

SELECT BOARD Meeting Agenda

6:00 p.m. May 10, 2022

NEEDHAM TOWN HALL – POWERS HALL

& ZOOM

Under Governor Baker’s emergency “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20”, issued March 12, 2020 and in effect until termination of the emergency, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the meeting or click the link below to join the webinar:

<https://us02web.zoom.us/j/87942749004?pwd=KzVYUTZJaFNkenMzZk9YQ1puZmgoZz09>

Passcode: 532429

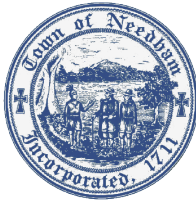
One tap mobile: +13017158592,,87942749004#

Webinar ID: 879 4274 9004

	6:00	Public Comment Period Citizens are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board’s policy on public participation in meetings can be found here .
1.	6:00	Public Hearing: Grant of Location – 500 Dedham Ave Joanne Callender, Eversource
2.	6:05	Public Works Week Proclamation Ed Olsen, Department of Public Works – Acting Assistant Director
3.	6:10	Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022) - Chief of Police John Schlittler - Diana Rasoul, Dog Owner - Jeremy Cohen, Counsel
4.	6:45	Town Manager - American Rescue Plan Act (ARPA) Update - Goal Setting Preparation - Town Manager Report
5.	6:55	Board Discussion Committee Reports

CONSENT AGENDA *=Backup attached

1.	Approve a one-day Weekday Entertainment License for Needham Music, Inc for Saturday, May 14, 2022
2.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$100 from the Needham Diversity Initiative Inc.
3.	Accept the following donations made to Needham Aging Services: for in-kind donation of personal care products worth \$2,200 from the Boston Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated; \$50 from John & Roberta Miele and \$100 from Gordon & Jo-Ann Goodwin in memory of Leonard Burke.
4.*	Approval of Minutes: April 13, 2022 (open session), April 13, 2022 (executive session), April 26, 2022 (open session), April 26, 2022 (executive session), May 2, 2022, and May 4, 2022.
5*	Approve and sign Water & Sewer Abatement #1319



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

Agenda Item	Public Hearing: Eversource Grant of Location: 500 Dedham Avenue
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install a new pole on and approximately 21 feet of conduit in Dedham Avenue. This work is necessary to provide underground service to 500 Dedham Avenue, Needham. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install a new pole on and approximately 21 feet of conduit in Dedham Avenue.	
3.	BACK UP INFORMATION ATTACHED
a. Letter of Application - Overhead b. Petition - Overhead c. Order - Overhead d. Petition Plan – Overhead e. Letter of Application - Underground f. Petition - Underground g. Order - Underground h. Petition Plan – Underground i. Notice Sent to Abutters j. List of Abutters	



180 Calvary Street
Waltham, Ma 02453

April 19, 2022

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Dedham Avenue
Needham, MA
W.O.# 7680934

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install a new pole 15/57-1X on Dedham Avenue.

The reason for this work is to provide electric service to 500 Dedham Avenue.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/wls
Attachments

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Dedham Ave - Install Proposed pole 15/57-1X, approximately 335 feet northwest of South Street.

W.O.# 7234739

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault,** **dated April 14, 2022** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2022 at _____ in said Town.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2022 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated April 14, 2022**, and filed herewith, under the following public way or ways of said Town:

**Dedham Ave - Install Proposed pole 15/57-1X, approximately 335 feet
northwest of South Street.**

W.O.# 7234739

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

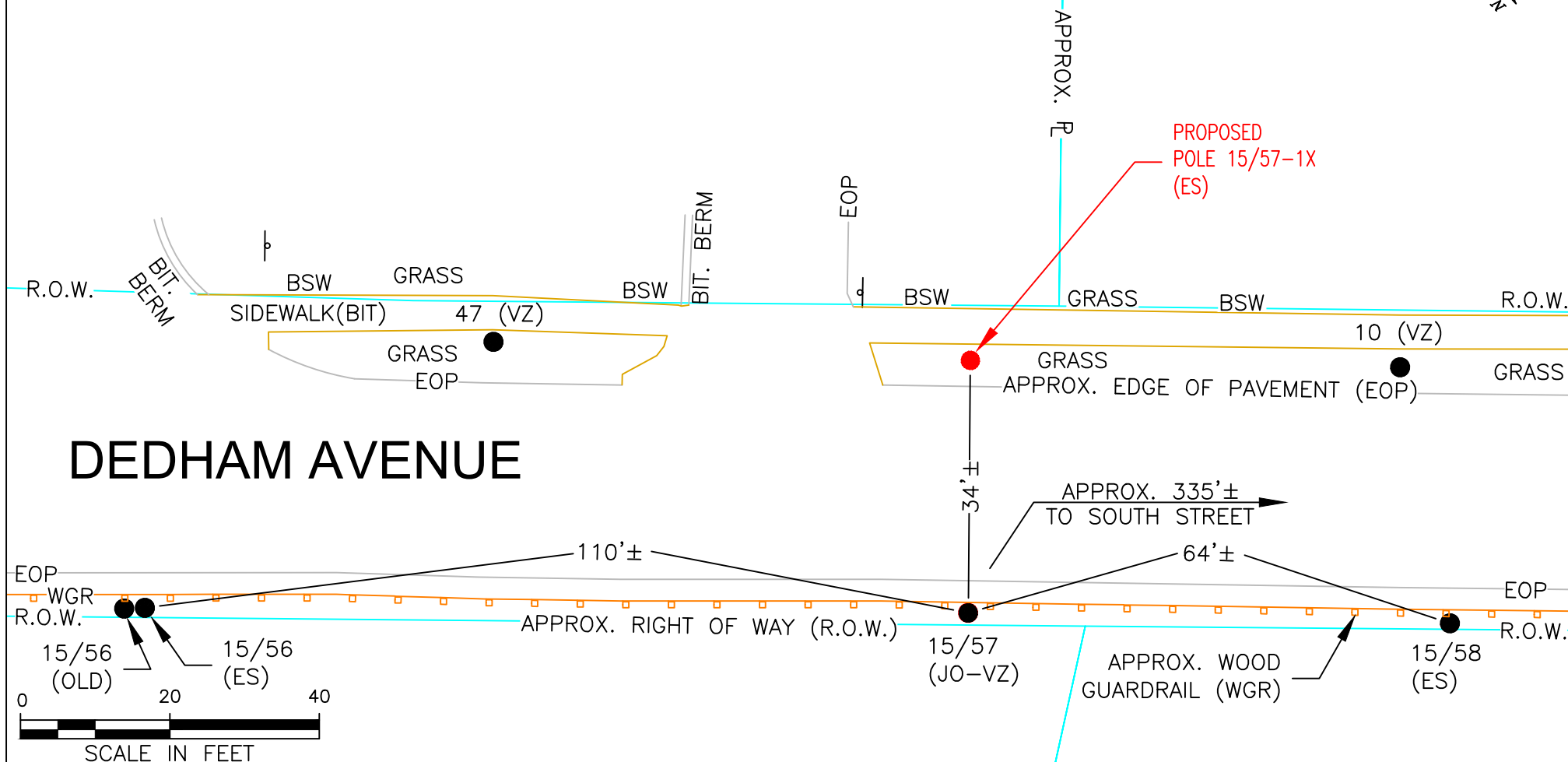
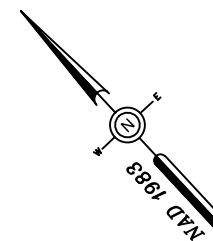
By: *Richard M. Schifone*

