

**Town of Needham
Board of Selectmen
Minutes for March 20, 2018
Needham Town Hall
Selectmen's Chamber**

7:00 p.m. Neighborhood Meeting for Public Safety Building:
A meeting was held in Powers Hall for residents to ask questions and/or voice concerns regarding the proposed construction of the Public Safety Building. One resident attended asking about the timeline for the project.

7:38 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chair Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:38 p.m. High School Project Status:
George Kent, Chair, PPBC and Steve Popper, Director of Design & Construction appeared before the Board with an update on the status of the Needham High School expansion project.

Mr. Kent referred to information provided to the Board of Selectmen, saying the issue faced over the next two weeks is determining the scope of the project based on available money to complete the project. Mr. Kent acknowledged bids were higher than projected, noting five areas are being investigated to reduce the variance.

Ms. Cooley clarified that without additional money, the Town cannot achieve alternatives everyone agreed upon at the beginning of the project. She said the cost will increase if additional storage space/bump out in the gymnasium and the HVAC are delayed to a future time. She asked if there is a time constraint for the contract to be signed.

Mr. Popper explained the process for procurement requires alternatives be taken in sequence. He concurred there is a time constraint in signing the contract, noting a decision must be made by Monday of next week.

Discussion ensued on additional funding, the bidding process on this and future projects, and the current construction environment.

Ms. Cooley said it is important to finish the project, as the financial risk of not finishing is prohibitive.

The Board concurred the project needs to be completed.

7:52 p.m. Appointments and Consent Agenda:

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

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Approve a Special One Day Wines & Malt Beverages License for Maxwell Sparr of Trip Advisor to host a Boston Common Networking event on Tuesday, March 13, 2018 from 5:00 p.m. to 7:00 p.m. Event will be held at Trip Advisor, 400 First Avenue, Needham, MA.**
- 2. Ratify a Special One Day Wine & Malt Beverages Only license for Robert Timmerman of the Needham Knights of Columbus who hosted its annual St. Patrick's Dinner Dance on Saturday, March 10, 2018 from 5:30 p.m. to 11:00 p.m. The event was held at Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
- 3. Approve a request from Jessica Rice, who has submitted a Road Event form, to hold its "Jog Your Memory 5K Run/2 mile walk" on Sunday, September 16, 2018 from 6:00 a.m. to 11:00 a.m. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
- 4. Accept a \$500 donation made to Needham Youth Services from the Congregational Church of Needham. They would like the monies to be used to sponsor Needham Youth Services VIP program.**
- 5. Accept a \$300 donation made to Needham Youth Services the Patrick C. Forde Memorial Fund. They would like the monies to be used to sponsor Needham Youth Services Programs.**
- 6. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1500 from Beth Israel Deaconess Hospital.**
- 7. Grant permission for the Newton Needham Regional Chamber to use the Town Common and surrounding area for its Street Fair on Saturday, June 2, 2018, and the Fall Harvest Fair on Saturday, September 29, 2018. They would like to request rain dates of Saturday June 9, 2018 and October 6, 2018 respectively. Permission includes: Town Common for local businesses' booths; parking lot behind Town Hall and for one handicapped accessible portable toilet and one hand washing station (to be delivered and picked up on the same day); close Chapel Street from corner of Great Plain Avenue to the Chapel Street parking lot for food court, fire truck, touch the trucks, and Michelson's Shoe table; use of the Town's generator on Chapel Street to power the food court and other activities as needed; use of the outlets on the town common to provide requested electricity for popcorn and cotton candy machines; trolley ride that will start at Highland Avenue by the Town Common and loop back around the town via Great Plain Avenue, Webster Street, May Street, and back to the Town Common; delivery and pickup of a dumpster in the parking lot behind town hall; delivery and pick up of trash cans to be placed around the event area including specifically at the food court and near the portable toilets; and any changes as recommended by the Needham Police Department.**

Also grant permission for meter free parking in the downtown area for both days.

