revision in a while. The bulk of the document was written in 2003, based upon central principles that date back to the 1990s. There does seem to have been a small revision in June, 2020. This revision (which we discuss further in Chapter 3), added some language about de-escalation and also added that it was the duty of officers to intervene to stop any ongoing improper use of force by a fellow officer.

It is disheartening to note that this very sensible guidance was not already in our department's Use of Force policy before June 2020 — note that Mr Henry's mistreatment occurred in January 2020. It is also disheartening that, rather than prompting the NPD to undertake a wholesale revision of the entire document, some relatively modest edits were made. Again, we note that the NPD at least internally was already aware they had publicly mistreated a man who was

⁵ Needham Police Department Use of Force Policy: <http://www.needhamma.gov/4952/Police-Policies-Procedures-Info-of-Inter>

innocent, and yet this knowledge did not prompt the kind of soul-searching, rethinking, and reform that it should rightly have generated.

Chapter 3 of this report provides an analysis of this document as it currently stands, and makes specific recommendations to address its weaknesses. The material in this Chapter was sent to the Needham Police Chief, Select Board and the Town Manager on August 18. EJA has thus far received no response to these recommendations.

Chapter 2: Review of Needham Police Department Collective Bargaining Agreement

(A version of this chapter was sent as a letter to town leadership on 9/29/20)

Issues pertaining to specific clauses within the contract, specifically those directly affecting training, conduct, and discipline

1. Unlike references to the Needham Police Body Armor policy, or the Needham Police Department Drug and Alcohol Testing Policy, there are no references anywhere in the document to the NPD Use of Force Policy document. For example, the Use of Force Policy document stipulates that an officer involved in, or even merely a witness to, a use of force incident must have his/her attorney and union rep present before they can even be interviewed. This seems like something that should be mentioned in/subject to negotiation in the union contract. Furthermore, use of force might be a primary driver of disciplinary and grievance issues. It is therefore striking that there is no acknowledgment of the role and relative importance of that policy document in the entire union contract.
2. Police officers receive training, including training provided by the Metropolitan Police Training Committee, but the precise training completed by individual officers is not readily accessible to the public. This is particularly of interest given the focus on de-escalation, conflict resolution and other training types receiving more focus currently.

There are no references in the contract to details of required on-duty training, and no reference to any other document that spells out the required ongoing training that officers must obtain as conditions of their continued employment at the NPD. Does NPD require certain kinds of annual training regarding such things as gun safety, de-escalation, and unconscious bias? What are these requirements? Is pre-credentialing and training in de-escalation a priority? Are officers offered additional credit for courses in psychology, medic training, substance use disorders, sensitivity training, in addition to criminal justice courses?

3. *Article 25 — Discipline, Discharge, and Employees' Personnel Files:*
 - a. There is no discussion of the process for disciplinary actions. Who makes the determination about whether a disciplinary action will be taken? Is this up to the Chief's discretion? Is there a process when conflicts of interest arise? When does the union have to be notified? What is the oversight procedure here?
 - b. There should be a clear-cut disciplinary policy based upon an officer's code of conduct that should be incorporated into the CBA. The penalties for violations of that code should be based upon the severity of offenses and progressive discipline.
 - c. Despite the fact that this article's title has the word "discharge" in it, there is no discussion of procedures for discharge. Who makes that decision? On what basis? What is the oversight? This is a critical omission from the contract.
 - d. Why is there no reference to the Use of Force Policy and Procedure document? The use of force could potentially lead to disciplinary action.
4. *Article 25, Section 4 — Discipline, Discharge, and Employees' Personnel Files:* "Any letter of reprimand placed in an employee's file shall be subject to review after a period of two

years and if at that time the employee has received no further letter of reprimand or has not been found guilty of any violation of the Needham Police rules and regulations and policy procedures, the letter of reprimand shall be removed from the employee's personnel file."

- a. Clarify what kinds of offenses count as 'reprimands.' Are oral reprimands covered by this section? Make clear that records of civilian complaints, use of force etc. will not be removed from officer's records. These are issues that require clarification. The removal of disciplinary records makes it difficult to identify repeat offenders, fully evaluate an officer's performance or understand an offending officer's full history of abuse.
- b. How many letters of reprimand can an officer have in their file before disciplinary action is taken?
- c. Clarify what counts as 'disciplinary action'. As noted below, this contract is missing a definitions section more generally.

5. *Article 26 — Indemnification:* "The Town shall indemnify and hold bargaining unit employees harmless from any liability arising from their actions within the scope of the employment." We did submit a question about this article earlier, and received the following explanation: "Article 26 of the Agreement is consistent with M.G.L. c. 258 Section 9 (Indemnity of public employees.) It is commonplace for an Agreement to restate the law. Section 9 of c.258 indemnifies all public employees (not just police officers) from personal losses, damages, expenses and legal fees arising out of a variety of possible claims while acting within the employee's official duties and employment. Neither Article 26 nor Section 9 of c. 258 holds a public employee harmless, including a police officer, if the employee's grossly negligent, willful or malicious conduct violated another individual's civil rights." Based upon the response, we have two questions:

- a. Remove OR specify in greater detail what qualifies as "grossly negligent, willful or malicious conduct violated another individual's civil rights." Again, needs a definitions section.
- b. "In the event that the legal fees exceed the above-stated limits, the Town Manager may in her/his sole discretion recommend approval of payment of additional fees." Why is this decision at the sole discretion of the Town Manager, rather than an elected body representing the Town?

6. *Article 7, Section 6 — Administrative Leave:* "The Chief of Police shall have the discretion to place a member of the bargaining unit on paid administrative leave for a period not to exceed 45 calendar days in situations including, but not limited to, the investigation of a Police Officer's conduct, or the Police Officer's involvement in a traumatic event, such as a shooting or fatal accident. The period of paid administrative leave may be extended by mutual agreement of the parties. The placement of an Officer on paid administrative leave shall not be grievable."

- a. The granting of paid leave to officers under investigation tends to raise the costs of disciplinary action against police officers, making them less frequent. It should be more carefully spelled out under what circumstances the Chief of Police can, or cannot, exercise this discretionary power.
- b. Define "traumatic" more clearly.
- c. The Chief seems to have the ability to grant unrestricted extensions of leave. his needs to be clarified — extensions should be granted based on clearly specified

- conditions to ensure fair and consistent treatment of all employees.
- d. What is the procedure for repeat offenders?
7. *Article 20, Section 6 — Settlement of Grievances, Grievance process:* “Should the grievance remain unsettled, the employee or the Union must present it to the Personnel Board within ten (10) business days after the decision of the Director of Human Resources is rendered or due, otherwise the matter will be considered resolved. If, after its own investigation, the Personnel Board agrees with the decision of the Director of Human Resources the Personnel Board will issue a decision.”
- a. The decision-making on an important process appears to have no elected official oversight. Create a role for a civilian oversight board in this process.
 - b. Provide a more detailed list of decisions that may be non-grievable.
 - c. Data question: how many grievances have been filed in the last five years? How many have gone to arbitration in the last five years?
8. *Arbitration:* Arbitration also appears to be unrestricted in the absence of a clear list of what subjects are or are not arbitrable, consistent with existing law. In contrast, the Needham teachers’ union contract specifies that grievances about yearly evaluations cannot go beyond the school committee; nurses’ dismissals are non-grievable; decisions on sick leave “eligibility and entitlement shall be final and binding and not subject to appeal” etc.
9. *Article 30 — Miscellaneous Provisions*
- a. *Section 3:* “The Town shall pay the license to carry firearms fee for all employees required to carry a firearm.” What firearms training is required of officers? Why is this requirement not mentioned in the union contract (see earlier point about references to required ongoing training)?
 - b. *Section 13:* “The parties agree to establish a joint labor/management committee consisting of three members of the bargaining unit and three members appointed by the Town Manager. The Committee will review policies and procedures with respect to cruiser cameras and body cameras and make a recommendation to the Town Manager and the Chief of Police relative to use of those devices in the Town of Needham by June 1, 2017.” At what point will this be revisited, as mentioned in the 2017 report of the Body/Dash Camera Committee? The CBA should be updated with the latest information.
 - c. Also in *Section 13:* “It is the recommendation of this Committee that the Town and the Needham Police Department continue to monitor the experiences in other communities, continue to strengthen the already positive relationship with the citizens of Needham, work together with Town Management and reevaluate this matter over the next few years.” How does the Committee monitor progress towards the objective of strengthening positive relationships with residents? How is positivity measured? What is the oversight/accountability to ensure this ambiguously defined goal is being met?
10. In general the contract is missing a definitions section. As can be seen below, there are terms such as ‘reprimand’ or ‘disciplinary action’ that need to be defined, for the appropriate clarity and precision seen in the teacher’s union contract.

Other Issues: Gaps and Lack of Clarity

1. The contract is missing a benefits section (compare with the Teachers' Union contract). As a result a number of important pieces of information are not available to citizens who read the contract:
 - a. There is no explanation of health benefits such as long term disability (more on this later). There is also no explicit reference to another document that might provide a summary of such benefits.
 - b. There is no explanation of how retirement benefits accrue. How are they related to the performance of overtime? Once again, readers are not directed to any other source for this information.
2. *Article 11: Heart Injury, Hypertension and Heart By-pass*
 - a. This is a quite idiosyncratic and surprising section of the contract. It is unclear why this set of diseases is treated as an entirely separate issue. Is this the substitute for a short-term/long-term disability provision? If so, why are these health conditions singled out?
 - b. As noted earlier, this union contract is missing a section that clearly lays out all benefits, including health benefits.
 - c. Explain the one-on-one match. The overall language appears to add up to an extremely generous benefit for those with these conditions alone.
 - d. Does the fire department have this in their contract as well, or is it specific to police? If so, why?
 - e. How often has this been used in the last five years
3. *Article 23 Wages, Section 3 through 18:* These sections offer stipends for a wide range of designations whose criteria are not clearly specified. Are these stipends handed out at the discretion of the Chief alone? What are the qualifications/conditions upon which the stipends can be handed out? What is the oversight exercised here in terms of determining whether the allocation of stipends is appropriate?

Chapter 3: Review of Needham Police Department Use of Force Policy

(A version of this chapter was sent as a letter to town leadership on 8/18/20)

All of Needham wants to reduce the possibility of interactions between police and civilians that are based upon racial profiling and involve the kinds of mistreatment experienced by Mr. Marvin Henry in our town. One of the best ways to do this is to ensure officers are specifically prohibited from acting in ways that lead to such outcomes. In light of this, police departments around the country have been modifying their Use of Force policies to incorporate best practices from towns and cities that have experimented with different policies and have valuable lessons to offer us in Needham.

In Needham's case, our Use of Force Policy was written in 2003, and is based upon a definition of the continuum of force that dates back to the 1990s. The document thus fails to reflect the vast knowledge we have gleaned in the last two decades from innovations made by police departments across the country. Closer to home, an extensive review of Use of Force Policy documents from neighboring towns revealed that both Acton⁶ and Dedham⁷ have made more progress than we have in terms of incorporating these insights. Needham can and must do more. Our task is made vastly simpler by the fact that the expert group, Campaign ZERO,⁸ has provided a template Use of Force Policy document that can be adopted by our town with minimal additional effort.⁹

The NPD already acknowledged the value of Campaign ZERO's recommendations in an op-ed written by Chief Schlittler in the summer of 2020. Chief Schlittler's op-ed highlights some revisions to our Use of Force policy document that were made in June 2020, after the Black Lives Matter protests that followed the murder of George Floyd. These revisions were indeed in the right direction because they recognized i) the importance of de-escalation tactics in policing, and ii) the duty of officers to intervene in cases of excessive use of force by fellow officers.

However, while we welcome the NPD's acknowledgment that these are important guiding principles, our analysis of the Use of Force Policy document reveals that a great deal more work needs to be done to align NPD's actual policies with these principles. This chapter summarizes some of those gaps, but a more detailed annotated reply to Chief Schlittler's op-ed may be found in Appendix A.

⁶ Acton Police Department Use of Force Policy: https://drive.google.com/file/d/18ynmY_NRvAyyv-8GtwoK05iBEFG5qkxKS/view?usp=sharing

⁷ Dedham Police Department Use of Force Policy: <https://docs.google.com/document/d/1PFuYZOkc0sdj-ErP2vrlE39jDtAl68JrCprUCRIqDcA/edit>

⁸ [Campaign ZERO](#) is a police reform organization developed through the collaboration of data-driven researchers across the country that is pushing for the implementation of policy solutions to end unnecessary police violence in the United States. Their model includes policy recommendations from independent research organizations and President Obama's "Task Force on 21st Century Policing."

⁹ Campaign ZERO's Use of Force Policy template: <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>

Here are the key parts of the Needham Police Department's Use of Force policy that need to be addressed to bring this document in line with best practices.

1. *General considerations and guidelines page 1*: "The objective of the use of force is to maintain and/or reestablish control over a situation." Instead of a focus on control, it will be better to focus on de-escalation with the aim of the safety of all involved. This mindset shift would help reduce the reliance on use of force, which can in turn reduce the risk of prejudice.
2. *Section 1.3.2*: "Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm..." Absent the word "imminent," officers may fear someone 30 feet away could cause serious harm if they have a knife, which clearly isn't an immediate risk. Officers should try to place physical barriers or use non-lethal weapons before they are allowed to use this force. We would also recommend including that all reasonable alternatives must be exhausted before resorting to deadly force.
3. *Section 1.3.2*: "Where practicable prior to discharging a firearm, officers shall identify themselves as law enforcement officers and issue verbal commands." Shouldn't officers do these steps before using other potentially lethal weapons, like batons, as well?
4. *Section 1.3.2*: "The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., very young juvenile, handicapped, injured)." We believe handcuffing should be qualified as a non-lethal use of force and moved to section 1.3.4, as it can lead to lasting damage to the person in cuffs. We also question the necessity of mandating the use of restraining devices in all situations, regardless of the compliance of the suspect. Additionally, the word "prisoner," which is used several times, along with other similar words, is never clearly defined, which leaves legal ambiguity as to when a person may be handcuffed, and when they must be allowed to freely leave.
5. *Section 1.3.3*: "Discharging a firearm at or from a moving vehicle creates a substantial risk to innocent bystanders and should occur only in extreme circumstances where the immediate use of a firearm is necessary to protect the officer or others from death or serious bodily injury." Discharging a firearm, even in extreme circumstances, is unlikely to protect an officer. We should require officers to try to move out of the way instead. An officer shooting at a moving vehicle or from one is likely to miss their target and when shooting at a moving vehicle injuring the driver won't stop the car. It will likely go out of control, possibly hitting an innocent person or the officer.
6. *Section 1.3.4*: "The use of neck restraints, commonly known as chokeholds, have a potential for serious injury, and therefore, are not authorized unless the circumstance(s) warrant the use of deadly force." In what extreme scenario would an officer need to hold a neck restraint and kill someone? Given the vagueness of this language and no

distinction between strangleholds and chokeholds, we worry that officers may try to use a non-lethal choke hold and it could still kill someone.¹⁰

7. *Duty to Intervene & Deescalation*: “De-escalation will play a critical role in intervention” and “De-escalation will continue to be a critical part of every Use-of-Force training the Department conducts.” These are the only two places in the whole document where de-escalation is mentioned. Rather than as an afterthought, we would like to see it as a fundamental principle of policing with clear definitions of what it looks like in different situations. For reference, see Philadelphia PD,¹¹ which restricts officers from using deadly force unless all reasonable alternatives have been exhausted, and Seattle PD,¹² which requires the use of the minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance.
8. Regarding the use of force continuum, the model does not require it to go both ways (escalation and de-escalation). It also doesn’t include some useful de-escalation techniques like placing physical barriers between officers and a subject, moving away/distancing from a subject, concealing yourself from a subject, calling for more resources to assist, and any other less lethal means. We could consider a Force Options model like the one outlined here, one similar to Acton’s Use of Force policy, or one like Philadelphia PD’s (see image below).



¹⁰ “Why Many Large Police Departments Tolerate Their Officers Using Neck Holds,” The Atlantic (12/10/2014): <https://www.theatlantic.com/politics/archive/2014/12/why-many-large-police-departments-tolerate-their-officers-using-neck-holds/458079/>

¹¹ Philadelphia Police Department Use of Force Policy: <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569add89b20943556a8b7a88/1452989841885/Philadelphia+Use+of+Force+Policy.pdf>

¹² Seattle Police Department Use of Force Manual: <http://www.seattle.gov/police-manual/title-8>

Chapter 4: Recommendations and Conclusion

Needham residents have demanded that their town government initiate a serious effort to address racial inequity in our town. Mr. Marvin Henry's mistreatment at the hands of our town police has highlighted the particular importance of rethinking policies and procedures that lead to racial injustice in policing. While we believe that public safety should be thought of holistically — combining policing, fire services as well as public health — this report responds to the specific urgency around policing reform in our town.

Previous chapters in this report have closely examined two key documents that shape the governance of policing in Needham — the town's Collective Bargaining Agreement with the Police Union, and the NPD Use of Force Policy document. Here we want to highlight the broader issue of accountability and transparency when it comes to policing in our town. As a town we have built a structure of oversight and accountability for our schools, our budgetary processes, our governance of public health, and other key issues. Policing, unfortunately, has fallen through the cracks. Our call here is to re-think the structure of governance for policing in Needham, and incorporate a greater role for citizen oversight, as we have done with our school system.

Ensuring Accountability and Transparency

Questions of accountability and transparency were raised several times during our review. But questions of accountability and transparency go beyond the specifics of the Use of Force Policy document or Police Union contract, and relate to the processes and structures of public safety governance in our town.

We recommend that Needham join the ranks of towns that have a civilian oversight board that more closely monitors not just the contract negotiation process itself, but also hiring, disciplinary actions and outcomes of the department. Such an oversight board or committee should have the power to hold hearings, and could make recommendations that would be reported to the Needham Board of Selectpersons and voted up or down.

In Needham's case, the School Committee provides an example of much greater transparency and accountability, including oversight of hiring and disciplinary processes. One outcome is that, based on our close reading of both documents, the teacher's union contract is a much more comprehensive and clear document, when compared to the text of the police union contract. Needham does not currently provide any opportunities for civilian observation of the Police Union contract negotiation process. As we noted earlier, an (elected) school committee member is present during negotiations between the Needham teacher's union and the School Committee. The absence of such a committee for public safety makes negotiations with the Police Union less transparent.