Richard M. Schifone, Supervisor
Rights & Permits

Dated this ____ **th day of** _____

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2022



THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus		C#	  1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Pole locations to be abandoned, shown thus		Ward #	
Proposed Anchor Guy shown thus		Work Order # 7680934	
Proposed Hip Guy shown thus		Surveyed by: SJ/SG	Plan of DEDHAM AVENUE NEEDHAM
Proposed Underground location shown thus		Research by: JC	
Proposed Push Brace shown thus		Plotted by: SG	Showing PROPOSED POLE LOCATION
Existing Pole location shown thus		Proposed Structures: SJ	
		Approved: T THIBAUT	Scale 1"=20' Date April 14, 2022
		P#	SHEET 1 of 1



180 Calvary Street
Waltham, Ma 02453

April 19, 2022

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Dedham Avenue
Needham, MA
W.O.# 7680934

Dear Members of the Board:

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The reason for this work is to provide electric service to 500 Dedham Ave.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

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It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Dedham Ave - Northwesterly from proposed pole 15/57-1X, approximately 335 feet northwest of South Street, install approximately 21 feet of conduit

W.O.# 7234739

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated April 14, 2022** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	Select Board
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2022 at _____ in said Town.

1	_____	
2	_____	Select Board
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2022 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated April 14, 2022**, and filed herewith, under the following public way or ways of said Town:

Dedham Ave - Northwesterly from proposed pole 15/57-1X, approximately 335 feet northwest of South Street, install approximately 21 feet of conduit.

W.O.# 7234739

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

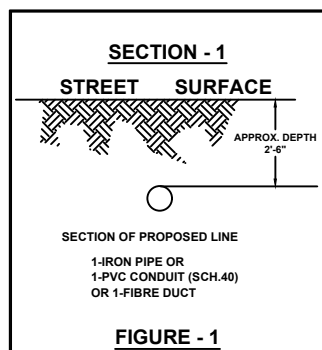
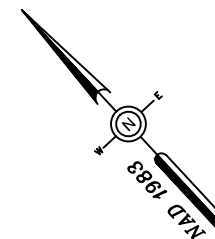
By: Richard M. Schifone
Richard M. Schifone, Supervisor
Rights & Permits

Dated this____**th day of** _____

Town of **NEEDHAM** Massachusetts

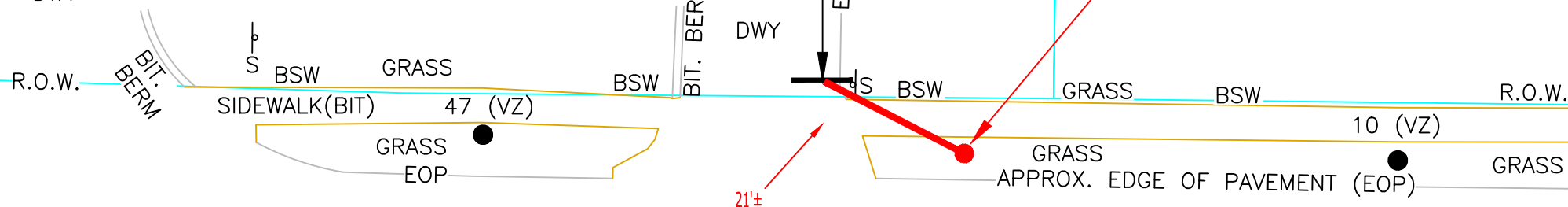
Received and filed _____ 2022

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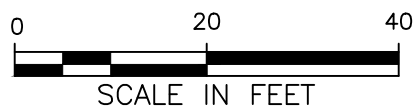
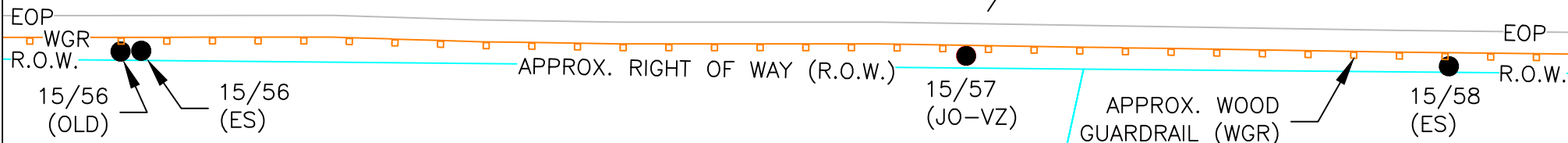


APPROX. PT.
OF PICKUP

DWY



DEDHAM AVENUE



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#

Ward #

Work Order # 7680934

Surveyed by: SJ/SG

Research by: JC

Plotted by: SG

Proposed Structures: SJ

Approved: T THIBAUT

P#

NSTAR ELECTRIC **EVERSOURCE**
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of DEDHAM AVENUE

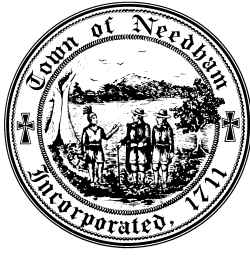
NEEDHAM

Showing PROPOSED CUSTOMER CONDUIT LOCATION

Scale 1"=20'

Date April 14, 2022

SHEET 1 of 1



NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on May 10, 2022**, upon petition of Eversource Energy dated **April 14, 2022** to install approximately 21 feet of conduit in and install a new pole over Dedham Avenue. This work is necessary to provide underground electric service to 500 Dedham Avenue, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

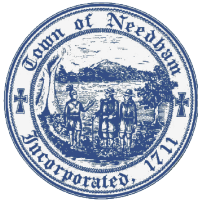
<https://us02web.zoom.us/j/87942749004?pwd=KzVYUTZJaFNkenMzZk9YQ1puZmg0Zz09>

