

**Town of Needham
Select Board
Minutes for Tuesday, April 26, 2022
Needham Town Hall
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/81133828214>**

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne B. Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

6:03 p.m. Public Comment Period: No comments were heard.

6:03 p.m. Town Meeting Consultation:
Josh Levy, Finance Committee Chair, John Connelly, Finance Committee Vice Chair, Peter Pingatore, CPC Chair, and Dave Davison, ATM/Finance Director spoke with the Board on three items in the Annual Town Meeting Warrant including: 1. The financing plan for Article 21 – Appropriate for Emery Grover Renovation including the appropriate amount of Free Cash/Overlay Surplus to allocate to this project, 2. Additional Free Cash appropriation to Line Item 5 (Retiree Insurance and Insurance Liability Fund – OPEB) in the amount of \$1,000,000 proposed by the Finance Committee, and 3. Additional Free Cash appropriation to Article 31 – Appropriate for Athletic Facility Improvement Fund in the amount of \$52,126 proposed by the Finance Committee.

Discussion ensued on the Appropriation for Emery Grover Renovation. Mr. Levy said the benefits of most building projects done in Needham will last decades, noting it seems justified to have the costs distributed over time by issuing debt. He commented that people several years from now can pay for the project, in part, and the cost is not borne solely by the residents today. He stated the Finance Committee has not yet taken a position, but many members felt the approach was prudent. Mr. Connelly stated, currently, \$7.5 million would go toward capital projects. He said almost 40% of Free Cash is extreme and it is more prudent to have some of the Free Cash allotted to the Debt Stabilization Fund available for other projects in the future.

Discussion ensued on using debt vs. free cash for projects.

Mr. Borrelli said while he understands the concept and it is a good plan, at this point, he does not think the Emery Grover is the project for the idea. He said more discussion is necessary if the Town is going to try to pay down debt, use cash to not borrow as much, or borrow to add to the Stabilization Fund.

Ms. Cooley said the agreed upon approach was to use more cash up front, noting the idea is a shift in policy.

Mr. Nelson commented on the taxpayer burden.

Ms. Frail noted the impact that borrowing will have on the potential for borrowing for future school projects.

Mr. Borrelli concluded the current plan is more prudent based on what the Town has done in the past. He said his concern is about the cost of interest to the Town, which he said is not necessary since cash is available.

Discussion turned to Article 10 - Appropriate for FY2023 Operating Budget and an additional Free Cash appropriation to Line Item 5 (Retiree Insurance and Insurance Liability Fund – OPEB) in the amount of \$1,000,000, and the additional Free Cash appropriation to Article 31 – Appropriate for Athletic Facility Improvement Fund in the amount of \$52,126.

Ms. Cooley said the Select Board will discuss the Emery Grover project later tonight, but said at this point, she does not feel there is a consensus to make any change. She said she is not sure one approach has a significant advantage over the other, and that it is late in the process to make a change for Town Meeting and could be confusing to Town Meeting members. She thanked Mr. Levy and Mr. Connelly for the consultation.

6:29 p.m.

Arbor Day Proclamation:

Ed Olsen, Department of Public Works - Parks and Forestry Division Superintendent presented the Board the 2022 Arbor Day proclamation celebrating the 150th anniversary of the first Arbor Day. Mr. Olsen told the Board of events to celebrate Arbor Day.

Motion by Mr. Nelson that the Select Board of the Town of Needham proclaims Friday, April 29, 2022, as Arbor Day in the Town of Needham, and we ask all residents to celebrate 150 years of Arbor Day and to support efforts to protect trees and woodlands, and we encourage all residents to plant trees to gladden the heart and promote the well-being of this and future generations. Second: Kevin Keane. Unanimously approved 5-0.

Mr. Olsen shared a quote in recognition of Arbor Day and Earth Day: “We inherit the earth from our ancestors, but we borrow it from our children.”

6:39 p.m.

Department of Public Works - Summer Project Update:

Ed Olsen, Department of Public Works – Parks and Forestry Division and Superintendent Rhain Hoyland – Department of Public Works – Highway Division Superintendent provided the Select Board an update on projects planned by the

Department of Public Works for the summer of 2022. A PowerPoint presentation was viewed.

Discussion ensued on the projects: Complete Streets Project/DPW Projects including the high risk crosswalk locations of Dedham Avenue at Harris Avenue to Pollard School, Highland Avenue at the High School, Central Avenue to Hunnewell Street, Arbor Day Activities, and Parks and Forestry “Big 3” of the Town Common Renovation, Claxton Field Design, and McLeod Field Design.

The Board thanked Mr. Hoyland and Mr. Olsen for the update.

