

Town of Needham
Select Board
Minutes for Tuesday, March 23, 2021
<https://us02web.zoom.us/j/89093905788>

5:30 p.m. Begin Open Session:
A meeting of the Select Board was convened by Chairman Maurice Handel. In addition to the Select Board, Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, and Katie King ATM/Operations were in attendance. Recording Secretary Mary Hunt joined the meeting at 6:00 p.m.

5:30 p.m. Move to Executive Session - Exception 6: Acquisition of Real Property
Motion by Mr. Bulian 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.

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

6:00 p.m. Return to Open Session:
The public portion of the Select Board meeting of March 23, 2021. Mr. Handel 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. Handel 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.

6:00 p.m. Select Board Transition:
Mr. Handel said every year the leadership of Select Board changes, noting this year Mr. Bulian is retiring as a member after 18 years of service to Needham and its residents. The Select Board, members of the state legislature including Representative Denise Garlick, Senator Becca Rausch, Senator Mike Rush, and former colleague Jim Healy took time to thank Mr. Bulian for his service and wished him well in his retirement.

Representative Garlick said she honors and respects public service, recognizing the years and energy Mr. Bulian has contributed to helping make Needham a better place. She said she hopes that when Mr. Bulian drives around Needham he looks

with pride on the many projects he has helped the Town achieve. She said Mr. Bulian has done the work that he needed to do for his family, but also the work for the community. Representative Garlick said we are all better because of the efforts of Mr. Bulian. She wished him all the best.

Senator Rausch congratulated Mr. Bulian, saying he is the reason she entered local government. She said an official resolution is being mailed to Mr. Bulian in recognition of his 18 years of service and dedication to Needham. Senator Rausch wished Mr. Bulian all the best as he retires from life in public service.

Senator Rush said the Select Board works tirelessly to enhance the quality of life for the residents of Needham and that Mr. Bulian has been a part of the work every step of the way. He said Mr. Bulian has been a pleasure to work with, noting he has put his “heart and soul” into everything. Senator Rush congratulated Mr. Bulian and wished him the best.

Jim Healy, resident, and former Select Board member said it was very nice to know Mr. Bulian while doing the work of the Town and as proud fathers with children in the school system at the same time. Mr. Healy recognized Mr. Bulian’s love of tennis and his Red Sox and Yankee game updates during Town Meeting. Mr. Healy commented on Mr. Bulian’s strength in working with constituents, his dedication to making Memorial Park what it is today, and his vision for the way Needham took care of and reconstructed its public buildings. Mr. Healy said Mr. Bulian can look back with pride and honor at all his accomplishments to make Needham great from a facilities standpoint. He wished Mr. Bulian all the best in his retirement from public service.

Mr. Handel read comments from Michael Fee, Town Moderator who was unable to attend tonight’s meeting. Mr. Fee congratulated Mr. Bulian on a stellar career of volunteer service to Needham, noting he is known for his responsiveness and constituent service during his time as a Select Board member. Mr. Fee thanked Mr. Bulian for his work and wished him well in his retirement.

Mr. Matthews said he has known Mr. Bulian for years, noting he is the “social media maven” and “civic engagement champion” for the Select Board. Mr. Matthews said it is difficult to summarize 18 years of service in one set of remarks. He particularly noted Mr. Bulian’s critical role in pulling together all kinds of citizens to build different coalitions on many issues and his work in helping the Town during the pandemic over the last year. Mr. Matthews said it has been great working with Mr. Bulian, thanked him for his service, and wished him all the best.

Ms. Cooley said she is grateful for Mr. Bulian’s willingness to engage with residents on a range of issues. She commented on meeting Mr. Bulian and working with him as a member of the School Committee and on the Select Board. She said it has always been fun and that she appreciates the many healthy discussions over

the years. Ms. Cooley wished Mr. Bulian all the best, particularly during his run to become a Town Meeting Member.