Another outcome of differential systems of accountability and transparency is that we have

a greater number of publicly available metrics of the performance of our schools over time, and in comparison with other peer towns. The public has access to almost no such metrics for public safety in our town. As a result, EJA needed to create a Public Records Request to ask for simple pieces of information, such as the number of times someone was handcuffed in Needham in the last year (see Appendix B).

Needham should investigate creating a clearer, and therefore more effective, structure of accountability and transparency for public safety. We can provide more details on possible models and would appreciate an opportunity to participate in a discussion about this issue. For example, the US DOJ Citizen Review of Police¹³ provides a comprehensive review of different forms and structures of civilian oversight across the country. In Massachusetts, a number of cities have citizen's oversight boards with differing degrees of power (Boston, Cambridge, Springfield and Pittsfield), but several other towns are currently considering such oversight.¹⁴

Specific Summary Recommendations

The Collective Bargaining Agreement with the Police Union

- I. Remove Section 4 from Article 25 of the CBA "DISCIPLINE, DISCHARGE, AND EMPLOYEES' PERSONNEL FILES" which allows for removal of disciplinary letters from personnel files after two years.
- II. Include the Needham Use of Force Policy by reference in Article 25 of the CBA.
- III. Institute clear processes and metrics for regular evaluation of officers' performance on the job either directly within the CBA, or as in the case of the Teachers' Union contract, via an attachment to the CBA.
- IV. Add a section on "Discharge", currently not addressed anywhere in the CBA.
- V. Publish the names, badge numbers, trainings and disciplinary records of police officers on the town's website.
- VI. Define how officers' performance will be evaluated.
- VII. Define what would constitute valid grounds for discipline, under what circumstances disciplinary actions will be taken.
- VIII. Define the nature of such disciplinary actions.

The Needham Police Use of Force Policy

- I. **Include use of Handcuffs as a use of Force.**
- II. **Require** officers to de-escalate situations as a first priority, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.

¹³ <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf>

¹⁴ <https://www.bostonglobe.com/2020/06/15/metro/newton-mayor-calls-civilian-review-police-after-officers-with-gun-drawn-stop-black-resident/>

- III. **Ban officers from choking or strangling civilians**, in many cases where less lethal force could be used instead, potentially resulting in the unnecessary death or serious injury of civilians.
- IV. **Ban officers from shooting at moving vehicles**, which is regarded as a particularly dangerous and ineffective tactic.
- V. **Update the document's definition of Force Continuum (which is from the 1990s!)** that limits the types of force and/or weapons that can be used to respond to specific types of resistance.
- VI. **Require officers to exhaust all other reasonable means** before resorting to deadly force.
- VII. **Require officers to report each time they use force or threaten to use force** against civilians.

We view this as an opportunity to not only match the level of towns such as Acton or Dedham, but to be a leader in our state and in the country by rethinking our Use of Force Policies. Campaign ZERO has developed a model Use of Force Policy¹⁵ that addresses the issues with Needham's policy, and includes some additional clauses we do not have. We urge Needham to adopt this more comprehensive set of guidelines in order to make our town safe for all.

Conclusion

This Report argues that there are clear and concrete steps Needham can and should take to ensure that our town is safe and welcoming for all our residents, workers and visitors. In this report we have identified very specific policies and procedures that should be re-written in order to move us toward that goal. These very specific recommendations are not only feasible but necessary steps that town government should take immediately.

We have noted with dismay the paucity of outcome data available to citizens interested in understanding how effective and successful our current public safety governance structure actually is. In order to gain access to very basic data, EJNI was required to submit a Public Records Request to the NPD. EJNI was charged \$963 for our records request because the NPD does not track these metrics in a systematic way for use as part of management and oversight and therefore needed to spend considerable time reading through narrative reports in order to draw out the information requested. As this data is received and analyzed, EJNI will provide additional recommendations related to improving public safety outcomes in our town.

Our analysis (and in some cases our inability to analyze due to lack of data) indicates the need to rethink the structure of governance of public safety in our town. Our town already has validated citizen oversight models for schooling and public health. We do in fact have good data on outcomes when it comes to these issues (perhaps as a result of the oversight?), and as

¹⁵ Campaign ZERO's Use of Force Policy template:
<https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>

a town, we are able to take pride in improved outcomes on both these fronts, both over time as well as relative to other towns.

It is now time to extend those models to policing in particular, but perhaps Public Safety thought of more holistically as the Police, Fire and Public Health services working together. A new, elected, citizen's body — similar to the School Committee — is necessary to do the work of policy reform, monitoring and oversight of Public Safety with the energy and commitment these issues require. Needham's residents clearly desire that our town be inclusive and safe for all. Our town government has a unique opportunity to respond to its citizen's demands and become a model of good governance for our state.

APPENDIX A

Police chief responds to dialogue on police policies

Needham Police Chief John J. Schlittler

Needham Times, Jun 24, 2020

Below is how the Needham Police Department currently addresses each of the 8 policies included as part of the 8 Can't Wait Campaign:

1. Ban chokeholds & strangleholds – Needham police do not use chokeholds or strangleholds. These techniques are not part of the defensive tactics curriculum as instructed by the Massachusetts Police Training Council (MPTC) nor are they part of our own Needham Police Defensive Tactic/ Use of Force Training on a yearly basis. These techniques have been specifically addressed in our revised Use of Force Policy effective June 12, 2020 (see link below).

EJN Annotation: As explained in Point 6 of Chapter 3, there is no actual ban on the use of chokeholds and strangleholds in the document. Officers are provided a very significant and ambiguously worded exception through the phrase “unless the circumstance(s) warrant the use of deadly force.” It is entirely unclear what “circumstances warrant” means, thus leaving the door far too open for the use of chokeholds and strangleholds.

2. Require de-escalation – Officers are required to learn de-escalation during the MPTC recruit academy training program, and further, are required to undergo additional de-escalation training during the annual in-service training programs as required by the MPTC. It is also a critical component to our numerous Departmental Use of Force trainings every year. The use of de-escalation tactics is reinforced in our revised Use of Force Policy effective June 12, 2020.

EJN Annotation: De-escalation is treated in the Use of Force policy as an afterthought, mentioned very briefly, all of 3 times, and not in an integrated fashion. In comparison with the extremely detailed discussion of the ‘continuum of force’, the discussion of keeping the peace and acting to prioritize de-escalation is very limited. De-escalation should be the integral and fundamental response to any police encounter, with force as a last resort, as described in point 1 of Chapter 3. A model for how to structure a Use of Force policy around the goal of de-escalation and peace-keeping is provided by Campaign ZERO’s template as referenced in Chapter 3.

3. Require warning before shooting – Consistent with the standards set forth in *Graham v. Connor* and *Tennessee v. Garner*, officers may only use that level of force that is objectively reasonable based upon the totality of circumstances. Officers will always attempt to use the lowest level of force in order to effectuate the lawful objective and will attempt to warn individuals prior to using any level of force, provided that they have the time and opportunity to do so. There may be, however, some very limited instances, where it is impossible for officers to provide a warning prior to using force, such as when doing so is necessary to preserve human life.

EJN Annotation: The phrase “some very limited instances” means that the document does not actually *require* such a warning, as the loophole created is both significant and not clearly spelled out. It is important to know what ‘limited instances’ constitute and what procedures exist to ensure Officers do not misinterpret this term, and also what transparent processes of audit and investigation have been established to investigate such an event if it occurs.

4. Exhaust all other means before shooting – We have many non-lethal alternatives at the Needham Police Department. Officers will always attempt to use the lowest level of force in order to effectuate the lawful objective and will attempt to warn individuals prior to using any level of force, provided that they have the time and opportunity to do so.

EJN Annotation: This should be a requirement rather than a suggestion.

5. Duty to intervene – All officers are trained and required to intervene when they recognize that any other officer or supervisor, of any rank, is acting contrary to the law or policy. Although this has been our policy to date, it has been reinforced in our revised Use of Force Policy effective June 12, 2020.

EJN Annotation: This is a positive step. That said, this one isolated change points out a weakness in the scope of management. As has been made clear from our review there are other policies which should be reviewed based on the national crisis of police violence and other changes made. Given the difficulty any employee might face in challenging a peer or, worse, a superior, the document gives no consideration to how those difficulties may be addressed, what protections against retaliation Officers who intervene may be provided, or how Officers can be sufficiently empowered to make such an intervention.

6. Ban shooting at moving vehicles – Officers are not permitted to shoot at a moving vehicle, except in the very limited circumstances where, consistent with the standard set forth in *Graham v. Connor* and *Tennessee v. Garner*, doing so is required to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another. This includes situations where the vehicle itself is being used as a deadly weapon and the officer is unable to escape the path of travel. The officer must reasonably believe that they will not endanger innocent persons. It is imperative that officers not position themselves in such a way as to create a likelihood of being struck by an occupied vehicle.

EJN Annotation: This policy should outright ban and prohibit shooting at moving vehicles. As with several other points made by the Chief, there is far too much latitude provided by the language of suggestion which is used in this document.

7. Require use of force continuum – Officers are all trained to use only that level of force objectively reasonable based upon the totality of the circumstances. Use of force continuum has

been in place for years and is part of recruit training and part of Needham Police and MPTC annual training.

EJN Annotation: Massachusetts is one of only 4 states that does not require standard certification for Police officers. Without a standardized certification process the public cannot be certain that such training that does exist is effective. This may be corrected by the recently passed legislation currently waiting for Governor Baker's action.

8. Require comprehensive reporting – Officers are required to complete a use of force report for each instance where force is used.

EJN Annotation: The reporting required in general by the Needham Police Department is wholly inadequate. The use of force report must be updated to include several parameters including use of handcuffs as a use of force, and the various recommendations included in Chapter 4.

I am proud of the men and women of the Needham Police Department who come to work every day to provide the highest level of police services to all people they encounter. We will continue to act in ways that maintain respect and trust from the community we serve.

Respectfully,
Chief John J. Schlittler

APPENDIX B

Public Records Request submitted to the Needham Police Department Records Access Officer

Public Records Request Regarding Needham Police Department Data and Policies Needham Police Department Needham MA.

Dear Records Access Officer Lt Christopher A Baker:

This letter constitutes a request under the Public Records Law, G.L. c. 66, § 10, for public records in the custody of the Needham Police Department (NPD).

The murder of George Floyd has forced a global reckoning on the treatment of Black people by police departments. Equal Justice Needham (EJN) is a group of concerned citizens whose mission is to make Needham a safe and welcoming place for all. We hope that Needham's Police Department can become a national model for 21st century policing, growing within its existing areas of strength and adapting when that is needed. To that end, we are requesting data related to the NPD's staffing, training and service provision.

As used in this request, "record" and "records" are defined as in the Public Records Law. Unless otherwise stated, the time period for which records are requested is from June 2017 to the present. Data and documents may be provided electronically. Please redact any confidential information as required and please provide information on a rolling basis. We hereby request copies of the following data and documents:

A: Police force demographics

1. Provide all names, gender, age, racial/ethnic identity, hometown, rank and completed trainings of NPD officers, dispatch officers, and other employees of NPD.

B: Service calls and use of force data

Service calls

2. Provide all records relating, referring, or pertaining to service calls received by NPD, disaggregated by date, origination (ex: 911 vs non-emergency number), location of call, whether the call originated from a retail establishment and name of retail establishment if so, reason for requested service, whether call resulted in questioning an individual, whether call resulted in handcuffing, whether call resulted in a citation, whether call resulted in an arrest, and race of individuals involved.
3. Provide all relevant documents and records on the role and outcomes of the CCIT, including documents defining what constitutes a "complex case," what "resources and supports" are provided to complex cases by both police and human services team

members, and what percentage of complex cases receive these supports, disaggregated by case.

4. Provide all offense reports, arrest reports, computer-aided dispatch call reports, citations, and field interview reports, disaggregated by date, officers involved, race of those involved, and reason.

Use of force

5. Provide all documents and data pertaining to use of firearms or other weapons (such as batons) by NPD, disaggregated by frequency, date, race of individuals involved, and reason for use.
6. Provide all documents and data pertaining to the use of handcuffs by NPD, disaggregated by frequency, date, race of individuals involved, whether the individual was later arrested, age of individuals involved, and reason for use.
7. Provide records related to ownership of all weapons and crowd-control equipment by NPD, including but not limited to firearms, rubber bullets, batons, tasers, protective helmets etc., disaggregated by type and number.
8. Provide all records and documentation related to any requests made to the clerk magistrate asking for no-knock entry since 2015, disaggregated by number of requests, reason, and street of request entry.

Traffic

9. Provide all records pertaining to traffic stops, disaggregated by type of stop if a citation was given, and race of individuals involved.
10. Provide all records pertaining to revenue generated by traffic citations

Schools

11. Provide all records pertaining to interactions or incidents involving the School Resource Officers, including but not limited to use of handcuffs, use of restraint, arrests, questioning of students, questioning of adults; include age, race, and disability status of individuals involved
12. Provide all records pertaining to dispatch or involvement of NPD officers other than the School Resource Officers to all Needham schools, including non-public schools such as but not limited to Walker and St Joseph, including reason for involvement, outcome, use of handcuffs, use of restraint, arrests, questioning of students, questioning of adults; include age, race, and disability status of individuals.

Complaints and inquiries (For this section, please provide records from June 2015 to the present)

13. Provide all received public records requests received by the department, disaggregated by date, whether the requested documents have been fully supplied, and the number of days taken to fully respond to the request.
14. Provide all records pertaining to civilian complaints about the Needham Police Department and/or individual officers and employees, including but not limited to Internal Affairs complaints, administrative complaints, legal complaints, lawsuits, or letters or emails to supervisors or the Chief of Police.
15. Provide all records pertaining to disciplinary actions towards NPD officers or staff, disaggregated by reasons, date, outcomes, and whether an allegation of bias or involvement of race was involved.
16. Provide the full content of the five complaints made against officers since 2017 and the documentation regarding their exoneration, reprimand, or finding of being unfounded or not sustained.

C. NPD Policies and Procedures

Use of force

17. Provide all manuals, guidance, policies, communications, not including the use of force policy, regarding conduct towards suspects, detainees, arrestees, including on the topics of traffic stops, stop and frisks, race, bias, de-escalation, weapons, mental health crises, when to Mirandize, handcuffing and other restraints, dispatch, and entering private residences.
18. The use of force policy states that handcuffing is routine for prisoners, while the Town has also stated that handcuffing is not routine for a "threshold inquiry." Provide any and all internal communications, documents, or memos detailing the difference and definition between threshold inquiry and when a person becomes a "prisoner" or is otherwise subject to handcuffing.

Interventions

19. Provide all records and internal documents related to reasons officers are expected or allowed:
 - a. to pull over motorists
 - b. to question pedestrians
20. Provide all records and internal documents related to the relationship between NPD and mental health services, including but not limited to the Youth Commission, Riverside, and Health and Human Services including calls or coordination between the parties, disaggregated by reason for call, date, and outcome.
21. Provide all records and internal documents related to the number of units that respond to a call and communication policies to coordinate between units responding to a call.

22. Provide records and internal documents related to the criteria for requiring an internal review of a police intervention.
23. Provide internal documents detailing the dispatch process.

Officer wellbeing

24. Provide records and internal documents related to resources for, concerns with, or policies pertaining to, officer mental health or stress.

D. Training

25. Provide the course listing/syllabus of the 26-week police academy, including topics studied and numbers of hours devoted to each topic. For videos, handbooks, or online courses, provide the full content.
26. Provide opportunities, requirements, and utilization related to continuing education (education completed outside the 26 week police academy), including topics studied, numbers of hours, what % of officers complete each, how performance is measured, and the full content.
27. Provide all documents pertaining to training received by dispatchers, disaggregated by type of training, number of hours, percent who complete, and full content
28. Provide all documents pertaining to training received by other staff, disaggregated by type of training, number of hours, percent who complete, and staff type, and full content.
29. Provide records detailing the percentage of officers who are trained in CCIT and mental first aid, the full content of the training, how this training is deployed in the field.
30. Provide documentation explaining when training is determined to be necessary for all personnel vs some personnel.

E. Staffing

Hiring

31. Provide job posting and comprehensive hiring criteria and process for officers.
32. Provide all documents related to performance evaluation criteria and process

Time study

33. Provide documentation detailing the percentage of time officers spend on the following activities: responding to noncriminal calls, traffic, other crime, property crime, proactive work, medical work, violent crime, as defined in the F.B.I Uniform Crime Report.
34. Provide a breakdown of activities performed by SRO officers.
35. Provide any analyses regarding the current staffing model and levels.
36. Provide any documentation on the goal of police patrol, e.g. deterrence or other goals, as well as how police patrol success is measured, including any internal emails relating to how patrol success is measured or reacted to by others in the department.

37. Provide all documents related to the definition of the patrol quadrants and how they were determined.
38. Provide all documents related to any measurement of risk or crime level as it relates to different geographic parts of town.
39. Provide GPS data for January 2020 indicating the locations of patrol officers.
40. Provide documentation on overtime, including amount of overtime, which officers received it, disaggregated by reason for overtime.

In conclusion:

As this request involves a matter of public concern, we ask that all fees associated with this request be waived pursuant to 950 C.M.R. § 32.06(5). The purpose of this request is to better understand the town's police data, so as to work toward relevant, town-specific, practical, data-driven recommendations, as needed, similar to those favored by successful, reform-minded innovators amongst police departments. The information will not be used for any commercial purpose. If the waiver is denied and you expect the fee to exceed \$10.00, please provide a detailed fee estimate.

The Public Records Law requires that you comply with this request within 10 days following receipt. If your response to any portion of the request is that any record or portion of it is not public, please set forth in writing the specific reasons for such denial, including which specific exemption you believe applies.

I can be reached at ejnpr@gmail.com with any questions or concerns regarding this request. Thank you for your time and prompt attention to this request.