8. Approve open session minutes of February 13, 2018 and February 27, 2018.
9. Sign the Warrant for the Annual Town Election to be held on Tuesday, April 10, 2018.
10. Approve a One Day All Alcoholic Beverages License for Julie Richmond of the Charles River YMCA, to host its YMCA Giving Gala on March 24, 2018 from 6:00 p.m. to 11:00 p.m. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.
11. Water & Sewer Abatement Order #1252

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

7:52 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with three items to discuss:

1. Open Special Town Meeting Warrant
Ms. Fitzpatrick reviewed items in the draft Special Town Meeting warrant dated March 9, 2018. She asked the Board to open the warrant.

Motion by Mr. Handel that the Board vote to open the warrant for the May 14, 2018 Special Town Meeting.

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

2. Amend Contributory Insurance Rules and Regulations
Ms. Fitzpatrick recommended that the Board vote to amend the Contributory Insurance Rules and Regulations to incorporate changes to health insurance offerings.

Motion by Mr. Handel that the Board vote to approve and authorize the Chair to sign the Contributory Insurance Rules and Regulations dated March 13, 2018.

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

3. Positions on Warrant Articles
Ms. Fitzpatrick suggested the Board take positions on Warrant Articles at a future Board of Selectmen meeting, as many items are in a state of flux. The Board agreed.

8:00 p.m. Public Hearing: Eversource Energy
Maureen Carroll, Eversource Energy representative appeared before the Board with 3 items to discuss:

1. Homestead Park (continued from February 27, 2018)

Ms. Carroll requested permission to install approximately 10 feet of conduit in Homestead Park. She said this work is necessary to provide underground electric service at 46 Homestead Park, Needham.

Ms. Cooley commented proceeding with work ahead of approval is problematic, reminding the homeowners the purpose of a public hearing is to give the public a change to “weigh in” on the plans.

Ms. Cooley invited public comment. No comments were heard.

Ms. Fitzpatrick stated abutters were re-noticed about the changes.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Homestead Park. This work is necessary to provide underground electric service at 46 Homestead Park, Needham.

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

2. Central Avenue

Ms. Carroll requested permission to install approximately 10 feet of conduit in Central Avenue. She said this work is necessary to provide underground electric service at 1283 Central Avenue, Needham.

Paul Bevilaqua, builder explained Eversource Energy recently instructed a vertical metal conduit be placed on to the pole in order for electric service. He stated lines have not yet been run through the conduit.

Ms. Fitzpatrick stated paperwork is in order, and that the Town continues to improve the permit process of informing builders/homeowners of requirements prior to starting work.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Central Avenue. This work is necessary to provide underground electric service at 1283 Central Avenue, Needham.

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

3. Bradford Street

Ms. Carroll requested permission to install approximately 7 feet of conduit in Bradford Street. She said this work is necessary to provide underground electric service at 33 Bradford Street, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 7 feet of conduit in Bradford Street. This work is necessary to provide underground electric service at 33 Bradford Street, Needham.

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

8:06 p.m. Public Hearing: Gender Neutral Terminology

Ms. Cooley read a prepared statement explaining Needham's history of women serving on the Board of Selectmen and the importance of language when referring to the Board.

Ms. Cooley invited public comment.

Matt Spengler, 75 Hoover Road, School Committee member offered the support of the School Committee to adopt gender neutral terminology for all Town boards. He said the School Committee voted unanimously in favor of the concept at its meeting on March 6, 2018.

Amelia Kline, 23 Mackintosh Avenue, Human Rights Committee member offered the support of the Human Rights Committee to change the name of the Board of Selectmen to Select Board. She said the proposed language change makes a difference in perceptions, resulting in a clear and unambiguous reflection that being a member of the Board is not the exclusive domain of a single gender.

Karen Price, 48 Lake Drive, League of Women Voters president, offered support for changing the name to Select Board.