Passcode: 532429

Webinar ID: 879 4274 9004

Dated: May 2, 2022

parcelid	own1	own2	careof	addr1	addr2	cityname	statecode	zip
199/010.0-0060-0000.0	WANG, SHU MEI &	SUN, CHI		141 LIVINGSTON CIR		NEEDHAM	MA	02492-
199/302.0-0010-0000.0	TOWN OF NEEDHAM			1471 HIGHLAND AVE		NEEDHAM	MA	02492-
199/302.0-0012-0000.0	TOWN OF NEEDHAM			1471 HIGHLAND AVE		NEEDHAM	MA	02492-
199/201.0-0001-0000.0	WALSH, PETER T. +	WALSH, JEANNE M		8 EDGEWATER DR		NEEDHAM	MA	02492-
199/202.0-0059-0000.0	MADHU, SURESH &	PATHANIA, SHAILJA		479 DEDHAM AVE		NEEDHAM	MA	02492-
199/010.0-0062-0000.0	SILVER, JONATHAN S. &	SILVER, WENDY B		153 LIVINGSTON CIR		NEEDHAM	MA	02492-
199/202.0-0010-0000.0	HASENFUS, JUDITH TR.	JUDITH HASENFUS 2020 TRUST		447 DEDHAM AVE		NEEDHAM	MA	02492-
199/202.0-0060-0000.0	ZBARSKY, BORIS &	ZBARSKY, EMMA SMITH		459 DEDHAM AVE		NEEDHAM	MA	02492-
199/302.0-0011-0000.0	TOWN OF NEEDHAM			1471 HIGHLAND AVE		NEEDHAM	MA	02492-
199/202.0-0002-0000.0	IRWIN, DANIEL P. TR.&	IRWIN, SHEILA M. HOWARD TR		351 SOUTH ST		NEEDHAM	MA	02492-
199/202.0-0011-0000.0	STALTER, OLIVER W. &	STALTER, ELLEN J		P.O. BOX 920239		NEEDHAM	MA	02492-
199/302.0-0002-0000.0	TOWN OF NEEDHAM			1471 HIGHLAND AVE		NEEDHAM	MA	02492-
199/010.0-0061-0000.0	RESERVITZ, DAVID S. &	RESERVITZ, LORI M.		147 LIVINGSTON CIR		NEEDHAM	MA	02492-
199/302.0-0005-0000.0	TOWN OF NEEDHAM	DEPART OF PUBLIC WORKS		1471 HIGHLAND AVE		NEEDHAM	MA	02492-
199/202.0-0056-0000.0	WADEKAR, DHANANJAY G. &	WADEKAR, NEETA D		381 SOUTH ST		NEEDHAM	MA	02492-
199/302.0-0004-0000.0	TOWN OF NEEDHAM	WATER DEPT. PUMPING STA		1471 HIGHLAND AVE		NEEDHAM	MA	02492-



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 05 /10/2022

Agenda Item	Public Works Week Proclamation
Presenter(s)	Edward Olsen, Department of Public Works – Acting Assistant Director

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Edward Olsen, Acting Assistant Director of Public Works respectfully requests the Select Board to vote to proclaim the week of May 16 th to the 22 nd as National Public Works Week Proclamation following a brief presentation.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to approve and sign the Public Works Week Proclamation.	
3.	BACK UP INFORMATION ATTACHED
1. Public Works Week Proclamation	

PROCLAMATION

WHEREAS: Public Works services provided in our community are an integral part of our citizens everyday lives; and

WHEREAS: The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, drains, streets and highways, traffic control, public buildings, solid waste disposal, recycling, parks and forestry, and snow removal; and

WHEREAS: The health, safety and comfort of this community greatly depend on these facilities and services; and

WHEREAS: The quality and effectiveness of these facilities, as well as their planning, design and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS: The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW THEREFORE, be it resolved that the Select Board do hereby proclaim the week of May 16th through May 22nd as **NATIONAL PUBLIC WORKS WEEK** in the Town of Needham and calls upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort, and quality of life.

Signed this the 10th day of May in the year 2022.

SELECT BOARD

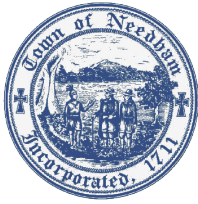
Marianne Cooley, Chair

Marcus Nelson, Vice-Chair

Kevin Keane, Clerk

Matthew Borrelli

Heidi Frail



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

Agenda Item	Public Hearing – Dangerous Dog Hearing (continued from April 13, 2022)
Presenter(s)	John Schlittler, Police Chief Diana Rasoul-Agha, Dog Owner Jeremy Cohen, Counsel

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Chief Schlittler has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog by the name of “Axel” residing at 233 West Street in Needham.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> “Move that the Board take the following action _____.”	
3.	BACK UP INFORMATION ATTACHED
a. Photos of 233 West Street taken by Needham Police Officer Parsons, dated April 20, 2022 b. Email update with pictures from Diana Rasoul-Agha, dated April 29, 2022 provided by Counsel c. Select Board Hearing Order, Dated April 20, 2022 d. Select Board Hearing Order, Dated January 13, 2022	