John Kirk
On behalf of Equal Justice in Needham

APPENDIX C

Important Documents Listed in Footnotes

- Warrant Article 17 as it appeared in the October 2020 Needham Town Meeting Warrant: <https://drive.google.com/file/d/1H51hjsnov1MeQ1YcupKhcuTN64VC1zi/view?usp=sharing>
- Needham Police Union Community Bargaining Agreement: <https://www.needhamma.gov/DocumentCenter/View/2383/Police-Union-7115---63019?bidId=>
- Needham Police Department Use of Force Policy: <http://www.needhamma.gov/4952/Police-Policies-Procedures-Info-of-Inter>
- Acton Police Department Use of Force Policy: https://drive.google.com/file/d/18ynmY_NRvAyy-8GtwoK05iBEFG5qkxKS/view?usp=sharing
- Dedham Police Department Use of Force Policy: <https://docs.google.com/document/d/1PFuYZOkc0sdj-ErP2vrlE39jDtAl68JrCprUCRIqDcA/edit>
- Philadelphia Police Department Use of Force Policy: <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569add89b20943556a8b7a88/1452989841885/Philadelphia+Use+of+Force+Policy.pdf>
- Seattle Police Department Use of Force Manual: <http://www.seattle.gov/police-manual/title-8>
- Campaign ZERO's Use of Force Policy template: <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>
- NPD Chief Schlittler 8 Can't Wait Statement, published in the Needham Times (6/24/20): <http://www.needhamma.gov/DocumentCenter/View/21586/8-Cant-Wait-Statement-from-Chief-Final?bidId=>



Equal Justice in Needham Public Safety Report: Part 2

Race and Policing in Needham An Analysis of Public Records Request Data

Part 2 of a Project to Reimagine Public Safety in Needham

By

Equal Justice in Needham Public Safety Working Group

*February 22, 2021
Needham, MA*

“Equal Justice Needham (EJN) has undertaken an impressive grassroots, community effort to collect available data about policing and racial equity in Needham. Through a targeted series of public records requests, data review and analysis, EJN has reached a series of notable conclusions about the state of policing in Needham. **Their report highlights an array of themes that warrant further exploration, including racial inequities in civilian-police encounters, inadequate training, and insufficient oversight.** The vigorous and well-supported analysis undertaken by this group of concerned residents reflects a nation-wide movement toward police reform and data transparency.”

-Professor Stephanie Hartung, Northeastern University School of Law

Expert Review and Acknowledgments

This report was reviewed by:

- **Stephanie Hartung**, Resident Fellow at the Center for Public Interest Advocacy and Collaboration, Northeastern University School of Law, and
- **Ben Struhl**, Executive Director at the Center on Crime and Community Resilience, Northeastern University

We are grateful to our reviewers for their suggestions and feedback. Any errors are our own.

We are also grateful to Officer C. Baker, Needham Police Department, for his patience and responsiveness throughout the Public Records Request process.

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Appendix A: Hours of labor required to fulfill PRR request

Appendix B: EJM Public Records Request

Foreword

This report presents a data-based summary of Needham policing outcomes and policies, which to date have not been shared in a publicly transparent manner. This report was shared with the NPD in advance of its release and their response will be published when received.

A few days before publication of this report, we were pleased to see a small release of NPD data as part of the [Select Board Agenda for February 23, 2021](#). This release was in response to a request from the Needham Unites Against Racism Initiative (NUARI), which asked for racially disaggregated data on police outcomes. EJN welcomes this step towards the transparency our report recommends. However, we do note the following:

1. The data released was for 2020 alone, which misses the increase over time in certain racial disparities that we point to this report. It is also not clear if this is a one-time release, or whether the Select Board intends to demand regular and publicly accessible racially disaggregated data on police outcomes.
 2. The data released was for only three indicators: “arrests”, “traffic stops” (along with further details on the resolution of the traffic stop), and “use of force”. This report notes that it is necessary to monitor a wider range of indicators, and to be able to track changes over time. The metrics with the highest BIPOC shares per our analysis – “offenses for which criminal charges were sought”, and “handcuffing” - are missing from the data released by the NPD.
 3. The data the NPD released does the useful service of disaggregating outcomes by resident versus non-resident. This is data we did not have access to, but what the NPD has released shows a high share of BIPOC non-residents involved in interactions with the NPD. We recently saw a disturbing example of such an interaction in the case of Mr. Marvin Henry.
- As Needham residents, we want to create a welcoming and safe environment not just for our residents, but for visitors and workers, whom we consider essential members of our Needham community. We are therefore concerned about the high shares of BIPOC non-residents involved in interactions with the NPD and believe that this is an outcome worth carefully monitoring and investigating.
4. The statistics offered by the NPD in response to NUARI’s request were not accompanied by context and analysis. The NPD and the Town should present this data regularly to the public along with analysis. A transparent evaluation of the performance of all town services, including the NPD, is a basic tenet of the good governance we pride ourselves on in Needham.

Highlights

EJN Public Safety Report: Part 2

This report is the second in a study of race and policing in Needham by Equal Justice in Needham (EJN), a grassroots organization of concerned citizens that formed in solidarity with the national conversation on racial equity in summer 2020.

The first part of this study explored the governance of policing in Needham, focusing on weaknesses of process and substance related to the town's contract with the Police Union, and the Needham Police Department's Use of Force Policy Document.

This study summarizes the results of a Public Records Request submitted by EJN in September 2020, covering racially disaggregated (anonymized) data on police-civilian interactions such as citations and arrests, the use of force by police, police activity in schools, civilian complaints, policies, training, and staffing. The data generally covered three years, from September 2017-August 2018, September 2018-August 2019, and Sept 2019-Aug 2020.

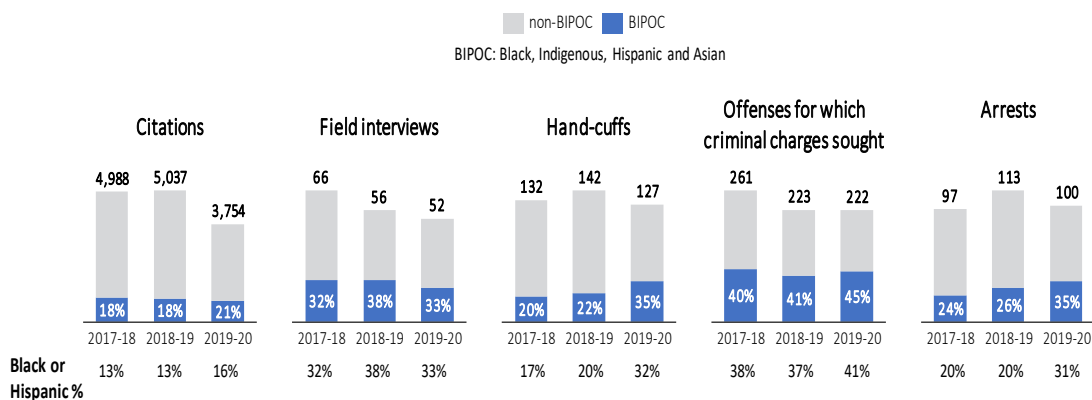
We note that NPD charged \$1163 for the completion of this PRR request, citing the significant number of personnel hours needed to compile the raw data.

This report offers an integrated overview of policing in Needham that official sources were not able to provide. We look forward to the town institutionalizing this form of oversight as we work together to create a safe and welcoming Needham for all.

Summary Findings:

- The data reveal significant and increasing race-based disparities in policing outcomes, with 2019-20 BIPOC (Black, Indigenous and People of Color) shares of “handcuffings” at 35% and “offenses with criminal charges sought” at 45% respectively. Both were higher than in 2017-18 (Figure 1). These shares, and the Black and Hispanic shares in particular (see Figure 1), are disproportionate in comparison with Needham's population (approximately 16% BIPOC, with a Black and Hispanic share of only 7%) as well as with the similar shares for the Metrowest region more broadly.

Figure 1: Racial Disparities across Police-Civilian Interactions, Needham



Our data do not allow us to identify reasons for these disparities, but these findings urgently require in-depth analysis.

- These disparities are also reflected in data on our schools, where the Black share of interactions between students and Student Resource Officers (SROs) are disproportionate in comparison to the share of Black students in NPS.
- The lack of analysis of this data by the Town or by the NPD, compounded with our experience of inaccessibility of the data itself, suggests there is inadequate oversight of the NPD. This is despite the fact that current NPD policy itself requires instances of bias-based policing be identified through the collection of race data.

We welcome a recent step toward more transparency as a result of a request from NUARI (see Foreword) but urge NPD and the Town to produce more comprehensive and sustained analyses along the lines of this report.

- Our analysis suggests that NPD policies, training, and staffing do not fully meet Needham's 21st century community policing needs.
- We also find that mental health needs in Needham are currently underserved.

EJN Recommendations for the Town of Needham and the NPD:

- Transparency:
 - Create a regularly updated dashboard of key police outcomes, disaggregated by race, and made available via website and other Town communications platforms.
 - Publish an annual Public Safety report, along the lines of the Needham Public Schools report, disseminated via website and other Town communications platforms.
 - Publish and update the names, rank/role and training of all Needham Police Department employees on the NPD Website.
- Accountability:
 - Create an Oversight body to monitor Public Safety outcomes and needs.
 - Metrics of policing outcomes, disaggregated by race, should be regularly reviewed by the Oversight body to evaluate the NPD's performance and resource areas for improvement.
 - The Oversight body's reviews should be publicly available, published on the town website.
- Modernization of policies and training to focus on safety for all:
 - The Oversight Body should commission an audit of key NPD policies, training and staffing in order to better align them with Needham's values, and better reflect 21st century knowledge about best practices in community policing.
 - There should be a town-wide review of existing mental health resources with the goal of better serving those with mental health needs.

Chapter 1: Introduction

The unique life-and-death responsibility entrusted to Police Departments calls for consistent, rigorous oversight, accompanied by transparency about processes and outcomes.

Equal Justice Needham is a grassroots organization of concerned residents that formed in solidarity with the national conversation on racial equity in summer 2020. As part of town-wide efforts to make Needham a safe and welcoming place for all residents, workers and visitors, we sought to review the practices and outcomes of policing in Needham, particularly as they relate to race.

Police departments are employed by towns and funded by local taxes. Although residents are ultimately “paying” for their local policing, we found that it is currently difficult for Needham residents to review the actions of the Needham Police Department. According to the current governance structure in Needham, the Needham Select Board and Town Manager oversee the police department. Yet, there are no accessible public metrics or dashboards that can be used to answer such questions as or “what are our public safety goals and are we achieving them?” or “are there racial disparities in Needham policing?” In the absence of such data, and regular, careful analyses, it is impossible to judge the extent to which we are succeeding in our efforts to build a safe and equitable town¹.

Therefore, in September 2020, Equal Justice Needham placed a Public Records Request (PRR) with the Needham Police Department, as entitled by state law. We submitted 37 questions covering police-civilian interactions such as citations and arrests, the use of force by police, police activity in schools, civilian complaints, policies, training, and staffing. As a general rule, we asked for anonymized data and statistical aggregates rather than details of specific cases. Example questions include “Provide reporting on arrests, by reason and race of person arrested” and “Provide an inventory of weapons owned by the NPD, including but not limited to firearms, rubber bullets, batons, tasers, protective helmets etc.” See Appendix B for the complete PRR request.

The data included three years of police records, from September 2017-August 2018, September 2018-August 2019, and Sept 2019-Aug 2020. We also received less than a month of data for 2020-21, but we did not incorporate these in our analysis. The data analyzed in this report are those that we received by January 2021, at which time we added two additional follow-up questions. The PRR questions themselves were revised through discussion with the NPD in August 2020 in order to facilitate timely responses, as some original questions were considered extremely time-intensive to fulfill.

In our analysis, we define the BIPOC population as Black, Indigenous, Hispanic and Asian peoples. In order to provide a conservative estimate, those whose race and ethnicity were listed as ‘unknown’ in police data were treated as white. According to the 2019 American Community Survey (ACS), Needham was [87.4% white, with a Black/ African American population of 3.4%](#) and Asian share of 10.6%. The Hispanic share, treated by the ACS as an ethnicity rather than a race, was 3.2% (percentages may not add up as some Whites and Blacks are also of Hispanic ethnicity, and these shares include mixed race individuals). Given that the Hispanic share of 3.2% overlaps with the white share of the population, **throughout this report we treat the BIPOC share of Needham as approximately 16%, with a Black and**

¹ See the Foreword to the report for our response to the very recent release of a small subset of data for 2020 alone.

Hispanic share of at most 7%. These percentages are [similar to those of the Metro-west area more generally](#), which tends to have lower BIPOC populations than both the rest of Massachusetts, and the United States.

While the NPD cooperated fully with our request, we would like to note as a point of concern, the amount of time it took to gather information on fundamental metrics of policing. For example, the NPD took 13.5 hours to gather and provide us with the number of instances of handcuffing in Needham over the last three years, disaggregated by reason and race/ethnicity of the person handcuffed. The NPD took 7.5 hours for the field interview data disaggregated in the same way, and 5 hours for an anonymized listing of citizen complaints/disciplinary actions.

Even after completing our analysis, it is unclear to us how the NPD engages in systematic self-evaluation if these statistics are not already being computed and tracked by the department. As a result, it is unclear how the department plans for improvements in the spirit of continuous innovation. Departments from [Portland, Oregon PD](#) to [Northampton MA](#) have joined the [Police 'Open Data' Initiative](#) and could be used as a model in this regard. The comparison with Needham Public Schools is also striking. The Needham School Committee has created publicly accessible, updated metrics that include schooling outcomes disaggregated by various demographic characteristics of students.

Without regular access to key metrics of policing in Needham, we are also concerned that the Select Board and Town Manager may not have the ability to conduct meaningful oversight of the department.

EJN has the following specific questions for the Town given our experience with this PRR:

1. What are the metrics that NPD currently uses to internally evaluate its performance? How were these metrics chosen and are they racially disaggregated? What actions has NPD taken in the last three years in response to any such self-evaluation?
2. What are the metrics the Select Board and Town Manager currently use to evaluate NPD's performance? How were the metrics chosen and are they racially disaggregated? What actions, if any, have the Select Board and Town Manager recommended in response to any such evaluations? What progress has the department made in adopting these recommendations?
3. Why have any such metrics and evaluations not been made easily accessible to the public? We welcome the recent release of a sub-set of data in response to a request from NUARI, and ask for a more sustained and comprehensive effort to do so in the future.

We believe there are weaknesses in the extent to which NPD engages in systematic, data-based self-evaluation, as well as the extent to which Town government has sought such systematic, data-based evaluation of the NPD.

This lack of transparency and oversight suggests a significant gap in governance when it comes to the NPD. The data suggest that Needham's BIPOC residents, workers and visitors disproportionately bear the burden of this gap in good governance.

Needham must move toward greater transparency and accountability in its governance of Public Safety. It also needs to modernize its approach to community policing. This shift should involve at a minimum:

1. The creation of an easily accessible Public Safety dashboard along the lines of Table 1 in Section A below. See [Police Data Initiative](#) participants for examples.
2. The publication of an annual Public Safety report, like the annual Needham Schools report, which evaluates the performance of Public Safety-related departments such as Police and Fire.
3. Robust and transparent evaluation and monitoring to be provided by a newly created Public Safety oversight board. This board would also need to re-examine the proper role of police in responses to mental health crises, for reasons we discuss below.

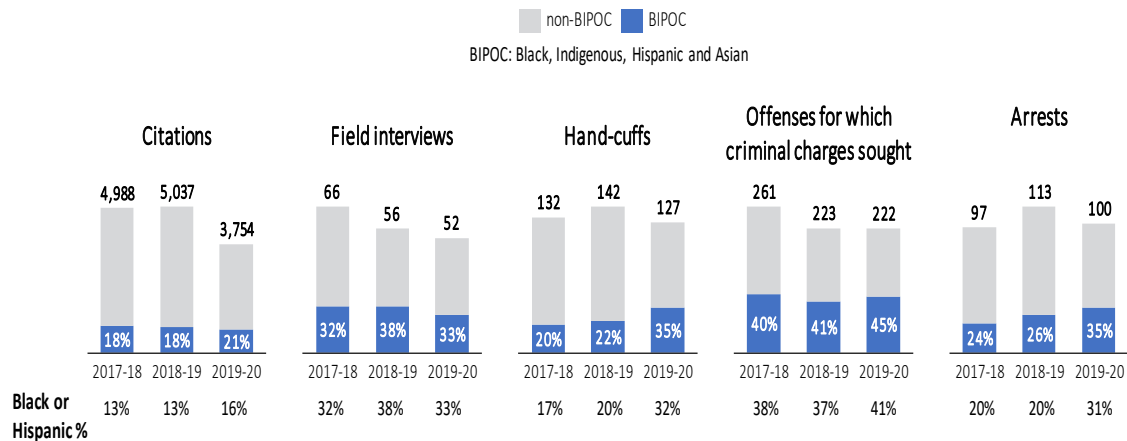
Chapter 2: Police-Civilian Interactions

A. Racial Disparities in Police-Civilian Interactions

Highlights

- The data reveal significant racial disparities in key police-civilian interactions over the last three years. BIPOC accounted for disproportionate shares of police field interviews, incidents of handcuffing, offenses with a criminal charge sought, and arrests. **“Offenses for which criminal charges were sought” had the highest BIPOC share at above 40% in each of the last three years.** The PRR data do not enable us to identify the reasons for these high shares, but they indicate an urgent need for further investigation.

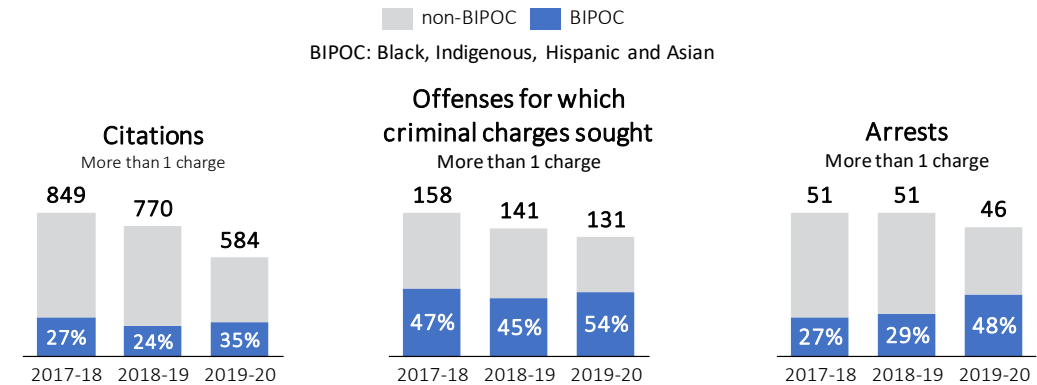
Figure 1 - Racial Disparities across Police-Civilian Interaction Types, Needham*



*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' in police data were treated as white.

