

**7.Town of Needham
Select Board
Minutes for Tuesday, July 20, 2021
Needham Town Hall
Powers Hall
and
Via ZOOM**

<https://us02web.zoom.us/j/89630461352>

- 5:15 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Matthew D. Borrelli. Those present were Marianne Cooley, Daniel P. Matthews, Lakshmi Balachandra, Marcus Nelson, and Town Manager Kate Fitzpatrick. Dave Davison, ATM/Finance, and Katie King, ATM/Operations joined the public portion of the meeting at 6:00 p.m. Recording Secretary Mary Hunt recorded the meeting remotely.
- 5:15 p.m. Executive Session: Exception 3 - Litigation & Collective Bargaining
Motion by Ms. Cooley that the Select Board vote to enter into Executive Session.

Exception 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, to reconvene in Open Session at 6:00 p.m.

Second: Mr. Matthews. Mr. Borrelli polled the Board. Unanimously approved 5-0.
- 6:01 p.m. The public portion of the Select Board meeting of July 20, 2021 was convened by Chair Matthew D. Borrelli.
- 6:02 p.m. Proclamation for India Day August 15, 2021:
Ms. Cooley read a proclamation recognizing August 15, 2021 as India Day in the Town of Needham.

Motion by Ms. Cooley that the Select Board of the Town of Needham does hereby proclaim August 15, 2021 as India Day and encourages all residents to join the Indian Community to celebrate and commemorate its 75th Independence Day.
Second: Mr. Nelson. Unanimously approved 5-0.

Mr. Borrelli invited residents to attend an event on August 15th to commemorate the occasion, which will be held on the Town Common.
- 6:05 p.m. Proclamation for Purple Heart Day in Needham August 7, 2021:

Ms. Cooley read a proclamation recognizing Needham as a Purple Heart Community and that August 7, 2021 will be considered Purple Heart Day in Needham.

Motion by Ms. Cooley that the Select Board of the Town of Needham does hereby proclaim that Needham is a Purple Heart Community, and that August 7, 2021 will be considered Purple Heart Day in Needham. The Select Board encourages all residents and businesses to display the American Flag and recognize Purple Heart recipients on that day, honoring the service and sacrifice of our military personnel.

Second: Ms. Balachandra. Unanimously approved 5-0.

6:08 p.m.

Boston Children's Hospital Project Update: (Via Zoom)

Michael Gillespie, Vice President Clinical Services, Boston Children's Hospital and Lisa Hogarty, Senior Vice President of Real Estate Planning and Development, Boston Children's Hospital updated the Board on the Boston Children's Hospital's planned pediatric ambulatory surgical and pediatric specialty care facility. An update on the state regulatory process and next steps in Needham was provided.

A PowerPoint presentation titled "Boston Children's Needham," dated July 20, 2021 was viewed.

Mr. Gillespie discussed the five goals of the project including an ongoing commitment to improving the health and well-being of children throughout Massachusetts in a convenient, lower costs setting. He said the project will benefit patients, families and surrounding communities, as well as continue to meet the steadily growing and unique needs of children. Mr. Gillespie showed a map of the location and renderings of the 224,000 sq. ft. pediatric facility at 380 1st Avenue in Needham Crossing.

Ms. Hogarty discussed town engagement in developing a zoning amendment to allow for a medical facility, parking, PILOT, Community Host Agreement, and the estimated timeline.

Mr. Borrelli asked about the projected timeframe for groundbreaking and completion of the facility.

Ms. Hogarty said conservatively, groundbreaking will take place in the summer of 2023 and completion of the project is anticipated sometime in 2025.

The Board thanked Mr. Gillespie and Ms. Hogarty for the presentation and indicated their full support for the project.

6:20 p.m.

Hearing: Change of Manager, Needham General Store (Via Zoom)

Megan Pesce, Proposed Manager of the Needham General Store, 399 Great Plain Avenue spoke with the Board about an application submitted for a change in

manager. A review indicates Ms. Pesce meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Motion by Ms. Balachandra that the Select Board approve the application for a Change in Manager to Megan Pesce for The Needham General Store, 399 Great Plain Avenue.

Second: Ms. Cooley. Unanimously approved 5-0.