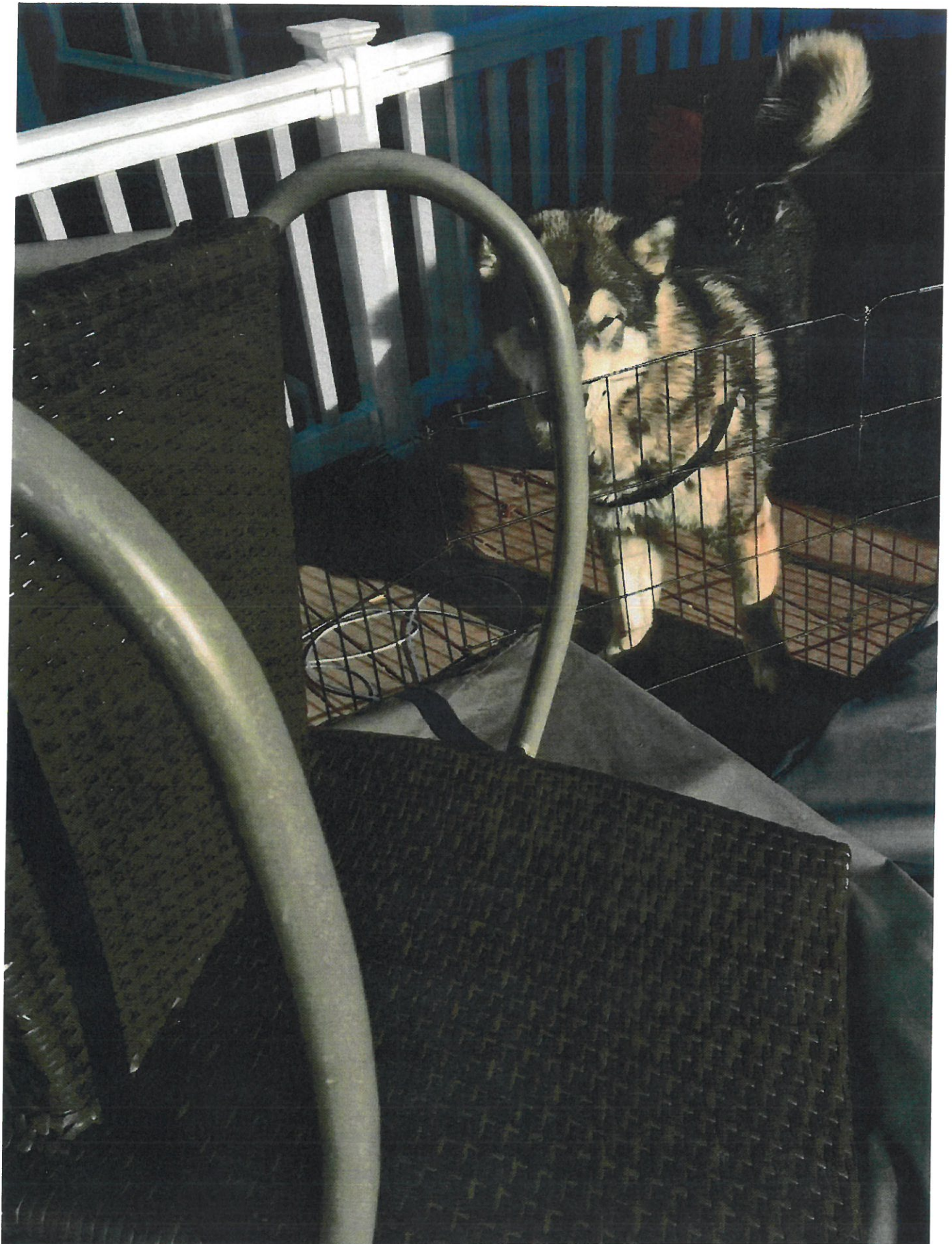


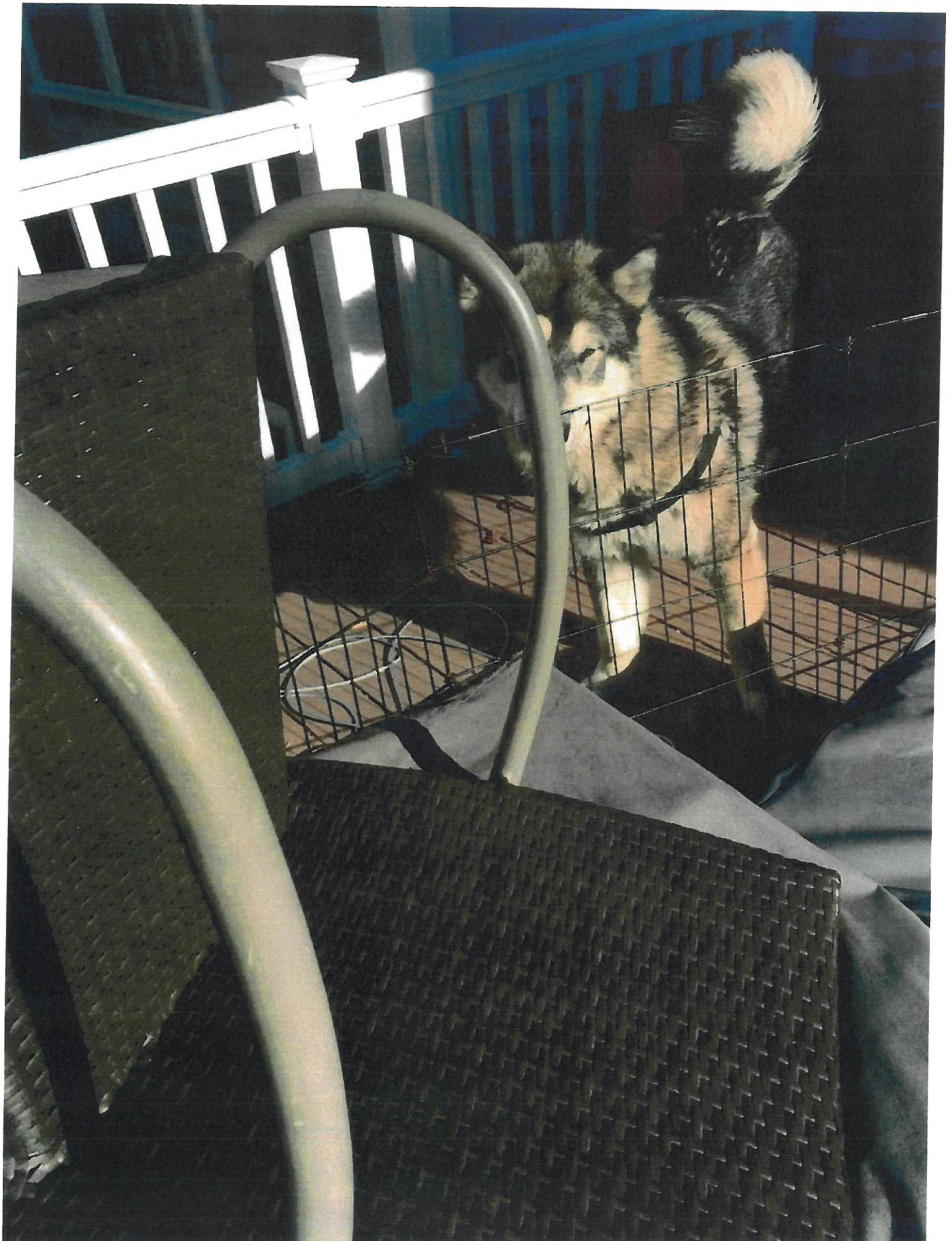
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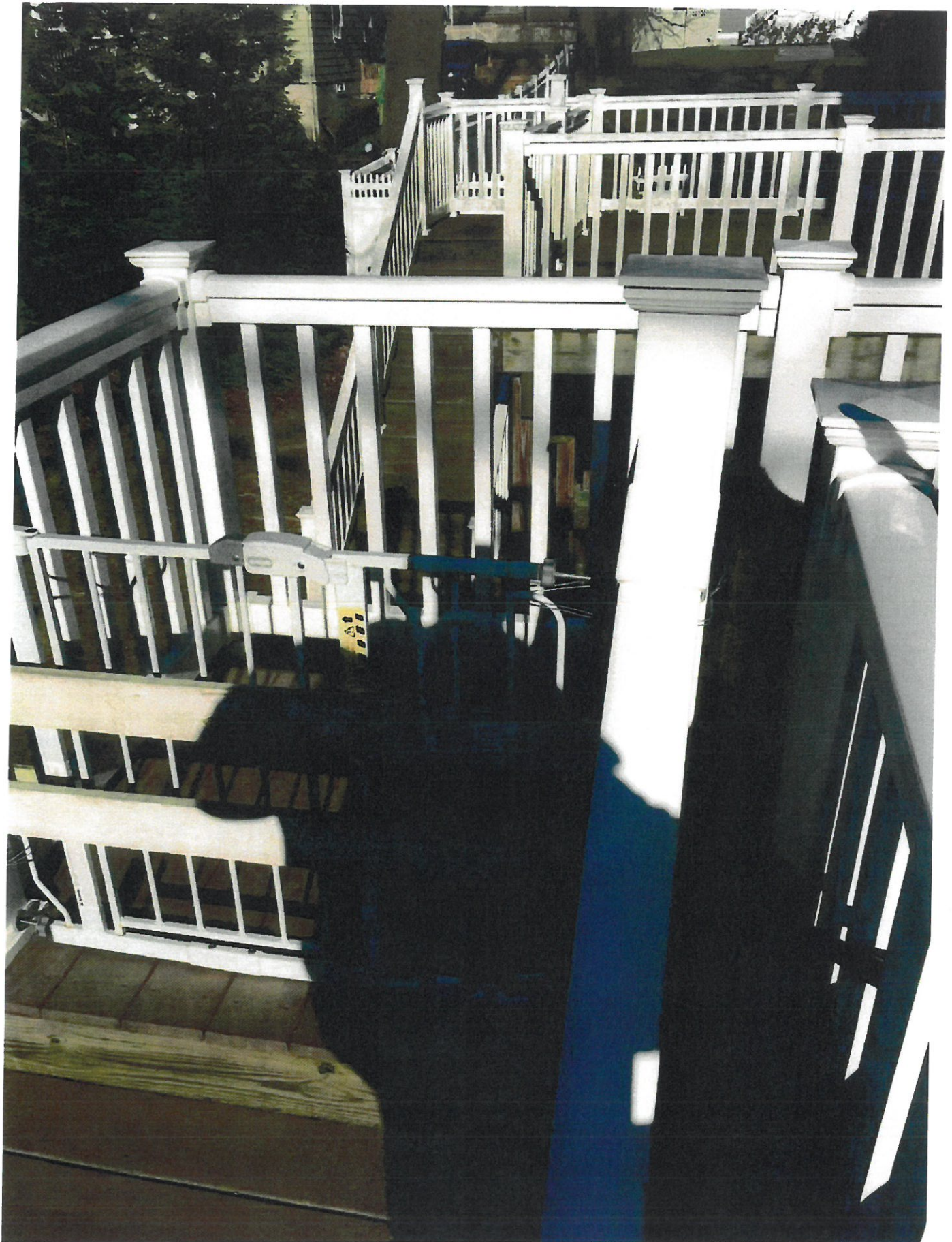