Mr. Borrelli said he appreciates Mr. Bulian’s sense of humor. He referred to the “talking stick” and meeting Mr. Bulian at the Ground Round years ago. Mr. Borrelli said Mr. Bulian is a great communicator who was always willing to help. He said Mr. Bulian is a “broker” and a “dealer” in so many ways and wished him all the best in the future.

Mr. Handel said Mr. Bulian has been a great mentor and generous colleague, noting the many two-hour lunches they had together. Mr. Handel particularly noted the time Mr. Bulian spent with Jerry Wasserman, member of the Select Board, who passed away while a member of the Board.

Kate Fitzpatrick noted the many events over the years that Mr. Bulian took part in, including the Wall that Heals, Memorial Day, July 4th, Olympic rallies, and parades for astronauts. She commented on the many phone calls, saying Mr. Bulian is welcome to call her anytime.

Mr. Bulian opened a gift from the Select Board recognizing his 18 years of dedicated service to Needham from 2003-2021.

Mr. Bulian reminisced on his 18 years volunteering for Needham and thanked everyone for their friendship. He noted the passing of Mr. Wasserman and Mr. Cogswell. Mr. Bulian commented on the intensity and time commitment of a Select Board member, saying he has held two full time jobs for two decades. He thanked his wife Janet and family members for their support. Mr. Bulian mentioned Bob Larson’s many cartoon’s depicting him, the baseball score updates at Town Meeting, and that he always tried to bring humor to every situation. He thanked everyone for their support and that he looks forward to spending time with his family and to playing tennis.

6:43 p.m.

Babson College Scholarships:
Mr. Handel said the Select Board awards scholarships annually to local residents from a fund made available to the town from Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. Meredith Stover, Director of Financial Aid at Babson College and Select Board Chair Moe Handel met recently to review the applications.

Motion by Mr. Matthews that the Select Board vote to award the Town of Needham Babson Scholarships to the following applicants:

<u>Student</u>	<u>Status</u>
Caponi, Emma	Rising senior
Colon Figueroa, Maria	Rising junior

Evans, James
London, Henry
Miloshi, Albina
Tsitsas, Constantinos

Started evening MBA program September 2020
Transfer student, started September 2020
UG admit for September 2021 via Early Action
Rising sophomore

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

6:50 p.m. Appointments and Consent Agenda:

Motion by Mr. Bulian 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 and Authorize the Town Manager to sign the Warrant for the Annual Town Election Tuesday April 13, 2021 for the board.**
- 2.* Approve open session minutes from March 9, 2021 Select Board meeting.**
- 3. Accept the following donation made to the Vietnam Veterans Memorial Maintenance Donation Fund: \$100 from the Needham History Center & Museum.**

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

6:51 p.m. Public Hearing: New Retail All Alcohol License for Gordon's Fine Wines (to be continued to 4/27/21)
Gordon's 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 Board member to hear and vote on the application. Mr. Gordon has agreed to the continuation date.

Motion by Mr. Bulian that the Select Board vote to continue Public Hearing: New Retail All Alcohol License for Gordon's Fine Wines to its meeting of April 27, 2021.

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

6:52 p.m. Solar Parking Canopies:
Nicolette, Sophia, Alana & Christine, Needham High School Environmental Action Club (EAC), provided the Board with an introduction and overview of a solar parking canopy for potential installation at the high school or at Newman Elementary School. Michael Greis and Ed Quinlan, Green Needham were available to answer questions.

A PowerPoint presentation titled “Solar Panels at NHS” was viewed. Discussion of the benefits of a canopy of solar panels, annual savings, how installing the panels affects students, possible locations, and funding ensued.

Mr. Bulian said he wholeheartedly supports the plan.

Ms. Cooley asked about investment tax credits, panel energy storage, electric vehicle charging and fees. She said the plan is great and is a tremendous value for the town. Ms. Cooley said the message of “use less energy” is the real point.

Mr. Borrelli thanked the students for presenting the plan. He asked the presenters if expanding the program to the Sunita William School or other schools has been considered?