6:23 p.m. Appointments and Consent Agenda:

Motion by Mr. Matthews 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.* Approve Minutes of June 22, 2021 (Open Session).**
- 2. Authorize the consumption of alcohol, as defined by M.G.L. c. 138, Section 1, that has been sold in association with take-out service of food pursuant to Section 13 of c. 53 of the Acts of 2020, as amended by c. 20 of the Acts of 2021, at the Town Common, the Needham Heights Common/Avery Square, and Eaton Plaza under the provisions of Section 3.1.9 of the General By-laws of the Town until May 1, 2022.**
- 3. Approve the utilization of two parking spots at meters #167 and #168, near 1037 Great Plain Avenue, for free, 10-minute parking until the conclusion of the Shared Streets parklet pilot.**
- 4.* Approve Common Victuallar Application from PM Story Corporation d/b/a Little Spoon 952 Great Plan Ave, Needham for remainder of 2021**
- 5.* Ratify a One Day Special License for Lindsay Martin of Needham Pool and Racquet Club who hosted its Beers, Bags and BBQ event on Friday, July 9, 2021 6:00-9:00pm. The event was held at Needham Pool & Racquet Club, 1550 Central Avenue, Needham Police Department approved this event.**
- 6.* Approve a request from Jessica Rice Race Coordinator for Jog Your Memory 5k to hold a 5K Road Race in Needham. The event is scheduled for September 12, 2021 set-up starting at 6am, registration 8am and race to start at 9am. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.**
- 7.* Approve a request from Hilary Ryan with Charles River Center to hold a 5K Road Race in Needham. The event is scheduled for September 26, 2021 starting at 9am. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.**
- 8.* Approve a 2021 Weekday and Sunday Entertainment license for the Rotary Club of Needham who will be hosting a carnival July 22 – July 25, 2021.**
- 9.* Approve India Independence Day to be held on the Town Common on August 15, 2021 hosted by the Indian Community of Needham.**

10. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$2500 from Holly and Bruce Johnstone.
- 11.* Approve and sign Water & Sewer Abatement #1307
12. Accept the following donations received by the Needham Public Library for the period of April 1, 2021 to June 20, 2021: Faith Crisley donated a copy of Micha Shalev's book, A Practical Guide for Alzheimer's & Dementia Caregivers (\$15.50); John and Megan Dwyer donated \$250 for the purchase of children's books and crafts; The following people made donations to the library in memory of Eleanor Gross: Barbara Cusack \$25.00, Stuart and Caroline Golder \$25.00, Jacqueline Duchin, Vanessa Robinson, and Amy Sherman \$160.00, Ann Egan \$25.00; The Needham Community Council gave the library \$360.00 for the purchase of child abuse prevention books; Marilyn Shesko gave the Friends of the Library several boxes of Greg's books. The Friends gave the library two items that were included with the books: A first-day of cancellation envelope that featured an N.C. Wyeth painting and a 1958 plan for a major library renovation. Both items were placed in the Archives collection. The library renovation was built and completed in the early 1960s. Donna and Thornton Kell donated funds to purchase an additional copy of The Splendid and the Vile by Erik Larson (\$32.00); Ann MacFate gave the library \$250.00 for the purchase of large print books in memory of Irene MacFate; Frances S. Wolff sent the library a check for \$150.00, as a "thank you" for incredible service; The Eliot School Staff donated \$600.00 for the purchase of children's books in honor of retiring teacher Priscilla Fisch; Kristen Toohill donated \$75.00 for the purchase of audiobooks; Barbara Apstein made a \$100 donation in appreciation of the Needham librarians who worked extra hard to make books available during the 2020-21 Pandemic lockdown; John Russo donated \$50 for the purchase of new books.
- 13.* Accept the following donations received by Needham Youth & Family Services for the Crisis Support Donation Fund: Brian and Jane Weinstein \$100, Matthew and Deena Leibman \$50, Stacy Blasberg and Raymond Lovett \$50, Sandra Joan Shefelbine and Victor Seidel \$50, Stacy Marino and George Olson \$50, Ilan and Karen Barzilai \$100, Timothy and Catherine Dittmer \$50, Meredith and Andrea Lipman \$30, Hao Xing and Mengding Qian \$50, Kimberly Trudeau and Pedro Teixeira \$25, Matthew Noble and Emily Dill \$75, Erica Hitchings \$100, Wayne and Courtney Olson \$25, Kathryn Crowley \$25, Peter and Alexius Fisher \$50, Harry Schechter and Michelle Keefe \$50, Wilson and Kate Owens \$50, Joseph Duong \$50, Makenzie Wolf \$20, Jennifer and David Rutley \$30, Eric and Jennifer Trachtenberg \$50, Matthew and Katherine Frankel, \$50, Susan and John Lynch \$30, Jennifer Collings \$350, Hannah Gilbert and Jamie Pina \$25, John and Kaitlin Nagle \$100, David and Joanna Noon \$20, Alyssa and Matthew Kence \$50, Mark and Jessica Larochelle \$35, Angela and Zhou Jiang \$100, Dianne and Joseph Camozzi \$100, Michael and Andreia Stiffler \$50, Benjamin Davis and Kristen Morrill \$50, Amy and Adrian Chan \$50, Stacie Goddard and Paul Macdonald \$20, Adam Muzikant \$50, Morgan and Abigail Hays \$90, Emily Gaberman \$100
14. Accept a \$2,000 donation made to the Needham Health Division's Traveling Meals Program from an Anonymous Donor.
15. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify - Wm. Christopher Kent	8 James Ave.	James Ave.	7/3/21	N/A	4pm- -11pm
Nicole Foster	38 Mayflower Rd	Mayflower Rd. between GPA & Alden Rd.	9/11/21 9/12/21		4pm-8pm
Liv Nash	200 Great Plain	38 Ellicot Street	9/12/21	N/A	2pm-4pm
Kim Marie Nicols	12 Crescent Road	Crescent Road, between West St & Union St.	9/26/21	N/A	3pm-7pm
Cindy Osgood	27 Laurel Drive	Lower Laurel	9/18/21	9/19/21	4pm-8pm