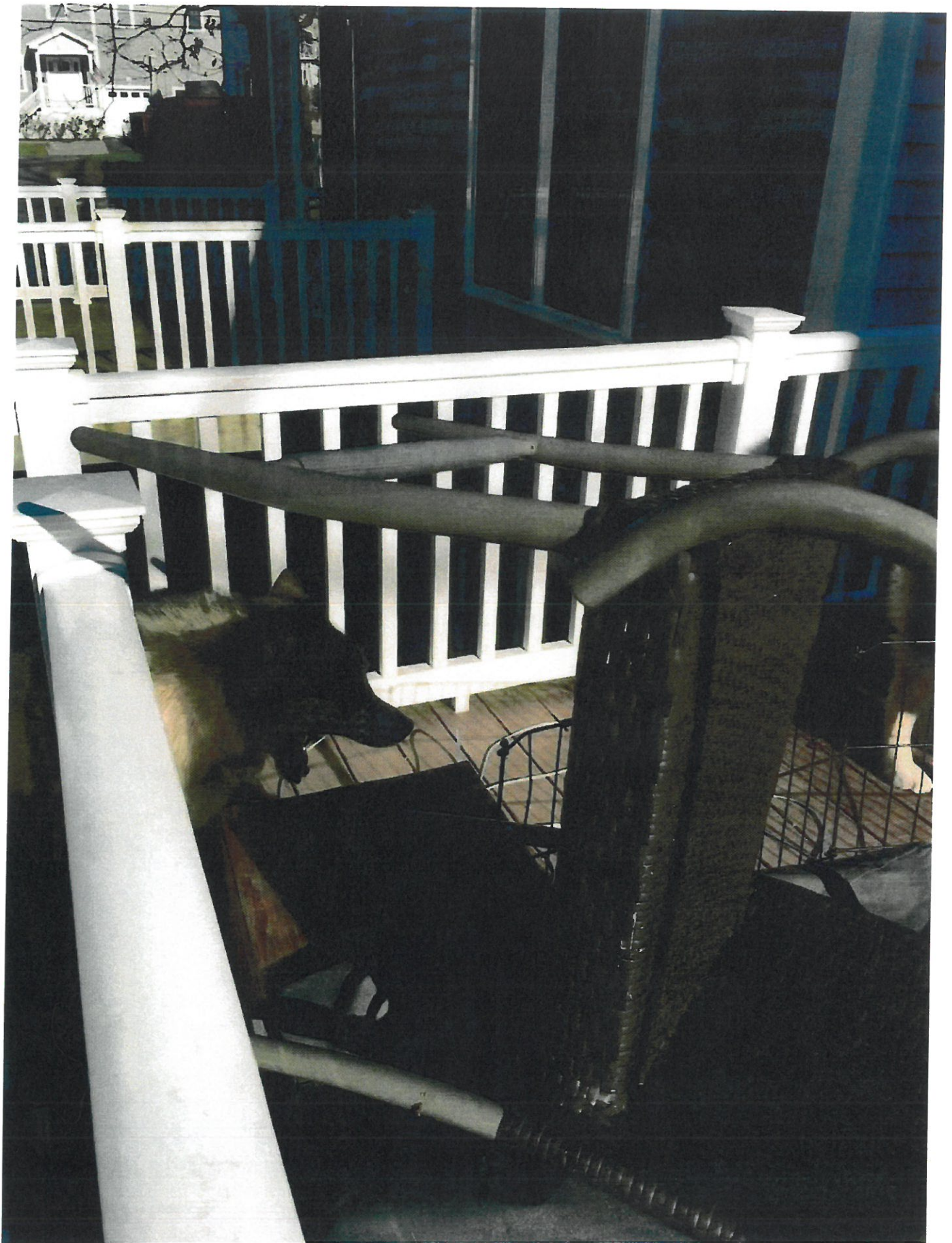
















From: [Myles Tucker](#)
To: [Myles Tucker](#)
Subject: FW: Diana Rasoul-Agha 233 West St. Needham: Updates
Date: Friday, May 6, 2022 12:10:43 PM

From: Diana Rasoul-Agha
Sent: Friday, April 29, 2022 5:41 PM
To: Jeremy Cohen
Subject: Update

[Download full resolution images](#)
[Available until May 29, 2022](#)

Please find Attached below the photos of the fence completed around the whole backyard, with a pen still in progress in the rectangular area.

Axel's ultrasound has been performed on April 19, he will need an invasive surgery. His results sent to his Vet at Chestnut street Animal Hospital. I have called multiple times to talk to the vet but has not got a call back from them yet.

Reactivity training for both Maya and Axel is done every Sunday in Woburn Animal hospital with Mike Wagreich at K9 -East

A check for the Andrew's will be sent on Monday as a registered mail.

Waiting from you to send me a link for dogs insurance companies and the behavioral evaluation.

Front door has been replaced since last town meeting with replacing the hinges into self closing hinges, and a gate was installed on the front door, kitchen door leading to Garage and on top of stairs of the deck leading to the backyard.