7:22 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS:

1. Michael Retzky MWRA Advisory Board (Alternate) Term Exp: 6/30/2024

CONSENT AGENDA: *=Backup attached

1. Approve the calendar year 2022 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork. Establishment License Type Closet Exchange – Designer & Boutique Sale of Second Hand Articles Closet Exchange – Consignment Drop Off Sale of Second Hand Articles Crosby Jewelers, Inc. Sale of Second Hand Articles Segaloff’s Jewelers Sale of Second Hand Articles 2nd Hand Rose of Needham Sale of Second Hand Articles Needham Bowl Away Bowling Alley Lt. Manson H. Carter Post 2498 VFW Building Association, Inc. Pool Table Go Green Airport Express LLC Taxi/Livery License
2. Amend the Board’s meeting calendar to move the November 8, 2022, meeting to November 9, 2022.
- 3.* In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan (G Schedule) for fiscal year 2023 with a general wage increase of 1% and a general wage increase of 2.5% for fiscal year 2024.
- 4.* Approve the Needham Center Revitalization Trust Fund’s proposed banner design promoting the Easton Square Galerie Public Outdoor Art Galerie Project.
5. Accept the following gifts received by the Needham Public Library for the month of April 2022: Lois and Bill Bacon donated \$50 to the Permanent Donation Fund in memory of Rick Hardy, Charlene Smith donated a copy of The Ages of Wonder, a collection that she edited (app. value \$15), Diamond Sutra Recitation Group donated a copy of Polishing the Diamond, Enlightening the Mind, by Chae-ung Kim (app. value \$19), and Chip Baker donated a bench, which he valued at \$700.

- 6.* **Approve the Needham Business Alliance Committee of the Charles River Regional Chamber's May 14th event, "Spring Sidewalk Stroll", to promote foot traffic and support small businesses throughout Needham.**
- 7.* **Approve a 2022 Weekday and Sunday Entertainment license for the Rotary Club of Needham who will be hosting a carnival July 21 – July 24, 2022, pending approval from the following departments: Police, Fire, Public Works.**
8. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Elizabeth Miller	120 Fairfield Street	Between 111 Fairfield and Dogwood Lane	6/18/22	N/A	2pm-4pm

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

7:23 p.m.

Hutter Ridge Road Street Acceptance:

Thomas Ryder, Town Engineer spoke with the Board regarding Hutter Ridge Road and the Layout Street for Town Acceptance. He asked the Select Board to approve and sign the Layout.

Mr. Ryder reminded the Board that Hutter Ridge Road is located off of Webster Street; the abutting residents have petitioned the road be accepted at the May 2022 Town Meeting. Forms 2 and 2A of the Street Acceptance procedure were signed by the Select Board at their last meeting, notifying abutters of the Board's intention to layout and sign the plans at the April 26, 2022, meeting.

Motion by Mr. Keane that the Board vote to approve and sign the Acceptance Plan of Hutter Ridge Road.

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

The Board signed the Street Acceptance map for Hutter Ridge Road.

7:30 p.m.

Town Manager:

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

1. Approve MOA/Police Superior Officers Association

Ms. Fitzpatrick recommended that the Board approve and sign a Memorandum of Agreement between the Town and the Needham Police Superior Officers Association for the periods FY2022 and FY2023 - 2025. The Agreements achieve a first step in the Board's objective to remove the Police Department from the Civil Service system, provide stipend pay for certification and accreditation requirements, and include other monetary and language items as shown on the attached MOA.

Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Police Superior Officers Association for FY2022 and FY2023 - 2025.

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

Mr. Keane commented it is a good deal and “checks all the boxes.” He said he is happy the Select Board will approve the MOA.

Mr. Nelson said in the long term, the MOA gives hope in helping other people evolve. He said he is hopeful for a more diverse representation of people willing to serve in Needham and that Needham is “broadening its horizon” to add more value to the Town. He said in leaving civil service, more opportunities will be available to people who may not have had the chance. He noted the wage increase is steep, but the long term positive benefit will be good for the Town.

2. Community Farm License Agreement

Ms. Fitzpatrick recommended that the Board vote to approve a new 10 year Community Farm License Agreement to allow the Farm to make improvements to its facilities. Changes from the prior license include:

- Term: The prior license agreement was for a one-year term (May 1, 2021-April 30, 2022), with the option of one-year renewals. The new license agreement is for a ten-year term (May 1, 2022-April 30, 2032). Notwithstanding the longer term, the agreement remains terminable at will by the Town, which is the key distinguishing feature of a license as compared to a lease.
- Community Growing Beds: The prior version of the license agreement did not contemplate the construction of community growing beds. The new license agreement specifically allows for community growing beds within the licensed area, and also allows NCF to sublicense these growing beds to members of the public.
- Signs: The prior version of the license agreement did not discuss signs. The new license agreement specifically authorizes NCF to have signs, provided they are consistent with the Town’s Sign Bylaw and are related to the purposes of the farm, recognize sponsors or donors, or are otherwise consistent with the safe operation of a community farm.