Josh Weinstein, Needham High School Student Council executive president said class officers and representatives are in consensus for changing the name to Select Board. He commented the change gives a sense of gender equality and inclusivity, while eliminating the sense of discrimination. He commented the elected body is open to all town residents and that the title should be representative of the body it serves.

Denise Garlick, State representative commended the Board for taking up the issue. She said Needham is rich in extraordinary women leaders, thousands of whom have served the Town formally and informally. She said the strength of Needham is in the women who have volunteered their time, talent, and skill to civic boards and social organizations. She said changing the name of the board is to increase participation by women and strengthen the "pipeline" of people willing to serve the Town. Ms. Garlick commented on the new "All Abilities Trail" opened by the Park and Recreation Department saying the name of the trail indicates it is open, accessible, available, and welcoming to anyone. She said language matters, sends a message, and is meaningful.

Janet Bernardo, 473 High Rock Street, Conservation Commission chair said she supports the proposal for the name change.

Ms. Cooley closed the public hearing and asked for comments from the Board.

Mr. Handel said he supports the change as it reflects a cultural shift that has been happening over many years. He commented the change is long overdue and those who commented articulated all the reasons why now is the time.

Mr. Bulian concurred with Mr. Handel, noting discussion to change the name began last year, leading to a warrant article being presented to Town Meeting members in May 2018.

Mr. Matthews agreed, saying there is unintended bias. He said the carefully written proposal is one he will support.

Mr. Borrelli said he is fine with the current name, never seeing it as discriminatory or exclusive, until hearing the comments made tonight. He said it is important to citizens that the Town move in a new direction. He thanked everyone for their input.

8:30 p.m.

Public Hearing: Stormwater By-Law

Ms. Cooley said the proposed By-Law deals with how stormwater run-off is captured and treated.

Ms. Fitzpatrick gave a brief history of the regulatory environment over the last 20 years. She explained the proposed By-Law would provide the Town with the authority to satisfy the Federal National Pollutant Discharge Elimination System (NPDES) requirement for a Phosphorus Control Plan. The By-Law would address the requirement to reduce pathogens in stormwater discharges, and address water quality issues related to low dissolved oxygen, removal of petroleum contaminants, reduction of sediment and suspended solids, and removal of other water quality impairments. The proposed By-Law would apply to applicants for Town permits for construction, and provides alternative measures for applicants whose properties are located in poorly draining soils. The By-Law will reduce the amount of stormwater that is directed to the Town's drainage system, and will help decrease flooding on local streets. For residential properties, the By-Law provides a mechanism to address concerns about the impact of construction-related run-off on abutting properties.

Ms. Cooley invited public comment. No comments were heard.

Mr. Matthews said the text of the By-Law is very dense, suggesting affected residents should read the proposed By-Law. He commented the Town has been trying to clean up rivers and watersheds of Needham for more than half a century as

part of a nationwide effort. Stormwater, he said, is the cause of some problems particularly in densely developed areas where stormwater does not soak back into the ground. He said regulations in place have become increasingly complicated, and more costly to implement. He noted Needham already has regulations in place affecting large scale commercial development, but is now moving to address the issue at individual properties. He said people must understand the new By-Law will not affect them right away, but if they want to change the footprint of their home and as part of the permitting process, there must be a plan to infiltrate runoff from their property, pay to hook up to a storm drain, or contribute to a Town fund. Mr. Matthews said the cost is not prohibitive and that people planning construction requiring a building permit, builders, and developers should familiarize themselves with the new By-Law. He noted the timeline the Town is subject to under state and federal regulations, hence the push to put it before Town Meeting in May. Mr. Matthews said all comments and suggestions by the public are welcomed.

Janet Bernardo, 473 High Rock Street, Conservation Commission chair and civil engineer specializing in stormwater management said a stormwater By-Law is necessary. She said the best way to deal with phosphorus is by infiltration, acknowledging an infiltration chamber, costing less than \$5,000, was installed on her property. She said it is much easier to install an infiltration chamber while a home is under construction.