Thanks

Diana













[Click to Download](#)

[Video.mov](#)

0 bytes

[Click to Download](#)

[Video_1.mov](#)

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**Office of the
Town Manager**

**TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669**

**Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov**

**DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS**

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Axel, Alaskan Malamute

DATES OF HEARING: 4/13/2022

MEMBERS PRESENT: Marianne Cooley, Chair; Marcus Nelson, Vice Chair; Kevin Keane, Clerk; Heidi Frail, Member; Matthew Borrelli, Member.

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On March 14, 2022, the complaint was presented to the Board.

II. NOTICE

On March 14, 2022, notice was sent by Myles Tucker, Town of Needham Support Services Manager, to the above-named owner of the dog in question, with a follow-up notice stating a minor correction to the notice on April 7, 2022.

III. HEARING

On April 13, 2022, the Select Board held a hearing pursuant to M.G.L. c.140, §157 at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police
2. Public testimony by Counsel for Dog Owner, Jeremy Cohen

3. Public testimony by Dog Owner, Diana Rasoul Agha
4. Public testimony by resident, Susan Risner, of 243 Warren Street
5. Public testimony by resident, Lauren Roth, 41 Bobsled Drive
6. Notice of public hearing sent to Diana Rasoul-Agha, dated March 22, 2022
7. Correction to notice of public hearing sent to Diana Rasoul-Agha dated April 7, 2022
8. Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/15/2022
9. Update to Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/18/2022
10. Email from Diana Rasoul Agha to Needham Police Officer Matthew Palmer dated March 30, 2022
11. Written description of March 14, 2022 incident provided by Kimberly Andrews, with attached pictures of her dog Lucy following said incident
12. Email to the Select Board from resident Christina Mathews, 12 Bobsled Drive
13. Dangerous Dog Hearing Decision, Findings of Fact, and Record of Proceedings, dated January 13, 2022 (and the evidence itemized in that decision, including public testimony by Complainant John Schlittler, Chief of Police; public testimony by Dog Owner, Diana Rasoul-Agha, and her minor daughter; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins; public testimony by resident Maureen Walsh; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jeserum; Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021; Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021; and Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021).

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing and finds that on multiple occasions and without justification Axel has (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Axel is a DANGEROUS DOG.¹

V. ORDERS

The Board suspends the hearing until its May 10, 2022 regularly scheduled meeting (or an alternative date to be scheduled thereafter), and ORDERS the following, effective immediately:

1. That Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that “confined” shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and
2. That a fence sufficient to prevent escape be erected around the premises; and
3. That when removed from said premises, Axel shall be securely and humanely muzzled and restrained by an adult (18-years old or older) with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; and
4. That Axel be neutered, unless the owner provides the Select Board with written evidence that a veterinarian is of the opinion that Axel is unfit for alterations because of a medical condition; and
5. That a behavioral analysis be conducted on Axel by a certified animal behaviorist, and a copy of the written report be submitted to the Select Board; and
6. That Axel’s owner, Diana Rasoul-Agha, provide proof of insurance in an amount of not less than \$100,000 insuring her against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of Axel, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; and further that Ms. Rasoul-Agha, shall upon request of the Select Board, produce such policy or proof of efforts to obtain such insurance; and

¹ The term “dangerous dog” is defined by M.G.L. c.140, §36A as “a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.”

7. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street pay all veterinary bills resulting from the March 14, 2022 incident, or reimburse the victim dog's owner for bills previously paid, as applicable, within fourteen (14) days of receipt of this Order; and
8. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street, provide the Chief of Police a weekly update in writing on the status relating to Axel and with each specific condition included in this Decision; and
9. That all other orders included in the Select Board's Decision dated January 13, 2022 shall remain in full force and effect, namely:
 - a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and
 - b. That the owner take steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 20th day of April 2022 by the Town Manager on behalf of the Select Board of the Town of Needham.

A handwritten signature in cursive script, appearing to read "Kate Fitzpatrick", is written over a horizontal line.

Kate Fitzpatrick, Town Manager



**Office of the
Town Manager**

**TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669**

**Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov**

**DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS**

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Maya and Axel, both Alaskan Malamutes

DATES OF HEARING: 1/11/2022

MEMBERS PRESENT: Matthew Borrelli, Chair; Marianne Cooley, Vice Chair;
Marcus Nelson, Clerk (via Zoom); Daniel Matthews; and Kevin Keane

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On December 21st, 2021 the complaint was presented to the Board.

II. NOTICE

On January 4th, 2022, notice was sent by Kristin Scoble, Administrative Specialist, to the above-named owner of the dogs in question.

III. HEARING

On January 11th, 2022, the Select Board held a hearing at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police.
2. Public testimony by Dog Owner, Diana Rasoul Agha, and her minor daughter.
3. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins.

4. Public testimony by resident, Maureen Walsh.
5. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jesurum.
6. Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021.
7. Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021.
8. Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021.

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing, and finds that on multiple occasions and without justification Maya and Axel have (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

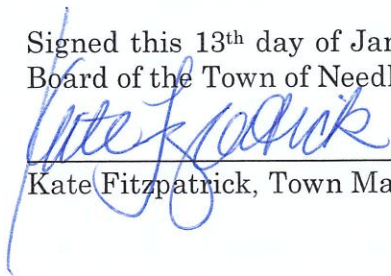
Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Maya and Axel are DANGEROUS DOGS.¹

V. ORDERS

The Board makes the following orders:

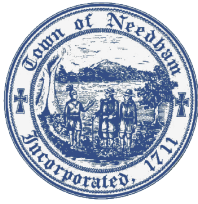
1. The Board orders that when removed from the premises of the owner or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device;
2. The Board orders that the owner or keeper of the dogs provide proof of additional skilled training to rectify the violent tendencies of the dogs; and
3. The Board orders that the owner or keeper of the dog take steps to secure the home in which the dogs reside to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 13th day of January 2021 by the Town Manager on behalf of the Select Board of the Town of Needham.



Kate Fitzpatrick, Town Manager

¹ The term "dangerous dog" is defined by M.G.L. c.140, §36A as "a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal."