Second: Ms. Cooley. Unanimously approved 5-0.

6:24 p.m.

Welcome Norfolk County Sheriff:

Patrick McDermott, Norfolk County Sheriff met with the Select Board to discuss how the Norfolk County Sheriff's Office can work hand in hand with communities like Needham. Sheriff McDermott, who took office in January 2021, gave a brief background of his education and work experience, noting he has been an attorney for over 20 years. He particularly noted his experience running the Registry of Probate and the family court in Canton, MA, as well as his work in the trial court focusing on access to justice issues.

He said he welcomes the opportunity to bring a new perspective on his vision of public safety. Sheriff McDermott said his mission is to make sure the sheriff's office serves as a public safety resource for Needham and the other 28 communities in Norfolk County. He commented on the term "public safety" saying it's time to reconsider what that actually means. He stated it is more than just putting criminals in jail, noting a proactive approach to the conditions that make residents feel safe and the conditions that make certain residents enter into the criminal justice system in the first place. Discussion ensued on mental health, substance use issues, and recidivism. Sheriff McDermott commented on a community level collaboration between criminal justice, behavioral health, treatment organizations, health care, and social services. He noted the reinvestment in re-entry programs through a collaboration with the trial court and the probation department, commenting on community-based rehabilitation tools, ie: cognitive behavioral therapy, education, employment counseling, housing, and community service opportunities through the 18 justice centers throughout the Commonwealth. Discussion ensued on community outreach programs with a focus on the youth and senior citizens. He noted several "cutting edge" programs for senior citizens, particularly the "Are You OK?" automated phone program to call participating seniors in the morning hours. He commented on a recently received grant to put all program pamphlets into multiple languages to meet the diverse needs of the community. He noted all resources available to the sheriff's department are also available to all local police

and fire departments, including school resource officers and canine units. Sheriff McDermott said programming is not just about stopping crime, but about making sure every resident feels safe from crime, COVID 19, substance use, and systemic racism. He said issues must be tackled and coordinated together, and that each town is different. Sheriff McDermott concluded his goal is to work closely with Needham to meet the needs of the town. He said anyone is welcome to contact his department at norfolksheriff.com or info@norfolksheriffma.org.