- Across most of these interaction types, **the BIPOC share was higher in 2019-20 than in 2017-18**, showing an intensification of the racial disparity in outcomes.
- In the case of offenses, arrests and citations, BIPOC shares were even higher for those with more than one charge levied against them.

Figure 2 - Racial disparities, multiple charges*



*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' in police data were treated as white.

- To our knowledge, these data have never before been shared with the public in this form. Needham residents are therefore unaware of the extent of this disparity.

Analysis of Police-Civilian Interaction Types

Section A of EJA's PRR requested data on a range of police civilian interactions, as seen above in Table 1. Along with a summary of our analysis for each type of interaction, we provide below a brief definition of the type of interaction. At various points we sub-categorize these interaction types based upon the categories used by the NPD Records Management System (RMS).

The NPD was unable to provide us with a document with definitions of these different interaction types and their categories (see the [Portland, Oregon PD website](#) for an example of a useful and accessible guide that citizens can use). We constructed these definitions partly through individual communications with the officer in charge of the PRR, and partly through our own research.

To reiterate, that such a guide of definitions does not exist suggests that NPD has not been asked for this data on a regular basis - either by internal agencies, nor entities outside the department, including the Select Board.

Most of the data provided to us was for the Sept-August period of each year, but data on 'Incidents' was provided using a different format, and therefore we present only aggregates for all 3 years in that case. We were not provided with the racial composition of incidents data, and are thus unable to provide any analysis of incident categories such as "juvenile trouble" or "suspicious persons."

Interaction types for which we did not receive racially disaggregated data

1. Calls for service: The most common form of Police-civilian interaction is through "Calls for service" to the Police. Calls for service vary considerably both in content and in degree of urgency and may either be Dispatched (via 911 or other numbers) or be Self-initiated/Directed calls. Examples of the latter include pre-scheduled calls with community

organizations or administrative calls, as well as calls made by officers calling in sick, calling in incidents etc.

TABLE 1 - Summary, Calls for Service and Incidents

	2017-2020
Calls for service	144761
Incidents/Arrests	4451
Incidents as % of Calls for service	3%
Mental health-related % of incidents	10%

Within calls for service, the largest category across the last three years was ‘security checks’ (46%) and the third largest was ‘walk and talk’ (7%). These are both relatively non-intrusive forms of policing designed to deter crime. Given the significance of these categories in terms of their share of calls for service, it may be useful to conduct a time-use study of NPD officers to understand how much time they consume.

Motor vehicle stops were the second largest category of calls for service (14%). ***It is clear from this and other forms of data presented below, that a relatively large share of policing activity in Needham relates to traffic.***

- Incidents occur when the police must respond to calls for service with further action. **Table 2 shows that ‘incidents’ totaled around 3% of all calls for service across the last few years.**

TABLE 2 - Incidents, by major categories (%)

	2017-2020
Crime related incidents	
Traffic/town by law offenses	34%
Impersonation	11%
Other larceny	8%
All "other" offenses	7%
False pretenses/swindle	6%
No-crime incidents	
Person sick or injured	19%
Disturbance	11%
Assist citizen	9%
Juvenile trouble	8%
Suspicious person	6%

Incidents may further be sub-divided into “crime-related incidents” or “offenses” (ranging from “larceny” or “traffic violations” to “felonies” such as “murder” or “assault”) and “non-crime related incidents”, including “assistance of citizens” or “persons sick or injured”, as well as “juvenile trouble” and “disturbances.” In Needham “non-crime related incidents” added up to around 90% of the total for “crime-related incidents”.

Amongst “crime-related incidents”, the category of “traffic/town by law violations” constituted the single largest category (Table 2). Based on other data on calls for service and citations, traffic violations likely constitute the vast majority of this category.

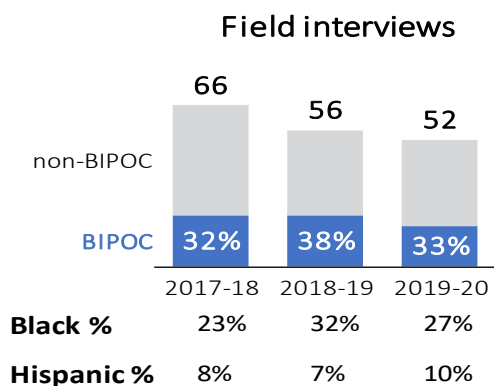
Table 2 indicates that once we set aside police assisting citizens and persons who are sick/injured, **“disturbances,” “suspicious persons” and “juvenile trouble” were the three largest categories of non-crime related incidents.**

“Mental-health incidents” were a large share of all incidents, at 10% (Table 2). NPD did not provide us with racially disaggregated data on mental health incidents. There was no increasing time trend in the annual aggregates they provided to us. However, **the data did show that almost 50% of mental health-related incidents were accounted for by 42 individuals with three or more incidents across three years.** This suggests that the servicing of almost 50% of mental-health related calls may be somewhat predictable, and perhaps could be [moved outside the remit of the Police](#) to other agencies with greater capacity to handle the challenges of mental health issues.

Interaction types for which we did receive racially disaggregated data

- Field interviews and observations: This is the first category for which we received race data as part of the PRR. As Figure 3 shows, between 32-38% of all field interviews by officers were of BIPOC people. In every year, this share was higher than the BIPOC population share of the town.

Figure 3: Racial disparities, Field Interviews*



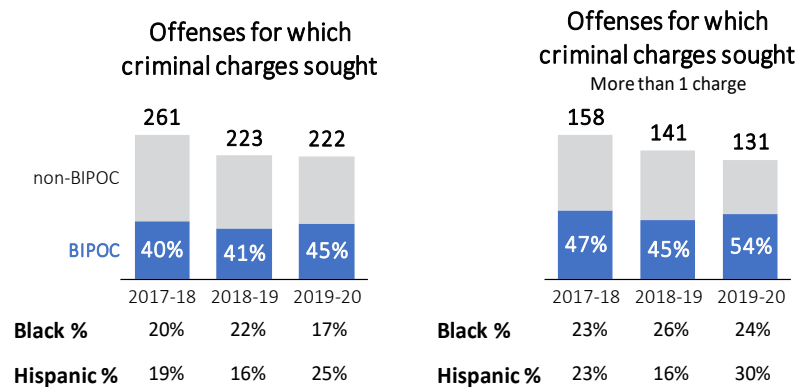
A further disaggregation by race shows that the vast majority of field interviews were with Black and Hispanic people, the two population groups with the smallest shares of Needham’s population.

Furthermore, while the Black share is higher, the Hispanic share has increased over time.

*Needham’s BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed at “unknown” in police data were treated as white. A subset of those interviewed were Black as well as Hispanic.

- Offenses with a criminal charge sought: The PRR data did not allow us to separate out felonies. We thus report data for all offenses for which a criminal charge was sought.

Figure 4: Racial disparities, Offenses for which criminal charges were sought*



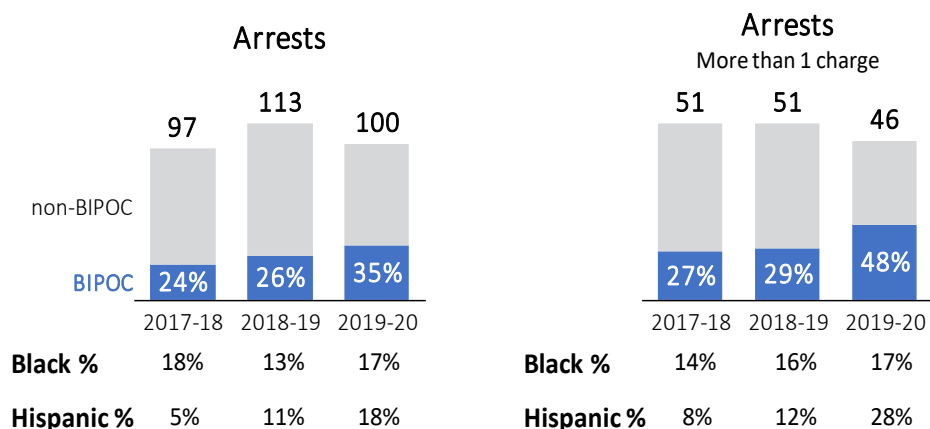
*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' were treated as white. A sub-set of detainees may be Black as well as Hispanic.

This was the category with the highest BIPOC shares, increasing each year to 45% in 2019-20. Once again, as Figure 4 shows us, this category is dominated by Black and Hispanic people.

The BIPOC share of those charged with more than one offense was even higher, reaching an astounding 54% in 2019-20.

5. Arrests: *Arrests data show a similar disproportionate share of BIPOC people, with the percentage reaching 35% in 2019-20.*

Figure 5: Racial Disparities, Arrests*

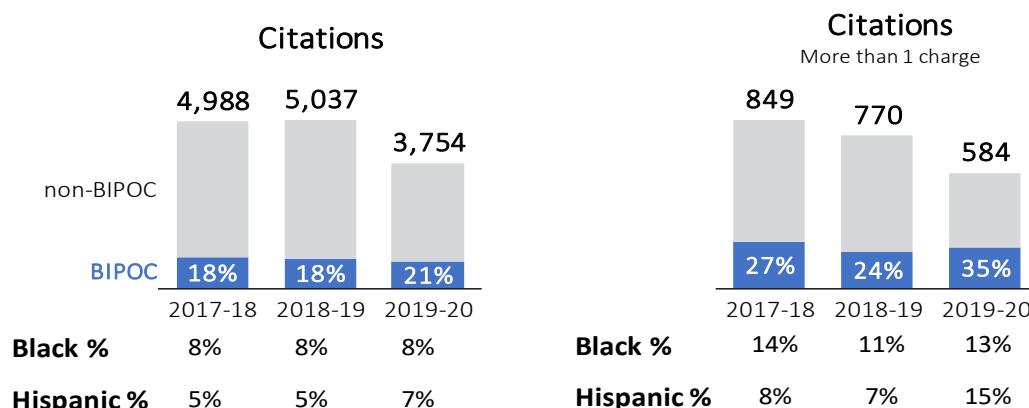


*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' were treated as white. A sub-set of arrestees may be Black as well as Hispanic.

In every year, that percentage was even higher for those arrested with more than one charge. The rising share of Hispanic peoples in this category is also very striking.

6. Citations: Last but certainly not least, given their sheer volume, we turn to Citations data. The vast majority of the citations data we received related to traffic citations, which tend to result in fines/fees. ***The BIPOC share for those with a citation on at least one charge is a little lower at around 20%, but that share rises to around 30% for those with more than one charge.***

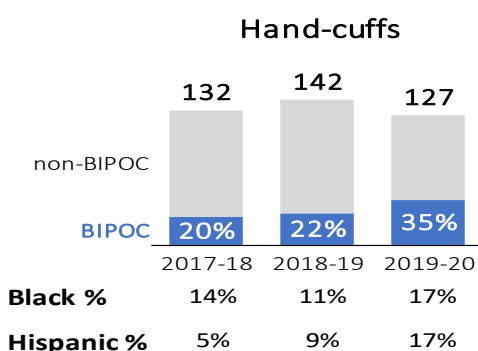
Figure 6: Racial Disparities, Citations*



*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' were treated as white. A sub-set of those receiving citations may be Black as well as Hispanic.

7. Handcuffing:

Figure 7: Racial Disparities, Handcuffing*



The incidence of handcuffing is high, totaling over 400 incidents for the three years under study. As EJN noted in its previous Public Safety report, handcuffing is *not* treated as a Use of Force by NPD, despite this very high incidence.

Handcuffing data are discussed in more detail below, but **similar patterns of racial disparities are evident**, as all but three of those handcuffed in 2019-20 were Black or Hispanic.

*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' were treated as white. A sub-set of those handcuffed may be Black as well as Hispanic.

B. Handcuffing and Use of Force

Highlights

- This data required 13.5 hours for NPD to provide it to us, suggesting that this data is not currently being systematically tracked.
- There were 39 incidents of Use of Force reported in the data we received, but 401 incidents of handcuffing. ***The failure to include handcuffing in the Use of Force statistics thus provides a potentially misleading picture of how often police in fact physically interact with civilians.***
- In 2019-20, ***35% of all those handcuffed, and 27% of those who experienced the Use of Force by NPD's more narrow definition were BIPOC, of whom 93% were Black and/or Hispanic.***
- ***The BIPOC share of those handcuffed was higher in 2019-20 than in 2017-18.***
- The Use of Force Policy document, which is used to evaluate complaints against officers accused of unjust and excessive use of force, remains based on an outdated 1990s conceptualization of policing as force and control, rather than safety and de-escalation.

Analysis of Handcuffing and Use of Force Data

In Massachusetts, each police department is responsible for writing and updating a Use of Force policy, which is to be used when training officers in order to establish clear guidelines regarding what amount of force is allowed in a given situation. The aim of a Use of Force policy is to formalize agreed-upon, appropriate amounts of force to manage a given situation according to a predetermined protocol. The Use of Force policy document is also used to evaluate and either sustain or reject complaints about excessive or unjust Use of Force by the police.

As EJM noted in our [Public Safety Report: Phase 1](#), the [Needham Police Department's Use of Force Policy](#) relies upon an outdated conception of policing as based upon force and control rather than safety and de-escalation. We also noted the problematic fact that NPD [chooses not to treat handcuffing as a use of force](#). This means officers do not have to abide by even the minimal guidelines of the Use of Force policy document when it comes to the decision to handcuff someone.

Recently, in January 2020, Mr. Marvin Henry, who is a black man was handcuffed and held on the street in handcuffs for half an hour on just a suspicion of shoplifting, an accusation that NPD later admitted was baseless. This violation of Mr. Henry's rights sparked outrage and concern in town, and led to both an internal investigation into the conduct of the 5(!) officers ²involved in this incident, as well as a yet-to-be-released external investigation. Many town residents were thus shocked when NPD recently exonerated all 5 officers of bias as well as excessive use of force, sustaining only a minor charge relating to paperwork.

Any Needham resident would be outraged if they were publicly handcuffed for over a half hour without cause. Such an experience would rightly be considered an excessive use of force by the police. The fact that NPD chooses not to include handcuffing as a use of force is not in line with Needham residents' typical interpretation of use of force by NPD. Furthermore, even though handcuffing is not considered a use of force, officers are required to handcuff all prisoners – without a clear definition of what 'prisoners' means.

² It remains unclear why 5 police officers in two police cars had to rush to the scene of a shoplifting incident involving consumer goods from CVS and no reports of any use of arms or violence.

After the handcuffing and holding of Mr. Marvin Henry, [an NPD internal investigation exonerated all officers of charges of excessive use of force and/or bias](#). This suggests that there are serious gaps in NPD policies regarding the use of force and bias, in comparison with the values of Needham residents.

EJN is not suggesting that handcuffs should never be used. However, an updated classification of handcuffing as a “use of force” is needed to align this policy with Needham Community norms.

Our analysis of PRR data suggests that Mr. Henry’s is unlikely to be an isolated incident. Between 2017-2021, over 400 people were handcuffed in Needham (Table 3), almost 10 times the number reported in the official use of force data (Table 4). ***In 2019-20, 35% of those were BIPOC, 93% of whom were Black or Hispanic. Notably, this is a higher share than in 2017-18 indicating an intensification of this pattern of racial disparity.***

TABLE 3 – Handcuffs, by reason and race*

	Total Number			BIPOC %		
	2019-2020	2018-2019	2017-2018	2019-2020	2018-2019	2017-2018
Arrest/Summons	96	110	93	38	25	26
Mental Health	12	15	21	25	7	10
Protective Custody	10	11	11	10	18	0
Officer Safety	9	2	5	44	50	20
Warrant of Apprehension	0	4	2		0	0
All Handcuffings	127	142	132	35	22	20

*Needham’s BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as ‘unknown’ were treated as white.

The high and rising percentage of BIPOC people handcuffed for arrests/summons again suggests that there are disproportionate number of arrests of BIPOC people in Needham. ***This high BIPOC share of the number handcuffed for “officer safety” (44% in 2019-20) raises an important red flag.*** Although it is less common for Needham officers to handcuff due to “officer safety”, as is now well documented, [unconscious \(or conscious\) race-based bias](#) can drive this perception of threat. This finding deserves further analysis, investigation, and monitoring.

In sharp contrast, the equally small category of ‘protective custody,’ a form of handcuffing that occurs for a person’s own safety (often in cases of intoxication), was only 10% BIPOC in 2019-20.

The data on “use of force” reflect a similar racial disparity. The most common use of force by the NPD was the use of hands, legs and knees to engage in what was termed a ‘compliance technique.’ In addition to the use of hands, tasers, batons and 40mm less lethal munitions were also either shown or used. Needham police officers pointed guns four times over this period, but never fired.

Table 4: Use of Force, by race and type of use of force*

	Total Number			BIPOC %		
	2019-2020	2018-2019	2017-2018	2019-2020	2018-2019	2017-2018
All Use of Force	11	13	17	27	8	29
Use of Force other than hands, legs, knees	5	7	8	40	0	50

*Needham's BIPOC share of the population is 16%, with at most 7% being Black and/or Hispanic. In order to provide a conservative estimate, those whose race and ethnicity were listed as 'unknown' were treated as white. A sub-set of arrestees may be Black as well as Hispanic.

Table 4 indicates that **27% of the 11 official uses of force in 2019 were against BIPOC (all Black and/or Hispanic that year). 40% of those against whom something more than hands was used (thus tasers, batons etc) were Black and/or Hispanic.** In conjunction with the larger numbers for handcuffing, these data suggest a strong pattern of racial disparity in non-routine police-civilian interactions.

The existing inventory of NPD weapons shapes the options Needham police have available to them when they wish to use force. For lethal force, NPD owns enough handguns for each officer on the force, as well as 13 assault rifles and 3 shotguns (the shotguns are listed as "not deployed"). Additionally, at the 2020 Spring Town Meeting, the town appropriated money for new handguns for the force (it is unclear if these new guns are those referenced in our document). For less-than-lethal force, the NPD owns 15 tasers, 60 pepper spray canisters, two "less-lethal launchers" and 10 wooden batons.