It was noted the plan is currently for solar panels at the high school but expanding to other locations is a possibility.

Mr. Matthews said he is impressed with the presentation, especially when considering potential problems ahead of time and by looking at the RTS as a model and approach. Mr. Matthews said energy use must be reduced over time, concurring with Ms. Cooley that people must use less energy.

Mr. Handel commented on the initiative a few years ago to move from the use of plastic to paper bags in retail stores. He said the initiative began in the high school and is another example of student driven public policy. He thanked the presenters for their clean energy presentation.

Ms. Fitzpatrick commented on next steps.

6:45 p.m. Continuation Underground Fuel Public Hearings:
Mike St. Pierre, Kerivan-Lane appeared before the board stating he is able to answer any questions from abutters.

1. 40 Windsor Road

Mr. Handel noted this public hearing is being continued from the Select Board meeting of March 9, 2021 in order for a plot plan identifying the location of installation on the property to be submitted. Location plot plan has been submitted and was sent to the two abutters who spoke at the last hearing.

Mr. Handel invited public comment.

Khristy Thompson, 50 Windsor Road expressed concern for water displacement as a result of the pool and underground propane tank.

Mr. St. Pierre stated water run-off is not part of the installation process for the propane company, but rather a question for the surveyor or engineer. Ms.

Fitzpatrick suggested Ms. Thompson contact the building inspector to answer the question, noting he can be reached at PSAB.

Karen Langsner, 30 Windsor Road expressed concern for tank corrosion and wondered if there is a process for re-inspecting the tank over time.

Mr. St. Pierre explained cathodic protection is a requirement to guard against corrosion, and that readings must fall within a certain range. He said if a reading is outside the range the tank would be replaced.

Ms. Langsner said the property in question is to have an inground pool, 1,000 gallon propane tank, and a new septic tank (in addition to the old tank that collapsed on the site), wondering why there is no process to evaluate the effects of water displacement due to a variety of things put underground.

Ms. Fitzpatrick said the building commissioner would have evaluated all of the issues, noting he is considerate of water runoff in all of the neighborhoods. Ms. Fitzpatrick said she could help the abutters get in touch with the building inspector to discuss measures considered for water displacement.

Motion by Mr. Bulian that the Select Board vote to approve and authorize the Chairman to sign a license for Kerivan-Lane to install a 1,000-gallon underground fuel tank on the property located at 40 Windsor Road, Needham, MA 02492.

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

2. 16 Petrini Circle

Mr. Handel said this public hearing is being continued from the Select Board meeting of March 9, 2021 in order for a plot plan identifying the location of the tank for installation on the property. A location plot plan has been submitted and the application is now complete.

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

Motion by Mr. Borrelli that the Select Board vote to approve and authorize the Chairman to sign a license for Kerivan-Lane to install a 1,000-gallon underground fuel tank on the property located at 16 Petrini Circle, Needham, MA 02492.

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

7:25 p.m.

Public Safety Building Project:

Stuart Chandler, PPBC Chair, Steven Popper, Director of Design & Construction, and Ken Sargent, Public Safety Project Manager updated the Board on the Public Safety Project and the supplemental funding request contained in the Special Town Meeting Warrant.

Mr. Chandler reminded the Board the original budget for the project was \$70,385,000, noting at this point the current encumbered budget is \$70,384,700.34, leaving \$299.26 remaining for any contingency. He said unforeseen contaminated soil cleanup found at fire station 2 amounting to \$1.01 million and \$340,000 of COVID-related incurred and anticipated expenses indicates a deficit balance. Mr. Chandler stated the request for \$1,700,000 is primarily to avoid risking a stoppage of the project, noting the goal is not to spend the money.

Mr. Handel thanked the committee for its work, stating the funding request will appear on the 2021 Special Town Meeting warrant.

Mr. Borrelli asked about reimbursement of COVID expenses. He commented he fully supports the request.

Mr. Popper stated the costs through November 2020 have been picked up by the state and continue to be monitored. He said he believes the town is in a position to receive reimbursement.