Mr. Borrelli thanked Sheriff McDermott, noting the tremendous list of initiatives.

Mr. Matthews asked how many men are currently in custody? He asked about COVID-19 vaccinations, diversity hiring, and recidivism?

Sheriff McDermott said 332 individuals are currently at the facility, including 64 individuals who are sentenced inmates and men awaiting trial. He is hopeful the trial court will reopen for trials to begin. Sheriff McDermott said while there was a COVID outbreak shortly after he began his tenure, only one inmate was hospitalized and who has since recovered. He noted currently there are no COVID cases, but vaccinations have been a challenge due to cultural issues. Sheriff McDermott commented on diversity hiring of uniformed and civilian staff, including a new diversity officer. Sheriff McDermott commented on post-incarceration and building trust with individuals to make sure they have housing, a job, education etc., once they leave the facility.

The Board thanked Sheriff McDermott for the update.

6:50 p.m.

Director of Public Works:

Carys Lustig, Director of Public Works provided the Board background and suggested language for a By-law change prohibiting the disposal of household refuse in public trash cans to reduce public litter and appropriately recover costs for household trash disposal.

Ms. Lustig said the issue of public litter has been a problem for a long time, noting it is not unique to Needham. She commented on a potential By-law change, suggesting a fine of \$200 per offense. Ms. Lustig said town counsel guidance was sought and she discussed other action items that could help alleviate the problem.

A brief PowerPoint presentation was viewed.

Mr. Nelson commented on other action items and the \$200 fine.

Ms. Cooley suggested the By-law be separated from the fee schedule. She concurred that the problem has been occurring for a long time.

Ms. Balachandra suggested more Big Belly trash cans in town.

Mr. Matthews suggested a lower first offense fine of \$50 and a graduated fine schedule.

Mr. Borrelli said a \$200 fine for the first offense is appropriate, noting his full support of the By-law. He said the problem has been on-going and thanked Ms. Lustig for her initiative and creative solutions on the issue.

7:04 p.m. Town Manager:

1. Accept and Refer Zoning

Ms. Fitzpatrick told the Select Board that the Planning Board, at its meeting of July 14, 2021, voted to place the following article on the warrant for the October 25, 2021 Special Town Meeting: (1) Article 1: Amend Zoning By-Law – Outdoor Seating. She noted under State law, the Select Board has 14 days to accept the proposed amendments and refer them to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary.

Ms. Fitzpatrick said Cyndi Roy-Gonzalez, Public Information Officer, will also provide an update on the outdoor dining public survey.

Motion by Ms. Balachandra that the Board vote to accept the proposed zoning article (1) Amend Zoning By-Law - Outdoor Seating for referral to the Planning Board for its review, hearing, and report.

Second: Ms. Cooley. Unanimously approved 5-0.

Cyndi Roy-Gonzalez, Public Information Officer said she was surprised by the level of survey engagement and explained the survey asked folks whether they liked outdoor dining and if they wanted to continue it beyond April 2022. She noted a total of 1,233 respondents, with 1,194 responding saying they would like outdoor dining to continue. Discussion ensued on feedback of zoning changes, questions and concerns from the public, and the guiding principles for outdoor dining.

Ms. Cooley said she appreciates the feedback commenting on parking and meters, equity, and considerations for businesses other than restaurants.

Ms. Balachandra said the survey information is fantastic. She suggested expanding metered zones and noted new high tech parking meters in Dedham.

Mr. Matthews suggested flexibility through the pandemic recovery, the need for parking, and the potential to revisit zoning in the downtown to allow for apartment construction. Mr. Matthews said people must be patient, proactive, and thoughtful.

Mr. Nelson said overall re-evaluation is necessary, as times will continue to change. He said it is important for people to remember that not everything will be able to be done right away.

Mr. Borrelli said there must be a reasonable and fair licensing fee for businesses to use outdoor space for dining. He commented on the potential for a public hearing.

2. Special Municipal Employee Designation

Ms. Fitzpatrick commented on updating the list of Special Municipal Employees with the state Ethics Commission. She noted Needham has not updated the list in quite a while and reviewed changes including additional positions and positions for which this status may now be rescinded. She explained the difference between Special Municipal Employees and Regular Municipal Employees.