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

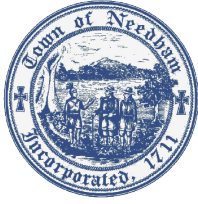
Agenda Item	American Rescue Plan Act Funding
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will provide the Board with an update on ARPA spending, commitments, grants, and projects.	
2.	VOTE REQUIRED BY SELECT BOARD
Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. ARPA Proposal Budget with Expended Balance	

ARPA Proposal Budget with Expended Balance

Category	Description	Budget	Total Expended	Available
COVID-19 Direct Impact	Contact Tracers (one year)	\$60,000.00	\$22,185.00	\$37,815.00
	Epidemiologist (two years)	\$140,000.00	\$29,343.75	\$110,656.25
	Public Health Nurse (two years)	\$160,000.00	\$44,239.50	\$115,760.50
	Mental & Behavioral Health Staffing (two years)	\$190,000.00	\$10,095.04	\$179,904.96
	Mental & Behavioral Health Services (two years)	\$190,000.00	\$0.00	\$190,000.00
	COVID-19 Test Kits for School Staff and residents of limited means and those in high risk groups	\$229,800.00	\$229,800.00	\$0.00
	Other - Rentals	\$4,246.00	\$4,246.00	\$0.00
	Other - Town COVID-19 Test Kits	\$2,984.78	\$2,984.78	\$0.00
	Other - Not yet assigned	\$92,969.22	\$0.00	\$92,969.22
	Subtotal	\$1,070,000.00	\$342,894.07	\$727,105.93
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	\$175,000.00	\$0.00	\$175,000.00
	Staffing Support for Technology Improvements	\$100,000.00	\$0.00	\$100,000.00
	Subtotal	\$275,000.00	\$0.00	\$275,000.00
Economic Development	Grant Program	\$460,000.00	\$100,000.00	\$360,000.00
	Public Art	\$20,000.00	\$0.00	\$20,000.00
	Other - Rental of Tents	\$18,725.00	\$0.00	\$18,725.00
	Other - Not yet assigned	\$1,275.00	\$0.00	\$1,275.00
	Subtotal	\$500,000.00	\$100,000.00	\$400,000.00
Water/Sewer/Drains Infrastructure*	Temp Project Manager (four years)	\$500,000.00	\$0.00	\$500,000.00
	Town Reservoir Clean-up Construction	\$2,070,000.00	\$0.00	\$2,070,000.00
				\$0.00
	Walker Pond Category 2 Construction	\$356,000.00	\$0.00	\$356,000.00
	128 Sewer Interceptor Project Design	\$0.00	\$0.00	\$0.00
	128 Sewer Interceptor Project Construction	\$0.00	\$0.00	\$0.00
	South St Water Main Construction	\$0.00	\$0.00	\$0.00
	Allowance for Water/Sewer/Drains	\$4,428,185.00	\$0.00	\$4,428,185.00
	Subtotal	\$7,354,185.00	\$0.00	\$7,354,185.00
	Grand Total	\$9,199,185.00	\$442,894.07	\$8,756,290.93

updated 4/28/2022



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

Agenda Item	Goal Setting Preparation
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will discuss with the Board the process for reviewing its goals for FY2023/FY2024.	
2.	VOTE REQUIRED BY SELECT BOARD
Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. Goal Statement FY2022/FY2023	

Select Board Goal Statement
Adopted August 17, 2021
Revised January 11, 2022

PURPOSE

The purpose of the Select Board Goals is to effect positive change, set policy direction for Town government, and guide the development of the budget.

GOAL #1: Livable Needham plans for and invests in safe, well-maintained and attractive buildings and infrastructure that accommodate a diverse set of community needs. Needham:

- Promotes and sustains a secure, clean and attractive place to live, work and play.
- Provides a variety of housing types with a full range of affordability.
- Provides high-performing, reliable and affordable public infrastructure and Town services.
- Encourages and appropriately regulates sustainable development.
- Supports and enhances neighborhood livability and walkability for all members of the community.
- Coordinates with state and federal leaders to ensure access to safe, reliable and efficient public transit.
- Coordinates major infrastructure projects and communicates with impacted members of the Needham community.
- Prioritizes the reconstruction and repair of existing sidewalks before embarking on new sidewalk construction. The construction of new sidewalks will be offset by the removal of old, under-used sidewalks.
- Explores targeted opportunities for parcel acquisition.

FY2022-2023 Initiatives	Description
1.1	Seek Funding for Ridge Hill Building Demolition.
1.2	Begin the Ridge Hill/Nike Assessment Phase 2 Project, including working with the Community Farm to make a decision on the long-term plan for the farm at the site as well as considering potential future uses of the site.
1.3	Seek Funding for DPW Facility Refresh.
1.4	Participate on the Planning Board's Affordable Housing Study Committee.
1.5	Evaluate RTS Service Delivery Model to Guide Long-term Investment and Review Operational Efficiencies in the Short-term.
1.6	Explore options for reducing amount of public litter including General By-law re: Household trash & Funding for trash removal efforts.
1.7	Work with stakeholders to manage the impact of the COVID-19 Pandemic on the Town of Needham.
1.8	Seek Funding for School Administration Building.

1.9	Identify funding for School Master Plan projects & Participate in the Planning Process.
1.10	Review Cheney St. Zoning Referred by TM.
1.11	Evaluate use of ARPA Funding for Identified Infrastructure Projects.

GOAL #2: Economically Vital – Needham has the economic opportunities and resources for residents and businesses to thrive in our community. Needham:

- Supports an environment for creativity, innovation and entrepreneurship.
- Promotes a well-educated, skilled and diverse work force that meets employers' needs.
- Fosters a collaborative and resource-rich regional business climate.
- Attracts, sustains and retains a diverse mix of businesses, entrepreneurs and jobs that support the needs of all community members.
- Supports financial security, economic opportunity and social mobility for all.

FY2022-2023 Initiatives	Description
2.1	Evaluate Chestnut Street Redevelopment.
2.2	Identify Relief Programs for Small Businesses through ARPA Funding.
2.3	Evaluate Expansion of Snow Removal Efforts, including sidewalk plowing strategies.
2.4	Support Zoning Proposals for Outside Seating.
2.5	Develop & Implement Regulations Guiding Outdoor Seating.

GOAL #3: Accessible & Connected – Needham has a multi-modal transportation system that gets people where they want to go, when they want to get there, safely and cost-effectively. Needham:

- Offers and encourages a variety of safe, comfortable, affordable, reliable, convenient and clean mobility options.
- Supports a balanced transportation system that reflects effective land use, manages congestion and facilitates strong regional multimodal connections.
- Provides effective infrastructure and services that will encourage diverse populations to connect to nature and the larger community.
- Promotes transportation options to ensure we remain an age-friendly community.

FY2022-2023 Initiatives	Description
3.1	Seek Funding for a Parking Study that will evaluate parking needs, options, and types in the business districts and identify technology to manage parking.
3.2	Evaluate the role and composition of the TMAC, Transportation Committee, Rail Trail Advisory Committee and Complete Streets Committee.

3.3	Seek Funding for Noise Reduction/Quiet Zone Feasibility & Design.
3.4	Evaluate Future Use of the Rail Corridor between Dover and Newton.
3.5	Implement the Downtown Redesign Phase 2.

GOAL #4: Healthy and Socially Thriving – Needham residents enjoy high levels of physical and mental well-being and abundant recreational, cultural and educational opportunities in an environment where human rights are respected, diversity is celebrated, and neighbors feel connected. Needham:

- Cultivates a wide range of recreational, cultural, educational, civic and social opportunities for all socioeconomic and age groups.
- Supports the physical and mental well-being of its community members.
- Fosters inclusion, diversity and equity.
- Promotes the installation of art and opportunities for community-led art projects.