Tal Achituv, 57 Walker Lane welcomes the work being done by the Town at Walker Pond. He said his neighborhood wants to be as supportive as possible, but wants to avoid being put in a position where the issue is “totally on us.” He said he looks forward to reading future versions of the proposed By-Law.

Karen Price, 48 Lake Drive asked whether the By-Law is strictly for residential properties?

Ms. Cooley said it is Town-wide, however items contained in the By-Law for commercial properties have been happening for a number of years. She said the difference now is that the By-Law will be applied to residential properties.

Mr. Borrelli thanked Mr. DelGaizo and Ms. Bernardo for crafting the By-Law, which he said is a work in progress. He said he is concerned for residents who would like to add a small addition to their home to continue living there. He commented it is more important to get the By-Law right instead of rushing it to Town Meeting.

Dick Reilly, 15 Whittier Road, Finance Committee chair asked if there are any economic implications if the By-Law is not enacted?

Ms. Fitzpatrick said consultants estimated the proposed Phosphorus Control Plan would allow the Town to reduce its phosphorus discharges cost from an annual operating cost of approximately \$500,000 to \$150,000.

Ms. Cooley said this is a new way of thinking about stormwater and taking accountability for the water on our property. She said more discussion is necessary.

8:50 p.m. Board Discussion:

1. Plastic Check-out Bag Policy

Ms. Cooley reminded the Board of the public hearing it held on February 27, 2018 where feedback was received regarding the contemplated policy aimed at reducing the environmental and aesthetic impact of the improper disposal of single-use plastic bags. She stated that rather than immediately proposing a mandatory ban, the Board discussed the concept of encouraging commercial establishments with retail space of 3,500 sq. ft. or greater selling goods directly to consumers to minimize the use of plastic check-out bags in favor of reusable bags or recyclable paper bags. She said most comments were supportive of a change in policy, with some people asking the Town to implement a mandatory ban rather than a voluntary ban. Ms. Cooley indicated all stores have said they will comply with the voluntary ban, whereby the Town could expect compliance without having a mandate.

Ms. Cooley asked for comments from the Board.

Mr. Bulian said there has been confusion over a voluntary vs. mandatory ban, concurring with comments expressed by Chair Cooley. He said the plastic bag ban makes sense, as it removes 95% of single use bags in Needham.

Mr. Handel said he was moved by the hearing and the overwhelming consensus of citizens. He supports implementing a ban on a voluntary basis as long as it achieves the desired outcome, saying the Town must be ready to move to the next step if necessary. He noted the cultural shift and people realizing the time for plastic bags is over.

Mr. Borrelli said he supports a voluntary ban as the right approach. He suggested staff at the RTS become much more aggressive in removing and recycling plastic bags from the waste stream.

Mr. Handel suggested the Needham Times should consider alternative ways of delivering the newspaper, without using a plastic bag.

Mr. Matthews said he is supportive of the proposed policy and that merchants understand the goal. He commented the issue will continue to evolve, noting the approach most interesting to him is the idea of adopting a bag fee. However, he said the Attorney General opined that without a statute, town governments do not have the authority to impose bag fees at point of sale. He said the policy, for now, is a good way to move forward.

The Board agreed discontinuing single-use plastic check-out bags on or before June 1, 2018, while publicly encouraging residents to comply earlier.

Ms. Cooley said the Town welcomes and encourages vendors consider instituting their own bag fee, which they have the right to do, even if the Town of Needham cannot.

Motion by Mr. Bulian that the Board vote to adopt the Plastic Bag Policy Statement dated March 20, 2018.

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

2. Committee Reports

No Committee Reports were made.

Mr. Matthews announced that on Saturday, March 31, 2018 at 10 a.m. at the Public Safety Station residents will have an opportunity to view designs of the proposed Public Safety Building. He said all residents are welcome.

9:20 p.m.

Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of March 20, 2018.

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