

**Town of Needham
Select Board
Minutes for Tuesday, June 27, 2023
Select Board's Chamber
and
Via ZOOM**

<https://us02web.zoom.us/j/83513916152>

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, Catherine Dowd, and Town Manager, Kate Fitzpatrick. Marcus Nelson was not in attendance. Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Mary Hunt, Recording Secretary (via Zoom) were also in attendance.
- 6:00 p.m. Public Comment Period: No comments were heard.
- 6:01 p.m. Recognition of Accomplishment: Needham High School Boys Volleyball Team
The Board welcomed and congratulated members of the Needham High School Volleyball Team who recently won their third consecutive state championship. Coach Dave Powell said the team lost a year of play due to the pandemic, but has since not lost a varsity match in three years. He noted the team will head to Orlando, Florida to play in the national championship in July. The Board congratulated the team on its incredible accomplishment and wished them good luck at nationals.
- 6:03 p.m. Joint Meeting with Board of Assessors:
John Bulian, Chair of the Board convened a meeting of the Board of Assessors.
- Kevin Keane, Vice Chair of the Select Board, and John Bulian, Chair of the Board of Assessors, interviewed several applicants for a current vacancy on the Board of Assessors. Mr. Keane and Mr. Bulian recommend Arthur Tzouros be appointed to serve until the next Town Election.
- Mr. Bulian said it is a “big plus” that the Board of Assessors has Mr. Tzouros to fill the vacancy, and that he has the experience and qualifications for the position.
- Ms. Cooley noted that the Town Clerk was in attendance to swear in Mr. Tzouros to his new position.
- Motion by Mr. Keane that the Select Board and Board of Assessors vote to appoint Arthur Tzouros to the Board of Assessors until the next Town Election.**
Second: Ms. Frail. Unanimously approved 6-0 by roll call vote of both Boards.
- 6:05 p.m. Recognition of Service: David Roche

Mr. Keane read a Certificate of Appreciation recognizing David Roche, Building Inspector who is retiring after 26 years in the profession, with 12 years spent in the Town of Needham.

Katie King, ATM/Operations congratulated Mr. Roche on his retirement and invited the public to Powers Hall on Thursday, June 29, 2023 from 4pm-6pm to wish Mr. Roche well in his retirement.

Mr. Roche thanked the Town for the opportunity to serve. He noted the staggering number of permits issued and inspections that have taken place during his tenure. He thanked the Town for its support.

The Board thanked Mr. Roche for his work, noting his expertise and leadership will be sorely missed. The Board wished Mr. Roche all the best in his retirement.

6:16 p.m. **Weights & Measures Intergovernmental Agreement:**
Katie King, ATM/Operations said under M.G.L. c.98, Section 34, Needham is required to appoint a sealer to enforce laws pertaining to weighing and measuring devices, who performs tests and inspections of various scales and metered devices for safety and consumer protection. The Massachusetts Division of Standards used to perform this service for the Town for a fee but has ended that contract. Subsequently, Norfolk County has established a regional program to provide this service for interested municipalities. This intergovernmental unit agreement defines the terms by which the county will fulfill this requirement on the Town's behalf. Ms. King recommends the Select Board vote to adopt the Intergovernmental Unit Agreement for services of a certified sealer of weights and measures.

Motion by Ms. Frail that the Select Board vote to adopt the Intergovernmental Unit Agreement for services of a certified sealer of weights and measures between the County of Norfolk and the Town of Needham.
Second: Ms. Dowd. Unanimously approved 4-0.

6:22 p.m. **Appointments and Consent Agenda:**
Motion by Mr. Keane that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENT CALENDAR *Supporting Documents in Packet
Appoint the individuals listed in the supporting documents to respective committees and terms.

CONSENT AGENDA *Supporting Documents in Packet

- 1. Accept the following donation made to the Needham Public Health's Gift of Warmth Program: \$300.00 from the Christ Episcopal Church in Needham.**
- 2. Approve a request from William Gallagher of Needham Running Club to hold the road event "Needham Backyard Ultra" in Needham. The event is**

scheduled for Saturday, September 16, 2023, 8:00 a.m. The event and route have been approved by the following departments: Fire, Police, Public Works, and Park & Recreation.