Mr. Handel said the track record of the PPBC is excellent evidence of the unusual circumstance, noting the difficulties from the COVID-19 pandemic.

The Board thanked the presenters for the update.

7:35 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 2 items:

1. Annual and Special Town Meeting Warrants

Ms. Fitzpatrick updated the Board on the status of the Town Meeting Warrants and articles, recommending the Board approve final revisions to the Special Town Meeting Warrant. She stated the Special Town Meeting is planned for Saturday, May 1, 2021 (Sunday, May 2, 2021 continuation/rain date). She said the Annual Town Meeting is scheduled for Monday, May 3, 2021. Ms. Fitzpatrick commented on warrant changes including to the Omnibus, Unpaid Bills from the Prior Year, CPA Budget Articles, CPC Articles, and Covid-19 related expenses among other items.

Motion by Mr. Bulian that the Select Board vote to approve final revisions to the Special Town Meeting Warrant, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.
Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

2. Banner Policy

Ms. Fitzpatrick recommended that the Board vote to adopt a new banner policy for the Town. She discussed pole banners, street banners, and banners to be hung on Town Hall for municipal purposes and only in very rare, extraordinary circumstances.

Motion by Mr. Borrelli that the Select Board vote to adopt and authorize the chair to sign the Banner Policy No. SB-DIS-005.

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

3. Town Manager Report

Ms. Fitzpatrick reported reopening the downtown for robust outdoor dining is being discussed. She reported the town has collaborated with the City of Newton in applying for a grant to set up pop up stores in some of the vacant storefronts to help bridge the gap until new retail shops open.

7:45 p.m. Board Discussion:

1. NUARI Update

Ms. Cooley said NUARI met last night, voting on the recommended vision, guiding principles, and intentional practices for the town and its boards and committees to guide the work on racial equity. Ms. Cooley read the vision statement, saying NUARI is pleased to bring the vision and guiding principles to the Select Board. She asked the Select Board to support the recommendation.

Mr. Borrelli said a lot of work was done and that it was terrific to work with people from all different backgrounds and points of view. He said conversations were respectful, bringing people together to come up with a finished product that he is proud to present to the Select Board.

Mr. Handel recommended people watch the NUARI meetings on YouTube.

The Board thanked the members of the NUARI committee for their work.

Ms. Cooley said the next step includes bringing the vision and guiding principles to Town Meeting as a non-binding resolution and endorsement.

Motion by Ms. Cooley that the Select Board vote to adopt the vision statement, guiding principles, and intentional practices recommended by the NUARI working group, and forward them to Needham boards and committees for their consideration and integration in their goals.

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

2. Committee Reports

Ms. Cooley reported NUARI's meeting last night included discussion with Police Chief John Schlittler and Lieutenant Chris Baker related to the Tidwell Report. She encouraged folks to watch the discussion on YouTube. Ms. Cooley said the Chief spoke about recommendations in the report and elements already underway in the department. She commented it is a time of transition for the police department as new reforms are to be in place by July. She said discussion continues the possibility of a community oversight committee. Ms. Cooley commented Chief Schlittler said he thought the recommendations were "fair" and that he has committed the

department to taking the steps necessary to move the community forward. Ms. Cooley commented on other points from the Tidwell Report including de-escalation, training, and listening rooms. She commented that while the Tidwell Report did not say that racial profiling existed, it did indicate that the Town needed to consider, to the extent to which bias might have been a factor and what we need to learn from that. She commented that space needs to be created for people to talk and to speak up for themselves and for others, and to understand and hear those experiences. She noted the chief said he wants the police to be a meaningful part of our community, a part committed to solving problems and a part that is open, honest, and accessible to the community. Ms. Cooley closed by commenting on the recent vigil, quoting a high school student who said “so leaving here, rather than telling you to put yourself in other people's shoes, I encourage you to stay in your own shoes and reevaluate yourself. Before entering your classroom, office, restaurant, reflect on who you are and what you bring to create a loving community because it is in a society that is so clearly built on violence and hate, you are the first step to the change that we so desperately need.”