We detail in the section on training that NPD training prioritizes teaching officers how to employ their use of force arsenal. We found, however, that there is no comparable level of training in de-escalation methods. To repeat from EJA's previous report, **there are only two sentences about de-escalation in the NPD use of force policy document.** It is rare to find mentions of de-escalation in other documents, and when the term is used, it is sometimes used to refer to what police should do after they have already captured a suspect. For example, policies related to "active shooter training" include the sentence, "an individual who has committed a crime surrenders, requiring the officers to de-escalate". The de-escalation the document is referring to appears to be after the individual is in custody.

C. Police in Needham's Schools

Highlights

- The racially disaggregated data we received does indicate a much higher share of interactions between Black students and School Resource Officers (SROs) than the share of Black students enrolled in Needham's schools.
- It took 2.5 hours for NPD to provide us with the data on school-related incidents without information on race, and additional 6 hours for information with race. This suggests that NPD may not be regularly monitoring their activities related to our schools.
- Massachusetts now permits the Superintendent of schools to opt out of having a "School Resource Officer" (see below for explanation). We will seek more information on whether Needham has seriously considered the question of whether we should rely on the SRO model in the future.

Analysis of Data on Police and our Schools

We analyzed data on incidents reported by School Resource Officers (SROs) in the three year time period from 2017-2020. These data were not provided to us with dates, and thus we were unable to disaggregate by year. The data represent a wide variety of incidents- from high schoolers on the roof to elementary students fighting - and is challenging to interpret in nuanced fashion. The majority do involve Needham High School students and include incidents related to drugs, fighting, mental health concerns, and 'other'. ***Nonetheless, we note that the percent of interactions involving a Black student(11%) is much higher than the percent of Black students enrolled in the Needham School system (2%).***

Table 5: Interactions reported by SROs 2017-2020 (data provided without dates for interactions)

	Total Number	BIPOC %	Black %	Race Unknown or Withheld %
All interactions	263	23	11	26
By location				
Needham High School and premises, including Memorial Field	135	25	16	24
Middle School (Pollard and High Rock)	70	20	4	36
Elementary Schools	20	15	5	35
Other or no location	38	26	13	13
By category				
Interactions categorized as "Juvenile Trouble"	101	25	9	12
Interactions that resulted in charges/citation/arrest	13	23	23	15
Interactions that resulted in "school discipline"	38	29	16	11

*Data excludes interactions with those whose age was above 20 years.

Table 6: Needham High School and School District Enrollment Data by Race

2020-21	% of High School	% of District
Black	2	3
Asian	9	10
Hispanic	6	6
White	79	75
Other, including multi-race	5	6

In particular, we note the high share of Black students involved in interactions with SROs that resulted in charges/citations/arrests (23%) and “school discipline” (16%).

The School Calls document contained by far the largest number of entries for the three-year period across all of the data we received, at just over 22,000. Around 18,000 of these calls are for a “Security Check,” which constitutes a police officer driving by a school and potentially parking outside for a period of time. This number indicates that the Needham Police

Department places a high priority on patrolling the schools, and that officers spend a lot of time outside the schools. It is unclear if these Security Checks are solicited by a call from someone at the schools, or if the police are carrying out routine drive-bys.

Document D14 in the PRR data we received outlines the job description of the School Resource Officers (SROs), of which Needham has two — one in Needham High School, and one on call for Pollard Middle School. The mission of the SRO is to minimize their corrective and punitive involvement, and primarily to react rather than prevent. The description states that, regarding all non-criminal student misbehavior, the school is in control, and should prioritize community-based accountability such as peer mediation, restorative justice, and mental health resources. The SRO only intervenes to de-escalate a situation: “The SRO will not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO will not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.” The description also highlights several areas for ongoing professional development, such as: restorative practices; implicit bias and disproportionality in school-based arrests based on race and disability; cultural competency in religious practices, clothing preferences, identity, language awareness, and other areas; mental health protocols and trauma-informed care; de-escalation skills and positive behavior interventions and supports.

An analysis of the reasons for the higher number of BIPOC students interacting with SRO would be a valuable next step, to be taken jointly between the school and police departments. We should note that the recent police reform bill allows school superintendents to opt out of the mandate that schools must have an SRO, and Needham should consider whether an armed police officer is best suited to carry out these duties within the school setting.

Chapter 3: Citizen Complaints, Policies and Procedures, Training and Staffing

A. Citizen Complaints

Highlights

- Lack of data availability and reporting suggests this information is not being tracked or used to evaluate department performance.
- The data suggest that a minimum of 23% of complaints related in some way to race.
- There is no insight into how decisions were made in response to complaints, or what the decisions translate into in terms of consequences for the officer.

Analysis of the Complaint Data

Civilians who interact with the NPD can register a complaint by calling the Department or filling in a complaint form. EJA asked NPD for a list of civilian complaints about NPD or individual employees/officers of NPD from 2015 onwards, the full content of each complaint, and the resolution of each complaint (e.g. exoneration, reprimand, etc.). The data for the 17 complaints was provided to us in anonymized narrative form, with summaries only for those incidents where the officer was not exonerated.

TABLE 7 - Summary of civilian complaints received by NPD

Date	Accusation, as Summarized By EJA	Finding
9/8/2015	Rudeness	Not sustained
10/5/2015	Courtesy	Sustained
12/24/2015	Courtesy	Sustained
3/16/2016	Rudeness	Sustained
4/25/2016	Racial profiling	Exonerated
6/15/2016	Off duty road rage	Not Sustained
8/17/2016	Social media harassment	Counseled
9/29/2016	Offensive language	Not Sustained
12/2/2016	Looking at Black child	Unfounded
7/27/2017	Rudeness	Sustained Counsel
4/1/2019	Swearing	Exonerated Not Sustained
5/14/2019	Rudeness	Sustained
6/27/2018	Rudeness	Counseled
7/16/2019	Rudeness	Counseled
9/27/2019	Racial Profiling	Exonerated
5/11/2020	Procedure - dismissed request for service	Sustained. Neglect of Duty, Counseled, Trained
6/18/2020	Social media racism	Counseled

There were 17 complaints dating back to 2015. Table 5 provides a summary that EJA created of all 17 complaints.

As Table 7 shows, **4 of the 17 complaints (23%) touch upon issues of race.**

- April 25 2016: Complainant claims to be pulled over because of out-of-state plates and being Middle Eastern. Ruling: Exonerated
- 12/02 16: Officer stops to look at Black child - Ruling: Unfounded
- 9-27-19: Black person's plate run for no reason - Ruling: Exonerated, Counseled and Trained
- 6-18-2020: An act of racism online - Ruling: Counseling

Thus, in all but one, the complaint was not upheld. In the case of the most recent complaint for 'social media racism' the reporting party went so far as to ask for the dispatcher in question to be investigated and perhaps fired. In this case the outcome of the investigation is not clear, but the word Counseled is written in the margins of the complaint form.

With respect to mental health and policing, we note that one complaint involved a caregiver person with special needs who does not present as obviously in that category, in which the caregiver was asked if the person's issues were "mental." This indicates a continuing need for training.

Unlike other data reports, NPD was able to provide definitions of the complaint types. However, the definitions do not specify the consequences/outcomes related to the findings nor how investigations are conducted.

We note a similar lack of transparency with respect to the recently concluded [internal investigation by the NPD](#) into the conduct of the 5 officers who handcuffed Mr. Marvin Henry. There is no transparency as to why four officers were exonerated of all charges. It is also unclear why one officer was found guilty of "inadequate paperwork" or what consequences result from that finding.

Hand-written notes on the margins of the complaints do contain some version of the results of otherwise undisclosed processes of investigation on the part of some member of the force, presumably the Chief. Other incidents are described in a few words and the outcome listed in a computer-generated report. These results are inconsistent and do not always neatly conform to the definitions of Findings. Specifically, one common finding, "Counseled" is not listed as an official "Finding." Such discrepancies point to the need for these processes to be modernized with accessible records that can be easily searched.

It is also unclear if data on race-related complaints or discrepancies between narratives of the civilian and the officer are being systematically tracked. ***We would hope that NPD is maintaining a record of any officers who accumulate repeat complaints. We do not know if the Town Manager and Select Board have processes to manage the rigor and fairness of police evaluation procedures.*** The procedure for gathering, processing, investigating, adjudicating and taking action on police complaints is both non-transparent and in need of clarification.

B. Policies and Procedures

Highlights

- Many of the NPD policies and procedures need to be reconsidered to align them with current practices and the values consistent with today's Needham residents.

The NPD policies and procedures document individual protocols for the wide variety of tasks and procedures undertaken by police officers. While many NPD policy documents reflect recent updates, a high level review of this document still noted many concerning features. To provide non-comprehensive examples:

- The "Handling the Mentally Ill" document is the main policy focused on mental illness. At Town Meeting in June 2020, a discussion occurred regarding safe mental health interventions by police ensuring the safety of individuals in a crisis. This focus does not appear in this document. In addition to the awkward bordering on inappropriate title, the documents lacks clear information as to how officers should act to de-escalate situations with mentally ill persons and **ensure safety of people acting suicidally or in an unusual manner**. The document includes cursory descriptions of several common mental illnesses without providing tangible, tactical information as to what officers should do. There is also no mention of common developmental disorders/differences such as autism or Down's syndrome. And, unlike several other nearby towns such as Millis, there is no discussion of how to use information about specific "repeat" individuals.
- The "Arrest" document, dated 2004, discusses officer safety, but **there is no mention of safety for the suspect or detainee**. There is furthermore vague language, such as a provision stating "an arrestee has no right to resist arrest, lawful or unlawful, by a police officer, unless the officer uses excessive force" [apparently Massachusetts law], but there are no specifics as to what "excessive force" is.
- The "Handling Juveniles" document both includes outmoded language and concepts to describe interactions with youth, as well as using inconsistent definitions to delineate interactions with different age groups
- The "Interactions with Transgender persons" document misses including content on nonbinary persons.
- Documents related to interrogating suspects are unclear regarding when to Mirandize/arrest a suspect. **While handcuffing is mandatory for "prisoners," there is little clarity as to the definition of a prisoner**. An example of this in practice is recent handcuffing of Mr. Marvin Henry.: Although Mr. Henry was not arrested nor Mirandized, he was held in handcuffs by NPD for over 30 minutes.
- **The document on bias-based profiling states that policing based on race etc is prohibited "except in suspect specific incidents." However there is little detailed as to methods and process to ensure this is not happening**. Given the time it took for NPD to gather and fulfill our public records requests on race-based disparities, there may not be processes in place to systematically collect data and track if bias-based profiling is occurring.

C. Training

Highlight

- NPD training appears to be heavily weighted towards training in firearms and Tasers, rather than de-escalation, bias, and mental health.

We reviewed the in-service and annual training for Officers during the 3 year time period from 9/1/17 to 9/9/20 and found numerous firearms and use of force trainings that appear to be mandatory for all officers. Courses relating to topics such as bias and de-escalation appear to be generally non-mandatory, with a few exceptions. Some training could not be easily categorized, and there was no information as to content of the training provided. Nevertheless, we identify a few concerns:

- Of 46 separate classes listed, 15 clearly relate to firearms training, representing 519 officer training classes across the 3 year period. We only have 50 officers, so this total indicated multiple-times-per-year mandatory firearms training.
- **By contrast, of 10 classes relating to mental health, domestic violence, or drug abuse, we count only 207 officer trainings.** “Mental health first aid” was identified as the only mandatory training. At June 2020’s Town Meeting, Needham Chief of Police Schlitter noted that only 20% of officers have crisis training. This is also far less than the 4-6 years typically spent in training for a typical social worker. ***These data raises the question of whether armed officers have the needed training to respond to a mental health crisis situation. There may be a better solution for these situations.***
- **Courses clearly relating to de-escalation or bias make up only 3 classes and 38 officers trained.** For example, “Cultural Diversity and Bias” has been taken by only 8 officers. Perhaps some of these topics are also covered in other coursework or in classes, but it was unclear, and we could not categorize them.

To be clear, it is important that people entrusted with firearms are trained to use them. However, given the significant disparity between the level of firearms training and that of training in mental health, de-escalation, and bias, we raise the following questions:

- Given the massive resourcing required to arm all officers, is it necessary that all officers, in all roles, be armed?
- Given the limited resources devoted to mental health training, are armed police officers the most appropriate first responders in the case of likely mental health situations? A growing [number of studies](#) detail both the [inefficiency and the danger](#) of designating armed police as first responders in the case of mentally ill individuals.

D. Staffing

Highlights

- ***The public cannot easily find a list of officers and employees of the NPD on the website.*** It is even harder to find a list of their training and prior experience.
- ***The department lacks diversity. Not only are there only 2 BIPOC officers or dispatchers, several officers and dispatchers appear to be related.***

We needed to file a Public Record Request to obtain a full listing of NPD staff. Other local areas police departments, including [Wellesley](#) and [Dover](#), have much better transparency regarding headcount and staff. We recommend that NPD list not only the names (with photographs), ranks and roles of all Officers, but also the training they have received.

Of 57 NPD officers and dispatchers, there is one Black dispatcher and one Hispanic Sergeant listed. NPD has more gender parity, since 1 Detective, 1 Lieutenant, 5 Officers and 2 Dispatchers are women. To diversify the police force, the role of the Department's participation in the Civil Service System should be examined by an Oversight Board.

Of 57 officers and dispatchers, 13 (23%) share uncommon last names, suggesting they may be related. We have confirmation from NPD that three in the NPD, including Chief Schlittler, are in fact brothers. Familial relations are a concern in any department - a leading reason for anti-nepotism laws in government- because they make it less likely that individuals will be held accountable for any inappropriate behavior.

Additionally, performance evaluations appear to be entirely qualitative. As noted in our [previous report](#), Needham's contract with the Police Union does not provide the public with access to information about the process for performance evaluation of NPD Officers. This is a notable concern for the town as this practice is in stark contrast to the town's contract with NPS teachers. With NPS, there is an addendum that details the standard process for evaluating every teacher's performance. There is equivalent transparency about Police evaluations. We analyzed numerous quantitative measures to craft this report (e.g. racial disparities in arrests, etc.), and believe there may be more rigorous measures that could be included in performance reviews.

Chapter 4: Major Findings and Recommendations

Major findings

1. Evidence of race-based disparities in NPD policing

Needham is 16% BIPOC³, with a Black and Hispanic population of at most 7%. In contrast, BIPOC (Black, Indigenous, and People of Color), and Black and Hispanic populations in particular, are disproportionately represented in police-civilian interactions in Needham. In 2019, BIPOC made up:

- 35% of arrests.
- 45% of those charged with a criminal offense.
- 35% of the handcuffed.
- 21% of traffic citations.
- In almost all of these cases the BIPOC share rose over the last three years.
- BIPOC shares were even higher for those levied with more than one charge.

The notable discrepancy by race across NPD interactions should make the town of Needham interested in identifying why these disparities exist and addressing the possible explanations for these disparities, including bias.

2. Lack of data availability and reporting suggests that little police oversight is occurring.

Answering the questions in the PRR, while legally mandated, proved to be extremely time consuming (Appendix B). For example,

- *5 hours* for: "Provide listing of any training or courses available on a regular basis to officers or dispatch on the following topics, including whether it is optional or mandatory, and % of officers or dispatch completing the course: mental health, de-escalation, bias, race, disability, weapons, firearms."
- *6+ hours* for: "What is the race of students involved in reported incidents with School Resource Officers?"
- *13.5 hours* for: "Provide reporting on use of handcuffs, disaggregated by reason for use and race of the individual handcuffed."

It is relevant to note that Equal Justice Needham's PRR request to the NPD cost \$1163.00 as a result. We believe this is information the public should more easily be able to access.

The lack of standard reporting and transparent metrics strongly suggests that neither the department itself, nor the oversight bodies of the Select Board and Town Manager, have attempted to study or evaluate the functioning of the NPD on a regular and ongoing basis.

³ The overlap between race (White, Black, Asian, Indigenous) and ethnicity (Hispanic) makes this an approximate statistic.

Additionally, complaints filed by the public are evaluated by the department itself, appear to be rarely substantiated, and there is no transparency as to the consequences borne even when charges are found to be substantiated.

3. Mental health needs outstrip resources:

10% of incidents/arrests are related to mental health, with almost 50% resulting from 42 individuals with three or more incidents over three years. This indicates both substantial need, as well as an opportunity to rethink who responds and how, to incidents involving repeat individuals. NPD has indicated its belief that mental health issues are a significant factor in public safety through its involvement in the CCIT program (in which multiple departments meet to discuss specific cases) and its recent hiring of a part time social worker. However, the department's policy and training on mental illness are sparse, inconsistent, and lacking.

Other than a "mental health first aid" course taken by all officers, there is minimal training on the topic of mental health. Such training accounts for a small fraction of time compared to that spent on firearms and tasers. Only 20% of NPD have received any crisis training, which is as we noted, far less than the years-long training that social workers and mental health professionals receive^[1]. The one relevant policy document, awkwardly titled "Handling the Mentally Ill," lacks information on how to de-escalate a situation relevant to those in an altered mental state, provides cursory descriptions of a handful of common mental illnesses, does not touch on developmental differences such as autism or Down's syndrome, and finally suggests that if the social worker is not available, officers somehow "get in touch with a psychologist or clergy member" for assistance.

4. Opportunities to modernize policies, training, and hiring:

The Use of Force policy is based on an approach from 1991. As noted in our previous report, while a recent update added a mention of de-escalation, de-escalation is treated as tangential, and policing is conceptualized as primarily about force and control. De-escalation is barely mentioned in other related policy documents, and when it appears, is reactive rather than proactive, such as the idea that officers may de-escalate their actions after a suspect has already surrendered or is handcuffed on the ground.

The majority of police training time is spent on firearms and other weapons such as Tasers, with very little on topics relevant to de-escalation or bias

NPD policies are silent on the topic of the safety of detainees. Safety is only mentioned in the context of officers, the public, or domestic violence victims. It is also emphasized that cooperative subjects might become violent, again presenting a threat-centered view of detainees. This is in stark contrast to more modern policies that emphasize the importance of safety for all individuals in an encounter.

Finally, NPD's staff is even less racially diverse than the town's population. Of 57 officers and dispatchers, 55 are white, and several officers appear to be related to one another raising concerns about police accountability.

Major Recommendations

1. Transparency

Create a dashboard of relevant metrics, disaggregated by race, along the lines of Table 1. Metrics should be developed in partnership with the community, the Department, and based on

academic research on important data to track. We welcome the small first step taken in this direction at the request of NUARI (see Foreword for more details).