3. Approve a request from Hilary Ryan of Charles River Center to hold the road event “Charles River Center 5k Run/1 Mile Walk” in Needham. The event is scheduled for Sunday, September 24, 2023, 9:00 a.m. The event and route have been approved by the following departments: Fire, Police, and Public Works.
4. Approve a request from Jennifer Shadrick of Three Squares New England to hold the road event “Ride for Food” in Needham. The event is scheduled for Sunday, October 1, 2023, 8:00 a.m. The event and route have been approved by the following departments: Fire, Police, and Public Works.
5. Ratify a One Day Special Wine & Malt Beverages License for Elizabeth Kiraly of Bone Up Brewing Company to serve and sell beer at Invictus Boston Invitational on Saturday, June 24, from 11:00 a.m. to 4:00 p.m. The event was held at CrossFit One Nation - Needham, 10 Charles Street, Needham.
6. Authorize the placement of “Go Fourth” lawn signs at the Town Hall and Public Services Administration Building through July 4, 2023.
- 7.* Approve changes to vehicle expense reimbursement rates.
- 8.* In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a revised classification and compensation plan (G Schedule) for FY2024.
- 9.* Approve open session minutes of April 12, 2023; April 25, 2023; May 9, 2023; May 23, 2023; and June 13, 2023 & executive session minutes of May 23, 2023.
10. Approve a Common Victualler License for Hungry Poet King Restaurant Group, LLC
- 11.* Approve revision to the Quiet Zone Working Group Composition & Charge.
- 12.* Approve 20B Exemptions for the following individuals to engage in work with the Needham Park and Recreation Department: Natalia Rezende and Zoe Baker.

Second: Ms. Frail. Unanimously approved 4-0.

6:23 p.m.

General Update: Department of Public Works

Carys Lustig, Director of Public Works provided a general update from the Department of Public Works including: status updates on major construction projects scheduled for completion this season; solicitation of feedback on intended changes to the right of way layout on specific roadway projects; and an update to the Town’s standard guardrail specification.

Ms. Lustig said the past winter was mild with no plowable events, and that the spring construction season commenced earlier than usual. She commented on Eversource crews operating in Needham, updating Street Opening Permit for greater accountability, supply chain issues, ARPA and Earmark work including searching for Grant Opportunities, and staffing changes. Ms. Lustig commented on surfacing treatments, paving, and sidewalk improvements. Ms. Lustig gave an update on many road projects including both the Marked Tree Road and Rosemary

Street water mains, Walker Pond Phase 1 and 2, 128 Interceptor Sewer Relining, Lake Drive Pump Station, and Brook and Culver Cleaning, McLeod Field, Town Common, and boiler replacements at Needham High School and Mitchell School. Also discussed was replacement of guardrails on Farley Pond Road and on Dedham Avenue. Discussion ensued on sidewalk/crosswalk construction on Webster Street at South Street, as well as the intersection of Tower Avenue, Paul Revere Road, and Hoover Road.

The Board thanked Ms. Lustig for the update and staff for their efforts, noting the amazing amount of work taking place in Town.

- 7:00 p.m. Set Water and Sewer Rates:
Dave Davison, ATM/Director of Finance reminded the Board it held a public hearing regarding the water and sewer rates at its June 13, 2023 meeting. The Water and Sewer Rate Structure Committee voted to recommend the rate structure that was presented to the Board that evening. The step rates for both water and sewer, both primary and secondary meters would be increased. There are no changes recommended to the basic service charges or meter fees.

Ms. Cooley noted no public comments or feedback was received.

Motion by Ms. Dowd that the Select Board approve the proposed water and sewer rates identified on schedule below and that they be effective July 1, 2023; and further that the Board approve a Septage Disposal fee of \$85.00 per 1,000 gallons.

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

- 7:02 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 2 items:
1. Downtown Streetscape Refresh Project Priority Setting
Ms. Fitzpatrick asked the Select Board to consider components of the Downtown Streetscape Refresh Project and discuss initial priorities. She asked the Board to discuss the components to be considered. Ms. Fitzpatrick said the Board will have an opportunity to discuss the priorities and next steps for community engagement at its next regularly scheduled meeting on July 25th, 2023.