Mr. Matthews said he appreciates Ms. Cooley's work in helping frame the discussion, as well as the comments and insights offered by the NUARI members. He commented on the Tidwell Report and why the Select Board went through the report so quickly with little discussion after receiving it last week. He elaborated his opinion is his own, and that many people do not understand the workings of town government. He commented the meeting last week was “not a one and done” on the Tidwell Report, noting the work will continue for the next year or more. He commented on the Marvin Henry case, legal policy, and public engagement issues. Discussion ensued on the incident that happened in January 2020, why Natasha Tidwell was retained to review the case, the offer to apologize to Mr. Henry, and the public meeting the Select Board held in order to accept the report. He said a lot more work needs to be done by NUARI, the Human Rights Committee, and other forms of community engagement. He noted the finding of the case, while favorable for the Town, was that it was not a racially profiled case. He said Mr. Henry was identified as a perpetrator of an offense and he was stopped, but he did nothing wrong. Mr. Matthews said the incident should not have happened. He encouraged the community to do a full reading of the report and to draw their own conclusions. He said implicit bias is an issue for the community, not just for police officers, and is not unique to Needham. Discussion ensued on how to balance the new state law, post commission (Police Reform Act), and what Needham does locally about these issues. Mr. Matthews said he is impressed with the proactive work by the police chief, the commitment to training, and to making improvements now rather than wait for something to happen. He spoke about the possibility of an oversight board, noting other communities that have them are usually much larger than Needham with hundreds/thousands of sworn officers and many challenging cases. He commented Needham is a town with under 100 police officers, and the police department is not only supervised by the police chief, but also the Town Manager and the Select Board who are elected to be the oversight board. He said the Select Board can be the oversight board and can bring in an expert to give an outside,

independent opinion when needed, as was done in this case. Mr. Matthews reiterated his support for the Needham Police Department, saying he believes the people working for Needham tried to do the right thing in the Marvin Henry case, although not everything was done as well as it might have been. He noted a sincere effort has been made to improve, and Chief Schlittler is an exemplary chief who has his full and complete confidence to lead the department going forward. Mr. Matthews said the Select Board, as an oversight board, must be mindful that policies are important, but what the Select Board does is what counts for everyone in public service, government, and the community. He said we have made great progress over the past decades on race equity issues but not as much as we should have, and that much more work needs to be done.

Mr. Borrelli commented the NUARI meeting last night was very open and questions to Chief Schlittler were “spot on.” He said Chief Schlitter was not defensive, and very open and welcoming during the discussion. He commented he received emails from residents regarding the case and bias, reading from the report “there is insufficient evidence to support Mr. Henry’s allegation that he was racially profiled or stopped because of his race. Certainly, we cannot conclude by the preponderance of the evidence the officers’ unwillingness to apport Mr. Henry the benefit of doubt, the apparent failure to consider the possibility that he had the wrong guy are evidence of bias.” Mr. Borrelli said clearly there are things that can be done better, reiterating the police chief was very open about moving forward on training and all the things that are already being done and will continue to be done. He clarified that when the town asked for the report to be done, those were the questions that were asked of the Tidwell Report, which concluded that there was no racial profiling. Mr. Borrelli said he looks forward to moving forward, and that there are many positive things the chief is doing that will make a big difference so that people feel welcome and not targeted. He concluded it is the job of the Select Board to have a community where people do not feel that way, and that Chief Schlittler is the right person for the job.

Mr. Handel commented the subject is not just about policing, but of a community. He said the subject of bias is both conscious and unconscious, and every human being has unconscious bias. He said until it can be recognized and talked about, we will continue to be plagued. He concluded it is part of the work of NUARI, and for all of us, to try to come to terms with the issue. Ms. Cooley commented on next steps and future discussions on the Equal Justice Needham report.

8:20 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, March 23, 2021.

Second: Mr. Bulian. 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=>