IT systems should be modified to capture relevant data fields and relieve the burden on manual analysis, for example capturing whether handcuffing was used.

Particular attention should be paid to race, since by nature of being armed, the police have a special responsibility to acknowledge, measure, and work to minimize bias in a systematic way.

An annual Public Safety Report should provide a comparative perspective on Public Safety outcomes, disaggregated by race.

Publish the names, rank/role and trainings of all NPD employees on the Police Website,

2. Accountability

The metrics above should be analyzed to provide robust, regular oversight of Public Safety and identify, resource and act upon areas of improvement.

3. Modernize policies and training to focus on safety for all

Safety- physical and psychological- for all individuals, including those suspected of a crime, should be a primary goal of all interactions, and de-escalation should be baked into policies at all levels.

The use of force policy should be rewritten from the ground up, based on modern models.

Policies related to mental health, complaints and disciplinary procedures, bias and hiring should be audited and revised.

In particular, NPD should modernize its policies related to mental health and ensure that all officers receive crisis training. NPD should better prepare its officers to *handle* crises, and Needham should better organize itself to *avoid* crises. [Studies](#) detail both the [inefficiency and the danger](#) of making police departments the seat of mental health intervention. Upstream interventions are much more effective and safe, with personnel who are trained for the task rather than officers who are expected to act as (armed) social workers despite minimal training. Town institutions, including the Finance Board, Board of Health, School Committee, and others, should evaluate overall resourcing, processes, and needed investments.

Conclusion

Overall, our review of the data from three years of NPD activities, training, and policies and procedures paints a picture of a force that has not fully adopted 21st century frameworks for community policing. The racial disparities in policing outcomes show that Needham's BIPOC are bearing the greatest burden of this failure to modernize.

The NPD has made some recent efforts to improve- for example, by adding the words "de-escalation" to the use of force policy, or hiring a part time social worker. However, these efforts do not go far enough to address the gaps in transparency, accountability and modernization of policies relating to the use of force, bias, performance review of officers, and police response to mental health issues.

Our analysis, while not comprehensive, provides an integrated, data-based picture of policing in Needham that official sources have thus far failed to provide. Given that our effort was completed entirely through volunteer hours contributed by concerned residents of Needham, we have no doubt the Town can demand, and execute, a more thorough analysis. We hope this report will inspire town government to provide real oversight to ensure that the town of Needham is safe and welcoming for all.

Appendix A: Hours expended by NPD to procure the data

Request Item	Billed Hours	Sent
A. 1 Service Call by reason	FREE	9/23/2020
A. 2 Mental Health Related Incidents	3	11/20/2020
A. 3 Incidents by Reason	FREE	9/23/2020
A. 4 Offenses	2	11/20/2020
A. 5 Citations	1	11/20/2020
A. 6 Field Interview and Observation	7.5	10/30/2020
A. 7 Arrests	1	11/27/2020
A. 8 Geographical Analysis	0.5	11/27/2020
B.9 Use of Handcuffing	13.5	11/9/2020
B.10 Weapon Inventory	2	11/13/2020
B.11 1,2,&3 Use of Force	Free	9/23/2020
C. 12 Traffic Stops	1	11/27/2020
C. 13 Potential Revenue	0.5	11/27/2020
D. 14 SRO Job Description	0.5	12/11/2020
D. 15 SRO Reporting	1.5	12/4/2020
D. 16 CAD School Calls	1	12/4/2020
E. 17 Citizen Complaints/ E. 18 Discipline Listing	5	1/8/2021
F. 19 Policies	Free	9/23/2020
F. 20 Guidance	3	12/31/2020
F. 22 Traffic Stop Policy	0.5	12/4/2020
F. 23 Question Individuals	0.5	12/4/2020
F. 24 Internal Interactions NPD and Mental Health	1	12/18/2020
F. 25 P&P # of Units /F. 26 Dispatch Process	3	12/11/2020
F. 27 Resources for Officers Wellbeing	0.5	12/11/2020
G. 28 Academy Syllabus	0.5	12/4/2020
G. 29 Training	5	12/18/2020
H. 30 Staffing	Free	9/23/2020
H. 31 Employee Listing	1	12/31/2021
H. 32 Hiring Process (Needham)	0.5	12/4/2020
H. 33 Performance Evaluation	0.5	12/4/2020
H. 34 Staffing Rationale	2	11/13/2020
H.35 Man Hour Reporting	1	11/13/2020
H. 36 Goals of Patrol	2	11/20/2020
H. 37 Overtime	3	12/11/2020

Appendix B: EJP PRR request

9/9/20

Dear Records Access Officer Lt Christopher A Baker:

This letter constitutes a request under the Public Records Law, G.L. c. 66, § 10, for public records in the custody of the Needham Police Department (NPD). This is a revised, updated version of our July 21, 2020 request, based on our conversations with you about what is easier data for you to obtain.

The purpose of this request overall is to understand the Needham police department's service provision, staffing, training, and policies, in light of the national conversation around policing and race. As discussed, this request consolidates interest of multiple organizations within town and is not for commercial purposes; we believe these materials to be in the public interest and request a waiver of fees.

As a general rule, we are requesting statistical, anonymized data and reporting to understand the overall functioning of the department. We are not interested in specific cases.

Unless otherwise stated, the time period for which records are requested is from Sept 2017 to the present. Data and documents may be provided electronically. Please redact any confidential information as required and please provide information on a rolling basis as available. Items in bold are our higher priorities that we would prefer sooner, if possible. We hereby request copies of the following data and documents:

A: Service calls: Provide reporting including Crime Analysis, Records Analysis, List Offenses, and Geographical Analysis, to answer the following requests. Providing reports at an annual aggregate level is fine.

- 1. Provide reporting on service calls, broken up by reason for the call**
2. Provide reporting on percent of service calls that relate to a mental health concern, and of these how many are repeat individuals
- 3. Provide reporting on Incidents, by reason/category**
4. Provide reporting on Offenses, by type, and race of person offending
5. Provide reporting on citations, by reason, and race of person cited
- 6. Provide reporting on field interviews, by reason and race of person interviewed**
7. Provide reporting on arrests, by reason and race of person arrested
8. Provide geographical analysis of incidents and arrests

B: Use of force

- 9. Provide reporting on use of handcuffs, disaggregated by reason for use and race of the individual handcuffed**
- 10. Provide an inventory of weapons owned by the NPD, including but not limited to firearms, rubber bullets, batons, tasers, protective helmets etc**
- 11. Provide reporting on the frequency of use of force as below. Provide data on the reason for use and the race of the individual on which the weapon was used.**
 - 1. Drawing firearms**
 - 2. Discharging firearms**
 - 3. All other use of force such as physical restraint, batons, etc**

4. Provide all records and documentation related to any requests made to the clerk magistrate asking for no-knock entry since 2015, disaggregated by number of requests, reason, and street of request entry

C: Traffic

12. Provide reporting on traffic stops, including if a citation was issued, and the race of the driver
13. Provide reporting on potential revenue generated by traffic citations

D: Schools

14. Job description of the School Resource Officers
15. Provide reporting on the incidents/reports generated by School Resource Officers, by reason for/type of report
16. Provide reporting on how often officers are dispatched to Needham schools, including Walker and St Joseph, including reason for dispatch

E: Complaints and inquiries

17. Listing of civilian complaints about NPD or individual employees/officers of NPD from 2015 on, the full content of each complaint, and the resolution of each complaint (e.g. exoneration, reprimand, etc)
18. Listing of disciplinary actions towards NPD officers of staff, including reason for action

F: NPD Policies and Procedure

19. **Provide all manuals and policies on use of force, de-escalation, bias, handcuffing, when to Mirandize, and interacting with citizens with disabilities or mental health concerns** (we already have the main use of force policy)
20. Provide communications and guidance that helps officers understand how to implement the policies in #19 from Sept 2019 to present
21. **The use of force policy states that handcuffing is routine for prisoners, while the Town has stated that handcuffing is not routine for a "threshold inquiry." Provide documents explaining detailing the difference between these terms as understood by NPD officers, including when a person becomes a "prisoner" or is otherwise subject to handcuffing**
22. Provide documentation of policies and procedure for when officers are expected or allowed to pull over motorists
23. Provide documentation of policies and procedure for when officers are expected or allowed to question individuals
24. Provide the policies for interactions between NPD and internal or external mental health services such as social work; these documents should explain when joint work or handoffs are made
25. Provide documentation of policies and procedure relating to the number of units that respond to a service call
26. Provide documentation of policies and procedure related to the dispatch process
27. Provide documentation of resources for officers related to their own mental wellbeing

G: Training

28. Provide the syllabus/course listing for the 26-week police academy, including hours per topic

29. Provide listing of any training or courses available on a regular basis to officers or dispatch on the following topics, including whether it is optional or mandatory, and % of officers or dispatch completing the course: mental health, de-escalation, bias, race, disability, weapons, firearms

H. Staffing

30. List all positions/roles employed by the Needham police department, including not only officers but all other staff positions as well

31. Provide all names, gender, age, racial/ethnic identity, and current town of residence of:
- NPD officers
 - Dispatch officers
32. Provide documentation of hiring criteria and process, focusing on any Needham-specific requirements
33. Provide documentation on performance evaluation process and criteria for officer and dispatch
- 34. Provide documentation related to patrol staffing rationale, including the definition of patrol quadrants and how they were determined, any analyses regarding the current staffing model**
- 35. Provide man hour reports (aggregated by year) by reason/activity such as time spent responding to noncriminal calls, traffic, other crime, property crime, proactive work, medical work, violent crime**
- 36. Provide documentation on the goal of police patrol, e.g. deterrence or other goals, as well as how police patrol success is measured**
37. Provide documentation on overtime, including amount of overtime and reasons

Thank you for your time and prompt attention to this request.

Rebecca Waber

On behalf of
Equal Justice in Needham

Appendix: For documentation purposes, the following is a list of requests we are withdrawing at this time due to your feedback that answering these questions would be extremely onerous.

1. Completed trainings by officer/dispatch officer
2. Origination of service calls by retail location or not
3. Race of other individuals involved in an incident other than the person arrested/cited etc
4. Resources and supports offered to "complex cases"
5. Duration of handcuff use
6. Use of handcuffs, restraint, and questioning of students by SROs or other officers
7. Reporting on the activities of the SROs
8. Disability/mental health status of individuals questioned /involved in incidents
9. Public records requests prior to 2019



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/11/2021

Agenda Item	MBTA Weekend Commuter Rail Service
Presenter(s)	Public Hearing

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The MBTA and Keolis are seeking input on two proposed schedules for restoring and expanding weekend service: <u>Option 1</u> Commuter train service every two hours from 6 am to 8 pm on Saturdays and Sundays. Inbound trips originate from Needham Heights; Outbound trips from South Station terminate at Needham Heights. <u>Option 2</u> Commuter train service every two hours from 6 am to 8 pm on Saturdays and Sundays. Inbound trips originate from Needham Junction; Outbound trips from South Station terminate at Needham Junction. Originating and terminating at Needham Junction would eliminate service on weekends at Needham Center and Needham Heights. The Board will seek public comment to inform its response to the MBTA.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> that the Board vote to support [<u>Option 1/Option 2/Other Option</u>] and authorize the Town Manager to communicate that recommendation to the MBTA.	
3.	BACK UP INFORMATION ATTACHED
a. Notice of Public Hearing	



Town of Needham, Massachusetts

Office of the Town Manager

Town Hall, 1471 Highland Ave, Needham, MA 02492

Select Board Notice of Public Hearing May 11, 2021

Zoom: <https://us02web.zoom.us/j/89093905788>

Restoration of MBTA Commuter Rail Weekend Service

The Select Board will hold a public hearing on Tuesday, May 11, 2021 during its scheduled Board meeting* via [Zoom](#) to gather input from interested parties regarding proposed changes by the MBTA and Keolis weekend Commuter Rail service in Needham.

On April 5, 2021, the MBTA and Keolis launched its Spring Commuter Rail schedule, which provides more trains during the middle of day, offering more consistent service options and increasing service compared to the Winter Schedule that has been in effect since December 2020. Commuter rail service is currently offered Monday through Friday in Needham on a near-hourly basis. The MBTA is interested in providing full weekend service across the entire commuter rail system, and is seeking input on two proposed schedules:

Option 1

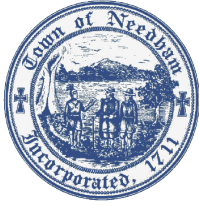
Commuter train service every two hours from 6 am to 8 pm on Saturdays and Sundays. Inbound trips originate from Needham Heights; Outbound trips from South Station terminate at Needham Heights.

Option 2

Commuter train service every two hours from 6 am to 8 pm on Saturdays and Sundays. Inbound trips originate from Needham Junction; Outbound trips from South Station terminate at Needham Junction. Originating and terminating at Needham Junction would eliminate service on weekends at Needham Center and Needham Heights, and would eliminate the train horn at the five at-grade crossings between Needham Junction and Needham Heights.

The Board invites all residents and interested parties to attend and provide input regarding this subject. Written comments may also be submitted to the Select Board, c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492 or by email to selectboard@needhamma.gov.

**Select Board May 11, 2021 Agenda Link (to check time of MBTA Hearing). Agenda will be available before 5:00 p.m. on Friday, May 7, 2021. <https://www.needhamma.gov/Archive.aspx?ADID=8771>*

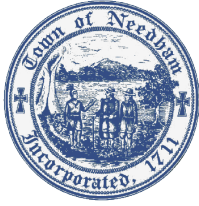


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 05/11/2021

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on issues not covered on the agenda.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	

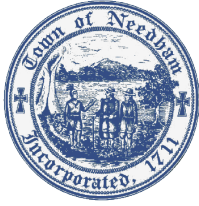


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 05/11/2021

Agenda Item	Committee Reports- Needham Unite Against Racism
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<i>Ms. Cooley will report on the progress of the Needham Unite Against Racism Working Group.</i>	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 05/11/2021

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
None	

**Town of Needham
Select Board
Minutes for Tuesday, April 14, 2021
<https://us02web.zoom.us/j/89093905788>**

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Vice Chair Matthew Borrelli. Those participating were Marianne B. Cooley, Daniel P. Matthews, newly elected member Lakshmi Balachandra, newly elected member Marcus Nelson, and Town Manager Kate Fitzpatrick. In addition to the Select Board Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Sandy Cincotta, Support Services Manager also participated. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Borrelli 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. Borrelli stated the meeting will 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.

6:01 p.m. Board Reorganization:
Motion by Mr. Matthews that the Select Board nominate Matthew Borrelli to serve as Chair of the Needham Select Board.
Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Motion by Mr. Matthews that the Select Board nominate Marianne Cooley to serve as Vice Chair of the Needham Select Board.
Second: Mr. Borrelli. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Motion by Mr. Nelson that the Select Board nominate Lakshmi Balachandra to serve as Secretary/Clerk of the Needham Select Board.
Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Motion by Ms. Cooley that the Select Board approve the regular meeting schedule for the year.
Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

April 27, 2021	August 17, 2021	November 23, 2021	February 22, 2022
May 11, 2021	September 14, 2021	December 7, 2021	March 8, 2022

May 25, 2021	September 28, 2021	December 21, 2021	March 22, 2022
June 8, 2021	October 12, 2021	January 11, 2022	April 13, 2022*
June 22, 2021	October 26, 2021	January 25, 2022	April 26, 2022
July 20, 2021	November 9, 2021	February 8, 2022	*Wednesday

Motion by Ms. Cooley that the Select Board appoint Sandy Cincotta to serve as Committee Secretary for the Select Board.

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

Motion by Mr. Matthews that the Select Board appoint Mary Hunt to serve as Recording Secretary for the Select Board.

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

Mr. Borrelli took a moment to acknowledge Maurice P. Handel for his incredible leadership throughout a very difficult year. He thanked him and said he will be sorely missed. Mr. Borrelli also thanked John A. Bulian for his service to Needham, noting he retired after 18 years on the Select Board.

Mr. Borrelli congratulated Ms. Balachandra and Mr. Nelson on their historic election, noting they will bring a lot to the Select Board and it will be nice working with both of them.

Mr. Nelson said he is grateful to the voters, excited to continue the work of the Select Board while learning the inner workings of town government, and to bring a different perspective. He said he hopes to make people more aware of what happens on the Select Board and interested in running for positions to increase representation.

Ms. Balachandra said it is a pleasure to be on the Select Board and to be able to learn more, potentially bringing new direction for Town leadership. She said she feels a real duty to the voters. Ms. Balachandra said she will voice her opinion and hopes for good dialogue on new ideas and perspectives.

6:37 p.m. Appointments and Consent Agenda:

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

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA: *=Backup attached

- 1. Accept the following donation made to the Needham Health Division's Traveling Meals program: \$1000 from an Anonymous Donor.**
- 2. Appoint Carys Lustig as the User Representative to the Jack Cogswell Building Project and remove John Regan as User Representative to the Jack Cogswell Building Project.**
- 3.* Approve and sign Water Abatement #1305.**

4. **Accept the following donations received by the Needham Public Library for the period of January 1, 2021, to March 31, 2021: Heather and Andrew March donated \$500 to the library. It will be used to purchase new items; Robert Washburn gave the library a copy of Karen J. (Anderson) Boduch's book, Almost all My World War II Stories: Memoirs of a Sailor [George Anderson] Serving Aboard the U.S.S. South Dakota aka "Battleship X" – "BB-57" The Most Decorated Battleship of World War II; Kristen Toohill donated \$50 for the purchase of two books on OverDrive; Frances S. Wolff gave the library \$1,000 in memory of daughter Jackie Wolff; Cathy Collishaw, donated \$25.00 to the library to be used to purchase a book in memory of Lewis Melcher; and Karen Steinberg donated thirty-one books to the library (\$600+).**
- 5.* **Approve application for a car parade from Margaret Klingerman on behalf of the American Cancer Society Relay for Life Charles River. The parade will be held on Saturday, May 22, 2021 at 1:30 p.m. This event has been approved by the Police Department and the DPW Department. Permission will be granted once approval from the Health Department has been received.**
6. **Accept the following donations made to the Needham Community Revitalization Trust Fund: \$50 from Kate Carter, \$30 from Ashly Scheufele, \$35 from Marcus Hughes and \$35 from Paul Good.**

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

6:38 p.m. Public Hearing: Shade Tree - 61 Eaton Road
Edward Olsen, Tree Warden, Parks & Forestry Superintendent appeared before the Board to discuss a request by Thomas Wojick, builder, to remove one Public Shade Tree. This tree will be negatively impacted by the proposed demolition and construction of a new home and driveway at this property address. This Public Shade Tree would sustain serious and direct root damage as a result of construction activities. The Tree Warden does not object to the removal of this tree based on these reasons, at the owner's expense. It is recommended a donation in the amount of \$500, to cover the expense of purchasing two trees to replace the loss of this one tree. He asked the Select Board to approve the request to remove the tree.