Motion by Mr. Nelson that the Board vote to approve and authorize the Town Manager to approve the new ten-year License Agreement with the Needham Community Farm.

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

3. Annual & Special Town Meeting Preparation

Annual Town Meeting

Motion by Mr. Borrelli that the Select Board vote to support an amendment to Article 10 - Appropriate the FY2023 Operating Budget for an additional Free Cash appropriation to Line Item 5 (Retiree Insurance and Insurance Liability Fund - OPEB) in the amount of \$1,000,000 proposed by the Finance Committee.

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

Motion by Mr. Borrelli that the Select Board vote to support an additional Free Cash appropriation to Article 31 - Appropriate for Athletic Facility Improvement Fund in the amount of \$52,126 proposed by the Finance Committee.

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

Special Town Meeting Warrant

Motion by Ms. Frail that the Select Board vote to support Article 3 - Fund Collective Bargaining Agreement - Needham Police Superior Officers Association in the Special Town Meeting Warrant.

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

Article 21 - Appropriate for Emery Grover Renovation

The Board discussed the request from the Finance Committee to amend the appropriation from \$4.5 million of Free Cash to \$4.5 million of Debt with the understanding that it is expected the \$4.5 million of Free Cash will be moved into the Debt Service Stabilization Fund and voted on at Town Meeting in the spring 2023.

Mr. Borrelli commented that at this time he is not inclined to change his vote, as he is not persuaded it is a proper thing to do. He said it is more prudent to stay with the current plan.

Mr. Nelson said he is looking forward to hearing more about the long term benefit, as it is intriguing to him to understand how the Town can get the best benefit out of the money it is spending now and in the future.

Ms. Cooley concurred with comments made by Mr. Borrelli, as she said she is not sure how material the change is to the “big picture” for the Town. She reiterated it is better to stick to the plan and move forward with Article 21 as drafted, which she said Town Meeting is expecting along with a financing plan that has been discussed, and that she believes Town Meeting members are willing to support.

Mr. Keane said he wished it was earlier in the process.

The Board concurred it is best to stick with the current plan and not change anything at this point in time.

4. Town Manager Report

Ms. Fitzpatrick reported the Little League parade is scheduled for Sunday, May 1, 2022.

Ms. Fitzpatrick reported the League of Women Voters is working with 11th grade students at Needham High School and will host a civics showcase Saturday, June 11, 2022, in Powers Hall.

7:52 p.m. Board Discussion:

1. Update on Dangerous Dog - "Axel" residing at 233 West Street, Needham

Ms. Cooley reminded the Board of the public hearing it held on April 13, 2022. She restated the orders issued at that time by the Select Board to the dog owner, noting the dog owner is out of compliance with its orders, with no written updates. She said she is not in a position to tell anyone that any of the conditions set by the Select Board have been complied with, as the Town has not received any information from the dog owner. Ms. Cooley noted the attorney for the dog owner requested the date of the next hearing on May 10, 2022, be changed to another date. She said she is not inclined to move the hearing or commit the Select Board to an additional meeting, given the lack of compliance.

Mr. Nelson asked for confirmation that no communication from the dog owner has been received by the Town? Ms. Fitzpatrick said the Animal Control Officer has been in touch with the dog owner (at his initiative), Town Counsel has contacted the attorney, and the Town Manager has contacted the dog owner. Ms. Fitzpatrick said no information has been received from the dog owner.

Ms. Cooley said her understanding is that the Animal Control Officer visited the home, but the dog owner was not home at that time.

Mr. Borrelli stated it was a courtesy to move the hearing date. He said at this time he is not inclined to change the date as the issue is one of safety. He asked Ms. Fitzpatrick whether a fine could be imposed if weekly updates are not received? Ms. Fitzpatrick said she will look into Mr. Borrelli's question and revert back.

Mr. Nelson said he is unsure what a fine would do at this point. He said he feels like the Select Board is not being taken seriously, safety is the issue, and that "something isn't right."

Ms. Cooley reiterated the Select Board's concern. She said Board members are in agreement and question how seriously the dog owner is taking the issue.

Mr. Keane reiterated the hearing date should not be changed as the neighborhood is terrified and at risk.

Ms. Cooley asked Ms. Fitzpatrick to notify the dog owner.

2. Committee Reports

No Committee Reports were made.

8:00 p.m. Executive Session - Exception 6 (Interest in Real Property):

Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.

Exception 6: To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Not to return to Open Session prior to adjournment.

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>

The Next Select Board meeting is scheduled for Tuesday, May 10, 2022, at 6 p.m.