Discussion ensued on the downtown redesign, the number of parking spaces, and the results from the parking study.
 2. American Rescue Plan Act Funding
Ms. Fitzpatrick provided the Board with an update on ARPA spending, commitments, grants, and projects, and recommended that the Board approve certain transfers within spending categories. She asked the Board to approve the updated ARPA Proposal Budget dated June 21, 2023.

Motion by Mr. Keane that the Board approve the updated ARPA Proposal Budget dated June 21, 2023 to include reallocation of the technology improvement lines and update of the Town Reservoir Sediment Removal project. The Town has four projects pending with Norfolk County:

Walker Category 2 (ARPA-1032): \$356,000

Walker Category 3 (ARPA-1166): \$400,000

Town Reservoir Sediment Removal (ARPA -1033): \$2,142,500

128 Sewer Interceptor (ARPA-1178): \$3,000,000

Second: Ms. Frail. Unanimously approved 4-0.

7:18 p.m. Board Discussion:

1. Open Meeting Law Complaint

Ms. Cooley said the Select Board was notified about a complaint filed with the Office of the Attorney General by Margaret Abruzese alleging that the Board deliberated outside of a public meeting. In accordance with M.G.L. c. 30A, the Board is required to issue a response to the complaint within 14 business days.

Ms. Cooley read a statement saying the complaint is regarding an Executive Session (under Exception 6) the Select Board held on May 9, 2023 to discuss the acquisition of the Foster property on Charles River Street. She noted this is the second open meeting complaint from Mr. and Mrs. Abruzese, the first one being filed against the Select Board on April 3, 2023 from Joseph Abruzese. She said a written response to the complaint was provided April 24, 2023, and the matter was closed on June 4, 2023 without further review from the Attorney General. Ms. Cooley noted the Select Board has been working since the fall of 2021 to purchase a portion of the 62 acre Foster property, noting on March 6, 2023 the Select Board voted in an Open Meeting to approve a Development Agreement and Purchase and Sale Agreement with Northland Residential Corporation. She said, to date, the Development Agreement and Purchase and Sale Agreement have not yet been executed by Northland Residential. She noted several issues relative to the joint Town/Northland Residential purchase of the property have manifested. Ms. Cooley concluded additional negotiation of terms (financial and otherwise) between the Town, Northland, and the Foster Trust are necessary and will require preparation of new or revised Agreements to be signed if/when the open issues are resolved. Ms. Cooley said it is important to note that as of the May 9, 2023 Executive Session, there was no binding or final Agreement among the parties and all sides are still presently engaged in negotiation with the goal of reaching a final Agreement. She explained the purpose of Exception 6 is to preserve confidentiality and to avoid putting the public body at a disadvantage in negotiations for the property. Ms. Cooley said once a deal has been struck and all material terms have been agreed to, an Executive Session can no longer be held under Exception 6. She noted there was and is no final Agreement between the Select Board and Northland Residential or the Select Board and the Foster Trust to purchase the property, and material terms

remain subject to negotiations. Ms. Cooley reiterated the May 9, 2023 Executive Session under Exception 6 was appropriate, and asked the Select Board to approve and authorize Town Counsel to respond to Ms. Abruzese on behalf of the Select Board in a manner reflecting tonight's discussion.

Motion by Mr. Keane that the Select Board authorize Town Counsel to prepare and submit a response to the Open Meeting Law complaint.

Second: Ms. Frail. Unanimously approved 4-0.

2. Committee Reports

Ms. Frail noted she, Ms. Dowd, and Mr. Keane attended the Needham Pride Rally and Parade held earlier this month.

Mr. Keane reported the Code of Conduct Subcommittee recently met to discuss a Code of Conduct for employees and visitors to Town Hall and Town buildings. He said it was a productive meeting. Ms. Cooley said the purpose of the Code of Conduct is to remind residents and visitors to Town Hall and other facilities that civility is valued in Needham and that people should be treated respectfully. She stressed the importance of maintaining appropriate behavior in all Town facilities.

7:25 p.m.

Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board meeting of Tuesday, June 27, 2023.

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

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, July 25, 2023 at 6:00 p.m.