Lindsay Gravin, homeowner 61 Eaton Road stated she looks forward to planting 2 trees. She said she loves that Eaton Road has beautiful shade trees, but this one particular tree has taken a beating.

Mr. Borrelli invited public comment. No comments were heard.

Mr. Borrelli asked for comments from the Board. No comments were made.

Motion by Mr. Nelson that the Select Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one (1) 20.5 - inch, Norway Maple tree in the front berm of 61 Eaton Road.

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

6:48 p.m. Change of Liquor Manager Hearing - Blue on Highland:

Richard Naples, Proposed Manager appeared before the Board to discuss an application submitted by Blue on Highland, 882 Highland Avenue, Needham for a change in manager. A review indicates that Mr. Naples meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Mr. Naples said Blue on Highland has been closed since March 2020 and plans to reopen for indoor dining within the next weeks. He commented he started work at Blue on Highland in January 2021 to oversee the reopening of the restaurant as general manager.

Ms. Cincotta indicated all paperwork is in order.

As noted on the Agenda Fact Sheet, Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic Beverages states: "No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve-month period immediately preceding the filing of an application. When deemed appropriate by the Select Board this provision may be waived." Mr. Naples, although most recently Director of Operations at the last restaurant he worked, was not the named licensee on the Common Victualler nor the alcohol license as it was in the Owner/Chef's name; he is therefore seeking a waiver of this section. All other additional filing materials seem in order.

Mr. Borrelli asked for questions and comments from the Select Board.

Mr. Matthews noted Mr. Naples' qualifications. He reiterated to Mr. Naples that as manager, he is personally liable for anything that goes wrong with the service of liquor. Mr. Matthews told Mr. Naples he wants him to succeed, but it must be done safely.

Ms. Cooley pointed out Blue on Highland has a history of issues. She said she looks forward to the reopening and that people are excited to have the restaurant reopen.

Motion by Mr. Matthews that the Select Board waive Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic beverages for Mr. Naples and approve and sign the application for a Change in Manager to Richard Naples for Blue on Highland, 882 Highland Avenue, Needham and to forward this application to the ABCC for approval.

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

6:52 p.m.

Health & Human Services Update:

Timothy McDonald, Director of Health & Human Services, Tara Gurge, Assistant Director of Public Health, Tiffany Zike, Assistant Director of Public Health, Sara Shine, Director of Youth and Family Services, LaTanya Steele, Director of Aging Services, Aicha Kelley, Assistant Director of Aging Services, and Jessica Moss,

Assistant Director of Aging Services updated the Board on how each division has responded to COVID-19 to meet community needs.

Mr. McDonald introduced members of the Town's Health & Human Services Department.

A PowerPoint presentation was viewed titled "Needham HHS Division COVID-19 Response" dated April 14, 2021.

Ms. Zike explained the Town's Public Health COVID-19 Response, including contact tracing and vaccinations.

Ms. Gurge spoke about COVID-19 Enforcement and Inspections. She spoke about education, social distancing, proper hygiene, and the use of masks.

Ms. Shine summarized the Youth & Family Services COVID-19 Response, commenting on the mental health impacts from COVID-19. She noted the number of crises calls has doubled since last year, even more significantly in the last month. She noted the many services available to meet the needs of the community.

Ms. Moss, Ms. Kelley, and Ms. Steele summarized the Aging Services COVID-19 Response, explaining the mission of food security and combating social isolation. Ms. Steele commented on volunteers who have delivered essential supplies, recreational items, masks, and transportation services for older adults. Ms. Kelley commented on the immediate transition to remote programming, zoom lessons, a daily newsletter, and entertainment to support the most vulnerable population. Ms. Kelley said she is very proud of the work and staff over the last year during the pandemic. Ms. Kelley commented on a recent survey indicating many people are fearful of returning to the Center at the Heights, indicating a hybrid approach to programming is desired. She noted the generosity of Volante Farms during this time.

Mr. McDonald noted the staff are a dedicated and passionate team of professionals serving the residents of Needham.

Mr. Borrelli thanked Mr. McDonald and the staff for their amazing effort during this time. He suggested people wishing to donate money or sponsor a program or event contact either Ms. Kelley or Ms. Steele.

Mr. Borrelli asked for questions from the Board.

Ms. Balachandra thanked the staff for their impressive work during this very difficult period. She asked about available vaccinations and how information is being disseminated for people to make appointments for the vaccine.

Mr. McDonald explained the decision by the administration in late February that local health departments would no longer receive new vaccines for people to receive their first dose. He suggested folks should utilize the state's vaccine finder website to access appointments. He noted he has heard challenging stories of people trying to obtain an appointment; however, he said the system is better than it was.

Ms. Balachandra commented on the gap in mental health services, asking what would be helpful in filling the gap? Ms. Shine said additional mental health specialists would be helpful and beneficial to the community.

Ms. Cooley thanked the staff for their work, particularly with the economic development group in helping to keep restaurants operating.

Mr. Borrelli asked about criteria and the timeline for reopening Town Hall? Mr. McDonald stated as people are getting vaccinated they are becoming more comfortable, and that things can begin to reopen soon with some restrictions.

Mr. Borrelli thanked the staff of Health & Human Services for their hard work.

7:30 p.m.

DPW Spring and Summer 2021 Anticipated Projects:

Carys Lustig, Director of Public Works provided the Board with a brief overview of major projects that DPW plans to undertake in the spring and summer. Discussion will also include a request for feedback on the utilization of green paint to delineate safety zone areas and bike lanes as they cross intersections.

Ms. Lustig said employees from multiple divisions, and even outside of public works, are working on various projects. She spoke about non-physical projects including an upgrade to the work order system across all public works divisions that will provide a unified system to evaluate work orders, service requests, and assets. Ms. Lustig commented on state and federal funding opportunities for more complex projects, noting the current focus is on the Highland Avenue corridor as an extension of the Webster Street project. She commented on COVID mitigation to support downtown dining and outdoor living. Ms. Lustig commented on utility work being done and paving roads. Ms. Lustig told the Board of potential options for adding a new treatment into the road markings process and associated costs that may change the project scope. She commented on integrating Complete Streets concepts, the inconsistent bidding process during the pandemic, and a Complete Streets grant awarded for work at the intersection of Harris Avenue and Dedham Avenue. She noted possible changes in laws and funding sources at the federal level may impact the DPW, noting the department is prepared for "shovel ready" opportunities. Ms. Lustig commented on storm water work impacting the composting area at the RTS, along with repairs to the Transfer Station building tipping floor. She said there will be changes in operations for people dropping off bulky waste or composting items. Ms. Lustig commented on several highway projects, including Sunset and Cefalo Roads, Oak Street and Maple Street, a grant

received to install parklets in the downtown, stormwater work at West Street and Highland Avenue, the installation of the sewer main at Walker Lane, installation of a water main at Bennington Road, as well as at Central Avenue and Marked Tree Road, and a replacement on Country Way. She commented on the Eversource Redundancy project and gas main replacements. Ms. Lustig said Mitchell School will receive a bathroom renovation, with the goal of completing at least 2 bathrooms prior to reopening in September 2021. Ms. Lustig spoke about the utilization of green paint as part of dedicated bike lanes. She said the application is specific to bike lanes at cross streets for improved visibility and to make safety zones, as recommended in the Pedestrian Safety Audit completed in 2019. She commented on sharrows and using the green paint treatment.

Mr. Borrelli thanked Ms. Lustig for her presentation. He asked for a map of locations under consideration for application of green paint. Mr. Borrelli said he likes the idea of a smaller sharrow in dedicated bike lanes.

Ms. Cooley commented on Greendale Avenue, noting long stretches of roadway, suggesting a standard for using the small sharrow at certain intervals.

Mr. Nelson asked the duration of the planning process? He said Ms. Lustig's idea for bike lane markings is amazing, as many people bike and want to feel safe. He said the green paint will give many drivers "cause for pause."

Discussion ensued on the rolling planning process of when markings are applied. Ms. Lustig noted most markings are done at night.

Ms. Balachandra asked about the possibility of dedicated bike lanes and whether reflective paint is appropriate for crosswalks and bike demarcations? She said there is a lot of demand for dedicated bike lanes.

Ms. Lustig commented on the Complete Streets policy and that road renovations are driven by the condition of the road, not necessarily for improving the biking network. She said every project is evaluated to figure out the most amount of modality, without compromising safety. Ms. Lustig explained the reflective paint contains glass beads.

Ms. Cooley commented on the conscious changes made to the format of crosswalks that is known to be safer. She said there are many times she notices pedestrians not using the new blinking lights to cross the street. She said the Town has worked really hard and invested a lot of money to install pedestrian activated lights. She encouraged folks to push the button and not feel guilty making a car stop.

Mr. Borrelli concurred, saying it is better to be safe.

7:50 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 4 items:

1. Memorandum of Agreement with DPW/Needham Independent Public Employees' Association (NIPEA), Needham Police Union, and Needham Police Superior Officers Association.

Ms. Fitzpatrick recommended that the Select Board approve and sign Memorandum of Agreement with the DPW/Needham Independent Public Employees' Association (NIPEA) for FY2022, the Needham Police Union for FY2021, and the Needham Police Superior Officers Association for FY2021.

Mr. Borrelli asked Ms. Fitzpatrick to describe the collective bargaining process.

Ms. Fitzpatrick explained both sides develop proposals, sit down together, narrow down the issues, discuss wages. She said usually there are a few key priorities on both sides. She noted that "at the table" both parties are equal. She said the parties hold initial meetings, the Select Board meets in Executive Session under Exception 3, with a final meeting in Executive Session to approve the offer to be made to the unions. She said once the offer is made, each union takes up the issue and votes, with the issue ultimately returning to the Select Board in open session for approval.

Ms. Balachandra thanked Ms. Fitzpatrick for the overview. She asked who are the parties having the discussion? She also asked about issues other than salary that may be in the contract?

Ms. Fitzpatrick said on the Town side the Director of Human Resources and/or Assistant Director, Assistant Town Manager of Operations, Assistant Town Manager of Finance, and the Director of Public Works, and Director of Administration Finance for Public Works is on the Town side of the table. She said meetings about the collective bargaining agreement are held with stakeholders where items are "tightened up." She said sometimes the Superintendents of certain departments are called on for input on the proposals. She said that on the other side of the bargaining table are union representatives including a President, Vice President, and Shop Stewards totaling approximately 5 people. She noted the DPW is represented by the Laborers International Association, noting they have an outside union representative. Ms. Fitzpatrick said the length of time for discussions depends on the issues, and the timeframe can be anywhere from three months to a year and a half. Ms. Fitzpatrick said in this particular contract, items discussed include snow program requirements, how employees get adequate rest, conversations about time off, contract language, etc.

Ms. Cooley mentioned macro-issues including health care, which she said take a great deal of planning.

Ms. Fitzpatrick explained health insurance discussion does tend to take time as it affects all the unions including on the school side. She noted health insurance plans were converted effective July 1, 2018.

Mr. Borrelli noted many times an agreement cannot be met, and a placeholder is put in the Town Meeting warrant until an agreement is made. He said quite a bit of discussion occurs.

Mr. Matthews suggested voting each Agreement in the motion one at a time.

Ms. Balachandra asked for clarification of the vote.

Ms. Fitzpatrick said the vote is for a one-year extension of the original contract with implementation of the new pay structure.

Mr. Borrelli said the Agreement will be forwarded to Town Meeting for approval.

Mr. Nelson asked for clarification on any increase.

Ms. Fitzpatrick confirmed there is no “across the board” wage increase or COLA, just the implementation of the classification plan (approximately 2% increase on the total budget). She commented on the step pay structure.

Mr. Matthews commented union labor agreements are basic elements of the Town’s financial structure, fundamentally benefitting the people who work for the Town. He said, by and large, the Town has a pretty good work force who do a good job. He said the Agreements must be reviewed and kept current as the economy and conditions change. He concurred with Ms. Fitzpatrick that the particular contract does not have a base wage increase but has significant financial implications for the Town. He commented on the Classification Study recently completed. He noted the contract is the Town’s binding obligation to the employees. He referred to each article in the warrant as submitted for a vote at Town Meeting, noting if Town Meeting approves the article then the wages are paid.

Discussion ensued on the Classification Study.

Ms. Balachandra said she is having a hard time with the three Agreements, as she said it sounds like the negotiations have been going on for some time. She said as a new Select Board member it is difficult not having details on what they are being asked to approve and what the process was behind the Agreement. She said she doesn't feel it appropriate to have a vote on any of the Agreements as it does not feel fair or in the best interest for the Town. She said she doesn't feel informed or comfortable and is unclear with the current wages or what the wage increase is about, or other issues.

Mr. Borrelli said he understands what it is like to come in “mid-stream.” He noted the Select Board was comfortable as a Board to move to this step. He suggested moving ahead with the vote and that Town Meeting will be the ultimate arbitrator.

Mr. Matthews said it is difficult to answer Ms. Balachandra's questions during a moving process, but hopefully, over time things will make sense. Mr. Matthews suggested the Agreements are a necessary element of Town business and a rhythm of the cycle. He said for Town employees to be paid, Town Meeting must ratify funding of the contract. Discussion ensued on the Agreements and what the pay and benefits mean to employees of the Town. He said while the Town needs to be careful with money, it needs to be fair, pay comparable salaries, and stay within the ability to pay. He noted the role of the Town Manager to guide the contracts and the job of the Select Board to evaluate. He said to Ms. Balachandra if she felt she does not have enough information to vote, she could take a "pass." He said he feels confident the answer is "yes" and that he has an obligation to move forward.

Ms. Balachandra concurred with Mr. Matthews, however, said it is well understood deadlines are the reason people end up making deals. She said she appreciates there is a deadline for Town Meeting, but her concern is why there is pressure now, and if it is so important, why this didn't come up seven months ago or last year." Ms. Balachandra suggested removing the article, as it is unfair to have the conversation under pressure.

Mr. Borrelli suggested voting now and have further discussion when discussing the warrant articles.

Ms. Cooley reiterated this contract is for next year.

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the DPW/Needham Independent Public Employees Association (NIPEA) for fiscal year 2022.

Second: Ms. Cooley. Approved 3-0-2. Ms. Balachandra and Mr. Nelson abstained.

The Board moved to discussion of the next two Police Agreements.

Ms. Fitzpatrick explained each contract, the subsequent pay, and increased detail rate associated with each.

Ms. Balachandra said she feels as if the issue is "last minute" and is concerned about the implementation of a pay raise given some of the data and situations, post Marvin Henry and the Tidwell Report, and the data from the Equal Justice for Needham group that looked at and studied police operations. She said she is confused as to why there would be a pay raise, even in the short term, given that we don't necessarily have a very good understanding of what our police are currently doing or what would merit a pay raise.

Mr. Borrelli said the Town's first responders and police have been on the front lines during the pandemic and historically have a very high satisfaction rate in the community. He said being on the front lines deserves a pay raise and to discuss

civil service and put on the same level as other contracts. He said it's important, understanding there are some concerns from the Tidwell Report, which he said he is not trying to brush off, but at this point in time the Agreement is fair and a bridge to a longer contract and longer discussion.

Ms. Balachandra commented there is a difference between a bridge and an increase. She said a pay increase is not the right move, recognizing lots of places have had furloughs and everyone is working harder during the pandemic. She said to justify a merit increase is not fiscally responsible.

Mr. Nelson asked what would happen with the funds if there was no pay increase?

Ms. Fitzpatrick said the unexpended balance of any operating budget rolls to free cash in the next year and would be unavailable after July 1.

Mr. Matthews said the pay increase is not merit based, but basically a COLA or inflation related adjustment, and generally the same for all union employees on the Town-side of government, across the board. He said the reason and rationale are exactly the same for paying the increase. Mr. Matthews commented on the tough year and the Tidwell Report shows the Town has some shortcomings. He said in his opinion, it is a good department with good people who try hard, and it is important as employers to treat the people who work for the Town fairly. He noted the issues of police reform and civil service reform are hard to work on at any time, particularly in a situation with conflict and stress in society, as there is now. Mr. Matthews said when you have good people working for you, but there is an argument that cannot be resolved, one way is to set the argument aside and go on with the things in which you can agree. He commented on the Town's goal of getting out of civil service, the complicated process, and the need for diversity hiring. He said while it has been a difficult year in both public and private sectors, the people who work for the Town, including the police, have done their best, acknowledging mistakes have been made, but they have done their best. He said the Town seeks to actively work together. Mr. Matthews said having the Agreement, with the same cost of living increase as the DPW and other union and non-union employees of the Town is a fair agreement and worth acting on now and worth recommending to Town Meeting.

Ms. Balachandra respectfully disagreed, noting the police force has wonderful people, but the issue is one of performance. She said the job of the Select Board is oversight and management of the process, it behooves us to take a critical perspective of jobs being done. She said she cannot, in good faith, say the job over the past year in certain areas merits a wage increase. She said she is having a hard time with it, particularly when the funds can go into free cash or be used to address mental health needs. She commented there are people who have lost jobs or have been furloughed and not received wage increases in all sectors. Ms. Balachandra said providing a salary increase across the board is not sitting right with her, even

as contract negotiations are not complete. She said she does not see any need to increase salaries before discussing the entire contract.

Mr. Borrelli said in his opinion the department is exceptional, the need is critical, and it is fair. He concurred with Mr. Matthews that employees must be treated fairly, and that the contract was well bargained.

Ms. Cooley said she firmly believes employees need to be treated fairly, especially when there are some things the Town wants changed in behavior. She observed that if there is a decision not to fund the contract this year, it's not that the dollars could be re-deployed in some other way, they would be needed to make the employees whole in a competitive perspective on a going forward basis. She concluded the hill would be bigger to climb next year to keep the pay competitive. She said it is not to the Town's advantage to get behind in competitive pay.