Mr. Borrelli asked for Board comment.

Ms. Balachandra said she understands the historic nature of the list, but is confused with the designations, noting some looming ethics concerns. She said it feels like there may be a conflict of interest, suggesting not having Special Municipal Designations.

Mr. Borrelli clarified the idea is to allow people who volunteer in Needham to be able to work on town boards and committees. Ms. Cooley said while she supports the designation, suggesting the Select Board is different and it is worthwhile making it clear it be considered regular town employees for the purpose of the law. Ms. Cooley said there are things that could be talked about going forward to make clearer how designations work.

Mr. Matthews said the law allowing for Special Municipal Employees is one set aside because it recognizes all towns operate on the basis of volunteer service or employees who serve in some way. He said the designation is to allow for a lower standard for routine activities that most people wouldn't think are technically a conflict of interest. Mr. Matthews said Board members should not have to vote if they are not comfortable, suggesting deferring the item for a couple of weeks so questions can be addressed. He reiterated it is a standard piece of business that is necessary to "avoid tying people up in red tape" over the operation of ordinary community activities. He suggested contacting the state Ethics Commission for clarification.

Ms. Balachandra said she appreciates the designation, but it appears to raise the potential for conflict of interest or blurring lines of service and contracts for business. She concurred with the suggestion to defer the issue.

Mr. Borrelli said the Board must act one way or the other and would like to see a vote happen at the next Select Board meeting.

3. Review FY 2021-2022 Goals

Ms. Fitzpatrick updated the Board on the status of the FY 2021-2022 goals prior to the Board goal setting process for FY 2023-2023. She reviewed the goals, saying the majority of the Board's time was spent on managing the Town's response to the

Covid-19 pandemic to get schools open, having the ability for in-person and public Zoom meetings, holding Town Meeting outside, and reopening town buildings and offices. Discussion ensued on the budget, vaccine clinics, the creation of the Needham Unite Against Racism Initiative Working Group, Over Zero Needham Response/Resiliency Network Workshop, among a number of other items.

Mr. Borrelli recognized the temporary goal of managing the Town's response to Covid-19 and thanked all employees for their help getting the Town through a very difficult time. He asked for comments from the Board.

Mr. Matthews said the list is a good summary, suggesting Board members read the entire document in preparation for the next goal setting process. He noted there are more goals on the list that can be accomplished, saying it is up to the Select Board to make it all fit, while making some hard decisions.

Ms. Balachandra agreed with Mr. Matthews. She noted the list of goals is exciting, cautioning there are new voices on the Board and hopes there is room for newness.

Ms. Cooley reiterated more ideas and new ideas every year is challenging. She said it is a balance between ideas and available resources. Ms. Cooley commented on the list of Guiding Principles.

Ms. Fitzpatrick asked Ms. King to update the Board on the Town's status on the on-going COVID-19 pandemic.

Ms. King reported Needham's infection rates overall are very low, with 10 confirmed cases in July. She said the average daily rate is 1.7 cases/100,000 people, with a positivity rate of 0.4%. Discussion ensued on the Delta variant. Ms. King said Needham is doing very well with vaccinations, noting 86% of the town's population has received at least one dose, with 78% of residents fully vaccinated. She said the Needham Public Health Department continues daily monitoring and contact tracing, and residents can find the COVID dashboard on the Town's website for weekly updates.

4. Town Manager Report

Ms. Fitzpatrick reported on the federal ARPA (American Rescue Plan Act) funding available for industries directly affected by the pandemic, particularly Health and Human Services, economic development, and infrastructure. She said funding recommendations for the Select Board's consideration is forthcoming, commenting that Needham has received some of the funds and anticipates additional funds at the end of the fiscal year. Ms. Fitzpatrick noted additional county funds are also anticipated.

8:01 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

8:02 p.m.

Adjourn:

Motion by Ms. Cooley that the Select Board vote to adjourn the Select Board meeting of Tuesday, July 20, 2021.

Second: Mr. Nelson. Unanimously approved 5-0.

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

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

The next Select Board meeting is scheduled for Tuesday, August 17, 2021.