Ms. Balachandra asked if a new motion could be put forth to extend the contract without the wage increases.

Mr. Matthews said collective bargaining is with employees working under certain terms and conditions. He said if the terms and conditions are to be changed there must be agreement between parties (management and union). He said the Agreement before the Select Board is to be voted "yes" or "no". He said the terms of the Agreement cannot be changed, but it can be rejected. He noted public employees have collective bargaining rights which must be respected.

Ms. Cooley noted the collective bargaining agreement has been signed by the union members. She said more than just wages are identified in the Agreement, and that the specific and most important piece was clearly getting it on the table, in writing, and agreed to, that we would go forward to make some changes to civil service. Ms. Cooley said she is very pleased that is a component of the Agreements.

Mr. Borrelli reiterated the vote could be "yes" or "no."

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the Needham Police Union for fiscal year 2021.

Second: Ms. Cooley. Approved 3-1-1. Ms. Balachandra voted no. Mr. Nelson abstained.

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the Needham Police Superior Officers Association for FY2021.

Second: Ms. Cooley. Approved 3-1-1. Ms. Balachandra voted no. Mr. Nelson abstained.

2. Naming of Reservoir Trail

Ms. Fitzpatrick discussed naming options for the Reservoir Trail, including the “Amity Path in Honor of David Summergrad.” In accordance with the Board’s policy on Naming of Facilities and Placement of Materials, no vote will be taken until at least the next regularly scheduled meeting of the Board in order to allow for public comment. Ms. Cooley asked for public comments to be sent to selectboard@needhamma.gov.

3. Positions on Warrant Articles

Mr. Borrelli said Ms. Fitzpatrick will go through the warrant. He said he is happy to answer questions or give more background information.

Mr. Matthews said he hopes to go through the warrant and vote as many articles as possible tonight, recognizing video presentations must be done within the next week for Town Meeting.

Ms. Balachandra said she is happy to make presentations on assigned articles, however she said she feels unequipped. She asked if it would be possible to meet again to “get up to speed” or possibly move Town Meeting? She said the process seems inefficient, given the election was yesterday. Ms. Balachandra said she wants to do a good job but believes she can’t.

Mr. Borrelli said Town Meeting is already set, noting the Town Charter. He said time is of the essence and a massive coordination is required to get the job done.

Ms. Cooley said the senior members of the Select Board are available to meet and answer questions on assigned warrant articles to be prepared for Town Meeting. She said “Town Meeting does not wait”

Mr. Matthews said there is a learning curve for the new members of the Board, as well as a learning curve for the Board that has 40% new membership, but it is the job the votes gave the members to do. He said there are lots of resources available to members who need it and that there is no law that says a member must vote in the affirmative if they don’t think it is a good idea. He said members can abstain if they want. Mr. Mathews said he perceives it is the obligation of the Board to move forward and vote the Articles, so that information can be pulled together for Town Meeting, which under COVID rules must be done in the form of a video. He said the deadline for the videos is so that the citizens who make up Town Meeting have time to view the information and discuss it with their friends and neighbors. Mr. Matthews reiterated Town Meeting is 16 days from today.

Mr. Nelson said he wants it known that if he or Ms. Balachandra abstains, it's not that they don't think it's a good idea, but rather they just don't have enough information.

Mr. Borrelli said he appreciates Mr. Nelson's comment and offered his assistance, as well that of Ms. Fitzpatrick or any member of the Board. He said an abstention is probably the best course of action if a member does not feel comfortable.

Ms. Balachandra thanked Mr. Borrelli and Mr. Matthews for their generous offers to meet. Ms. Balachandra asked Ms. Fitzpatrick again if it is possible to postpone Town Meeting in the interest of getting the best education as a decision maker. She said she needs time to develop her own perspective and understanding. She said as a Town Meeting member, she understands the process and is aware of Select Board discussions. She said she doesn't think it makes sense as she does not feel she can do her job on the Board for what she was elected to do.

Ms. Fitzpatrick said only the Moderator can postpone Town Meeting at this point.

Mr. Borrelli said the Select Board must move ahead and that any member of the Board can abstain from voting. He said he understands and is sympathetic to the timing issue, but it is a domino effect.

Special Town Meeting

Article 1 - Fund Collective Bargaining Agreement - Needham Independent Town Workers - Defer

Article 2 - Fund Collective Bargaining Agreement - Needham Independent Public Employees Association

Motion by Mr. Matthews that the Select Board vote to support Article 2 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 3 - Fund Collective Bargaining Agreement - Needham Fire Union

Motion by Mr. Matthews that the Select Board vote to withdraw Article 3 in the Special Town Meeting Warrant.

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

Article 4 - Fund Collective Bargaining Agreement - Needham Police Union

Motion by Mr. Matthews that the Select Board vote to support Article 4 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 5 - Fund Collective Bargaining Agreement - Needham Police Superior Officers Association

Motion by Mr. Matthews that the Select Board vote to support Article 5 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 6 - Amend the FY2021 Operating Budget

Motion by Mr. Matthews that the Select Board vote to support Article 6 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 7 - Appropriate for Needham Property Tax Assistance Program

Motion by Mr. Matthews that the Select Board vote to support Article 7 in the Special Town Meeting Warrant.

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

Article 8 - Appropriate for Compensated Absences Fund

Motion by Ms. Cooley that the Select Board vote to support Article 8 in the Special Town Meeting Warrant.

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

Article 9 - Appropriate for Public Facilities Maintenance Program

Motion by Ms. Cooley that the Select Board vote to support Article 9 in the Special Town Meeting Warrant.

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

Article 10 - Appropriate for Small Repair Grant Program

Motion by Mr. Matthews that the Select Board vote to support Article 10 in the Special Town Meeting Warrant.

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

Article 11 - Appropriate for Town Network and Internet Control Analysis and Reporting

Motion by Ms. Cooley that the Select Board vote to support Article 11 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Approved 3-0-2 by roll call vote. Ms. Balachandra and Mr. Nelson abstained.

Article 12 - Appropriate for Planning Consulting Assistance - Defer

Article 13 - Appropriate for Public Health Consulting Assistance

Motion by Mr. Matthews that the Select Board vote to support Article 13 in the Special Town Meeting Warrant.

Second: Mr. Nelson. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 14 - Appropriate for Public Information Officer

Motion by Mr. Matthews that the Select Board vote to support Article 14 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-0-2. Ms. Balachandra and Mr. Nelson abstained.

Article 15 - Appropriate for Clinical Support Services for Law Enforcement

Motion by Mr. Matthews that the Select Board vote to support Article 15 in the Special Town Meeting Warrant.

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

Article 16 - Appropriate for National Pollutant Discharge Elimination System (NPDES Permit Compliance)

Motion by Mr. Matthews that the Select Board vote to support Article 16 in the Special Town Meeting Warrant.

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

Article 17 - Appropriate for Fleet Refurbishment

Motion by Ms. Cooley that the Select Board vote to support Article 17 in the Special Town Meeting Warrant.

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

Article 18 - Appropriate for Rosemary Dam Decommissioning

Motion by Mr. Matthews that the Select Board vote to support Article 18 in the Special Town Meeting Warrant.

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

Article 19 - Appropriate for Payment of Unpaid Bills of Prior Years

Motion by Ms. Cooley that the Select Board vote to support Article 19 in the Special Town Meeting Warrant.

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

Article 20 - Appropriate the FY2022 Operating Budget

Motion by Mr. Matthews that the Select Board vote to support Article 20 in the Special Town Meeting Warrant.

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

Article 21 - Appropriate the FY2022 Sewer Enterprise Fund Budget

Motion by Mr. Matthews that the Select Board vote to support Article 21 in the Special Town Meeting Warrant.

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

Article 22 - Appropriate the FY22 Water Enterprise Fund Budget

Motion by Mr. Matthews that the Select Board vote to support Article 22 in the Special Town Meeting Warrant.

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

Article 23 - Authorization to Expend State Funds for Public Ways

Motion by Mr. Matthews that the Select Board vote to support Article 23 in the Special Town Meeting Warrant.

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

Article 24 - Appropriate for Emery Grover Renovation Design - Defer

Article 25 - Appropriate for Preservation of Town Marriage Records

Motion by Mr. Matthews that the Select Board vote to support Article 25 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 26 - Appropriate for Town Common Historic Redesign & Renovation

Motion by Mr. Matthews that the Select Board vote to support Article 26 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 27 - Appropriate for Fisher Street Trailhead - Construction

Motion by Mr. Matthews that the Select Board vote to support Article 27 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 28 - Appropriate for Resurfacing the Synthetic Track at DeFazio

Motion by Mr. Matthews that the Select Board vote to support Article 28 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 29 - Appropriate for Mcleod Field Renovation Design

Motion by Mr. Matthews that the Select Board vote to support Article 29 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 30 - Appropriate for Trail Identification - Design

Motion by Mr. Matthews that the Select Board vote to support Article 30 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 31 - Appropriate for Town Reservoir Sediment Removal

Motion by Mr. Matthews that the Select Board vote to support Article 31 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 32 - Appropriate to Community Preservation Fund

Motion by Mr. Matthews that the Select Board vote to support Article 32 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 33 - Appropriate to Community Preservation Fund Supplement

Motion by Mr. Matthews that the Select Board vote to support Article 33 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 34 - Appropriate for Walker Pond Improvements

Motion by Mr. Matthews that the Select Board vote to support Article 34 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 35 - Appropriate for General Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 35 in the Special Town Meeting Warrant.

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

Article 36 - Appropriate for Public Works Infrastructure

Motion by Mr. Matthews that the Select Board vote to support Article 36 in the Special Town Meeting Warrant.

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

Article 37 - Appropriate for Public Safety Building Construction

Motion by Mr. Matthews that the Select Board vote to support Article 37 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1. Ms. Balachandra abstained from the vote.

Article 38 - Appropriate for Sewer Enterprise Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 38 in the Special Town Meeting Warrant.

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

Article 39 - Appropriate for Sewer Main Replacement

Motion by Ms. Cooley that the Select Board vote to support Article 39 in the Special Town Meeting Warrant.

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

Article 40 - Appropriate for Water Enterprise Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 40 in the Special Town Meeting Warrant.

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

Article 41 - Appropriate for Water Service Connections

Motion by Ms. Cooley that the Select Board vote to support Article 41 in the Special Town Meeting Warrant.

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

Article 42 - Appropriate to Athletic Facility Improvement Fund

Motion by Ms. Cooley that the Select Board vote to support Article 42 in the Special Town Meeting Warrant.

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

Article 43 - Appropriate to Workers Compensation Fund

Motion by Ms. Cooley that the Select Board vote to support Article 43 in the Special Town Meeting Warrant.

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

Article 44 - Acceptance of Provisions of M.G.L. Chapter 41 Section 111f -
Special Injury Leave Indemnity Fund

Motion by Ms. Cooley that the Select Board vote to support Article 44 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Article 45 - Foster Care Transportation Reimbursement

Motion by Ms. Cooley that the Select Board vote to support Article 45 in the Special Town Meeting Warrant.

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

Article 46 - Special Education Stabilization Fund - Defer

Article 47 - Amend General By-Law - Authorize Town Clerk to Ensure
Consistency in Numbering

Motion by Ms. Cooley that the Select Board vote to support Article 47 in the Special Town Meeting Warrant.

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

Article 48 - Needham Unite Against Racism Resolution

Motion by Ms. Cooley that the Select Board vote to support Article 48 in the Special Town Meeting Warrant.

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

Article 49 - Citizens' Petition - Storage of Receptacles Used for Household Waste
Disposal Pickup at Residential Properties by Commercial Vendors

Motion by Ms. Balachandra that the Select Board vote to take no position on Article 49 in the Special Town Meeting Warrant.

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

Annual Town Meeting

Article 3 - Elected Officials Salaries

Motion by Ms. Cooley that the Select Board vote to support Article 3 in the Annual Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 4 - Revolving Fund Limits

Motion by Ms. Cooley that the Select Board vote to support Article 4 in the Annual Town Meeting Warrant.

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

Article 5 - Zoning/HC1 - Defer

Article 6 - Zoning/HC1 - Defer

Article 8 - Zoning/Citizens Petition - Defer

4. Town Manager Report

Ms. Fitzpatrick reported the Fire Department received a grant of \$14,907 for combustible gas detectors.

Ms. Fitzpatrick reported the emergency rental assistance program is continuing to accept applications. She encouraged folks who need help paying their rent due to loss of income from COVID-19 to submit an application, as the submission deadline is approaching.

Ms. Fitzpatrick reported Park and Recreation and the Department of Public Works are hosting a three-day annual spring town-wide cleanup event April 22-April 24, 2021. She said registration for the event is on the Park and Recreation website.

Ms. Fitzpatrick reported the employee resource group called “Stronger Together” for black and people of color is sponsoring a Zoom workshop on May 6, 2021 at 6 p.m. titled “Understanding the Impact of COVID in Communities of Color.” She said the event will be open to employees and members of the community. Ms. Fitzpatrick said Needham resident Dr. Olutoyin Fayemi will be the lead speaker.

11:02 p.m. Board Discussion:

1. Tidwell Report

Ms. Cooley reported there have been questions on the difference between the draft vs. the final report. She said all information related to the Tidwell Report is a matter of public record and on the Town’s website. She said the Select Board was permitted to read and ask questions on the first report. She noted the Select Board asked for a very specific sets of recommendations from Ms. Tidwell based on her feedback of the incident. She said the other feedback was to let Ms. Tidwell know

that the Town had offered some apology last summer for Mr. Henry to meet with Town officials. She noted Ms. Tidwell had not been aware of that because she had not spoken with Town officials. As a result, the second report contained a clear set of recommendations. She said no further guidance was given by the Board. Ms. Cooley commented on transparency, saying everyone thinks there are things to be learned from the incident, and that most importantly, Mr. Henry did nothing wrong. She commented the whole incident is beyond unfortunate. She said there are things to be learned and improvements to be made by the police, which she said they have already started. She commented on documentation. Ms. Cooley commented some of the documentation in the Report has been criticized, and also represents opportunities for improvement. Ms. Cooley said she thinks about the feedback and that Mr. Henry has not received an apology. She said she is sad that Mr. Henry has not heard an apology, and that the Town will work to ensure that one is heard.

Ms. Balachandra asked for clarification on the extent of the apology.

Ms. Cooley said the Town offered to meet with Mr. Henry to apologize, and her understanding is that through his attorney, he did not wish to have that meeting.

2. NUARI Update

Ms. Cooley reported feedback was received after NUARI's public hearing on its report to Town Meeting. She commented on Anna Geraldo Kerr's language that everyone's improvement, as it relates to racial equity in any field, is a "practice," and that she hopes everyone will work together to improve. She noted discussion on language in the document and use of the word "should." She said NUARI needs to do more work. Ms. Cooley said NUARI does not have the ability to "direct by fiat" other organizations, groups, or citizen organizations of the Town, noting the word "should" is, perhaps, the right word, or some other word. Ms. Cooley concluded NUARI has worked very hard to create a framework and set of conditions that is welcoming. She noted the report will be looked at one more time prior to being sent to Town Meeting.

Mr. Matthews said the Tidwell Report and the work of NUARI are very deep subjects. He said both the Tidwell Report and NUARI provide guidance for long term action by the Town. He encouraged folks to read the Tidwell Report to understand the facts of the incident, the shortcomings that were identified, and the roadmap for improvement in public safety. He noted NUARI is a community- wide discussion. He commented on the use of the word "should" in the Report, saying the reason for using "should" is that work is done in an intentionally decentralized system, with many moving parts not directly in charge of each other. He said ways must be found to encourage people "that we can't order," to get the work done. He said it is a complicated question. Mr. Matthews said the press of Town Meeting over the next few weeks will take a lot attention from the Select Board. He said once Town Meeting is over, he hopes to make space on a future agenda to talk about the Marvin Henry case, the Tidwell Report, the work of NUARI, and the working

relationships, as the Select Board tries to help in its own limited, but important way to guide the work in Needham.

Mr. Borrelli concurred with Mr. Matthews, saying there will be much more discussion after Town Meeting on each subject.

Ms. Balachandra said the Tidwell Report offers a nice platform in which to start the conversation, as well as NUARI's fantastic work.

3. Committee Reports

No Committee Reports were made.

Mr. Borrelli welcomed the new Board members, thanked the Board for its work tonight, and said he looks forward to doing great things as a Board.

11:15 p.m. Adjourn:

Motion by Ms. Balachandra that the Select Board vote to adjourn the Select Board meeting of Wednesday, April 14, 2021.

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

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

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

SELECT BOARD

* MINUTES *

May 3, 2020

4:50 p.m. A special meeting of the Select Board was convened by Chair Matthew Borrelli at the Memorial Park Field House Parking Lot. Present were Ms. Marianne Cooley, Mr. Daniel Matthews, Mr. Marcus Nelson, Town Counsel Chris Heep and Town Manager Kate Fitzpatrick. Ms. Lakshmi Balachandra was not present for the meeting.

The Board members discussed four motions to amend Article 5. It was noted that there is no fiscal impact data for the housing amendments, and that the new energy code does not yet exist.

Motion to Amend by Cathy Mertz to Eliminate the Housing Cap

Motion: Mr. Matthews moved that the Board vote to oppose this motion. Ms. Cooley seconded the motion. Unanimous: 4-0.

Motion to Amend by Cathy Mertz to on Housing Income Threshold

Motion: Mr. Matthews moved that the Board vote to oppose this motion. Ms. Cooley seconded the motion. Unanimous: 4-0.

Motion to Amend by Stephen Frail Regarding Energy Standards

Motion: Mr. Matthews moved that the Board vote to oppose this motion. Ms. Cooley seconded the motion. Unanimous: 4-0.

Motion to Amend by Barry Pollack on FAR and Related Issues

Motion: Mr. Matthews moved that the Board vote to oppose this motion. Ms. Cooley seconded the motion. The motion carried 3 – 1 with Mr. Nelson voted in the negative.

4:55 p.m. **Motion: Ms. Cooley moved that the Board adjourn its meeting contemporaneously with the adjournment of Town Meeting. Mr. Matthews seconded the motion. Unanimous: 4-0.**

Note: The Annual Town Meeting adjourned for the evening at 8:05 p.m.