FY20-2023 Initiatives	Description
4.1	Explore use of ARPA for public Art projects.
4.2	Seek additional funding and expand services for mental and behavioral health needs.
4.3	Identify and implement strategies to hire, support and retain diverse staff at every level of the organization; measure efforts and provide quarterly updates on progress.
4.4	Continue to provide diversity, equity and inclusion professional development opportunities for all staff geared towards deepening understanding and becoming culturally responsive, anti-racist, and anti-biased members of the Needham community.
4.5	Create a framework for how community members can effectively engage in conversations around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences.
4.6	Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees; measure progress.
4.7	Continue NUARI meetings for FY2022, reviewing and providing guidance on recommendations, and provide support to other Boards & Committees on how to apply NUARI principles to their work.
4.8	Encourage Needham non-profit organizations, civic groups, and businesses to adopt or endorse, as appropriate, the NUARI vision statement.
4.9	Include a question in the bi-annual Town survey to gauge residents' perceptions of how welcoming and inclusive the Needham community is.
4.10	Provide support to other Boards & Committees on how to apply NUARI principles to their work.

4.11	Work with the Human Rights Committee to develop a discrimination complaint process and provide forums where individuals feel comfortable discussing their concerns related to diversity, equity, and/or inclusion. Consult with the HRC on their role and next steps.
4.12	Gather information about appropriate acknowledgement of the history of slavery in Needham; ask HRC if this is something that they can take the lead on.
4.12	Develop a plan for use of ARPA funding to continue public health response to COVID-19.

GOAL #5: Safe – Needham is a welcoming and inclusive community that fosters personal and community safety and ensures that all residents are secure and cared for during emergencies and natural disasters. Needham:

- Enforces the law while considering the needs of individuals and community values.
- Plans for and provides equitable, timely and effective services and responses to emergencies and natural disasters.
- Fosters a climate of safety for individuals in homes, businesses, neighborhoods, streets, sidewalks, bike lanes, schools and public places.
- Encourages shared responsibility, provides education on personal and community safety and fosters an environment that is welcoming and inclusive.
- Utilizes Complete Street principles to evaluate and prioritize pedestrian safety on our roadways.
- Prioritizes emergency planning and trainings for Town staff and the community to increase our collective preparedness and resilience.

FY2022-2023 Initiatives	Description
5.1	Actively monitor progress on the law enforcement recommendations that NPD Chief Schlittler presented to the Select Board on June 8, 2021.
5.2	Work with public safety unions to reach agreement on alternatives to the Civil Service system.

GOAL #6: Responsibly Governed – Needham provides excellent customer experience, responsibly manages the Town’s assets and makes data-driven decisions that are also informed by community engagement. Needham:

- Models stewardship and sustainability of the Town’s financial, human, information and physical assets.
- Supports strategic decision-making with opportunities for engagement and timely, reliable and accurate data and analysis.
- Enhances and facilitates transparency, accuracy, efficiency, effectiveness and quality customer service in all municipal business.

- Supports, develops and enhances relationships between the Town and community/regional partners.
 - Provides assurance of regulatory and policy compliance.
 - Reviews and updates Town policies and regulations.
 - Identifies opportunities for departmental consolidation and efficiency improvement.
 - Identifies opportunities for streamlining permitting processes.
- Provides open access to information, encourages innovation, enhances communication and promotes community engagement

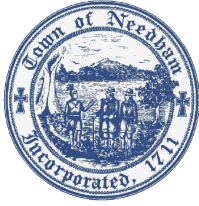
FY2022-2023 Initiatives	Description
6.1	Meet regularly with other boards and committees.
6.1.a	Meet with the Park & Recreation Commission to discuss, among other items, access to bathrooms at fields and playgrounds, consideration of creating a skate park, and upgrading tennis courts and playgrounds.
6.1.b	Meet with the Planning Board to discuss, among other items, zoning to allow brewery/pub uses and tree preservation strategies.
6.1.c	Meet with the League of Women Voters to discuss their recent study recommendation and the concept of term limits.
6.2	Expand the number of boards and committees that can host hybrid meetings by investing in technology and facility improvements (potentially ARPA funded).
6.3	Seek additional package store licenses by filing a Home Rule petition to match the State quota system.
6.4	Create a Public Comment Component at Select Board Meetings as part of the formal agenda.
6.5	Develop a Select Board orientation package.
6.6	Develop a Select Board/Committee code of conduct – policy manual.
6.7	Expand community engagement efforts including growing the newsletter distribution and implementing micro-polling and restoring the citizen satisfaction survey.
6.8	Update the Town website.
6.9	Renew all three cable franchise licenses.
6.10	Discuss Goal Setting Process for future years, building in time to seek input from other boards and the community.

GOAL #7: Environmentally Sustainable – Needham is a sustainable, thriving and equitable community that benefits from and supports clean energy; preserves and responsibly uses the earth’s resources; and cares for ecosystems. Needham:

- Maintains a sense of urgency around climate change.

- Promotes sustainability, including transitioning from fossil fuels to clean, renewable energy.
- Ensures the efficient use of natural resources.
- Protects and enhances the biodiversity and productivity of ecological systems.

FY2022-2023 Initiatives	Description
7.1	Develop a Climate Action Plan.
7.2	Identify parcel acquisition to comply with Land & Water Conservation Fund requirements.
7.3	Consider Tree preservation strategies.
7.4	Update Appointment Protocol (BOS-ADMIN-003)

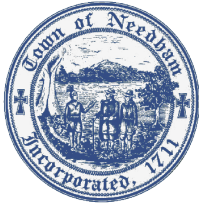


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on issues not covered on the agenda.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 5/10/2022

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members may report on the progress and / or activities of their Committee assignments.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	

**Town of Needham
Select Board
Minutes for Tuesday, April 13, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM**

<https://us02web.zoom.us/j/81500574834>

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Matthew D. Borrelli. Those present were Marianne Cooley, Marcus Nelson, Kevin Keane, newly elected Select Board member Heidi Frail, 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.

Mr. Borrelli asked for a moment of silence for Bob MacEwen, Needham's former Town Engineer and DPW director who recently passed away. He stated Mr. MacEwen started working for Needham in 1953 and had many contributions over the years.

6:01 p.m. Theodora K. Eaton, Town Clerk, swore in newly elected Select Board member Heidi Frail.

6:01 p.m. Public Comment Period:
Jeff Heller, Chair, Solid Waste and Recycling Advisory Committee, Town Meeting member, and resident, 1092 Central Avenue spoke with the Board and expressed his disappointment and disagreement regarding the delay to increase fees. He said members of boards and committees must be prepared by reading minutes of meetings in order to make decisions. He commented that many citizens agree with him, and that one person pointing out some difficulties does not mean the Town must amend how it operates.

6:01 p.m. Board Reorganization:
The Board accepted nomination for reorganization of the Select Board:

Motion by Mr. Keane that the Select Board vote to nominate Marianne Cooley to serve as Chair of the Town of Needham Select Board.

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

The Board repositioned itself and Ms. Cooley took her place as Chair. A gift of thanks was presented to Mr. Borrelli for his service to the Town. Ms. Cooley called for nominations for the following positions:

Motion by Mr. Keane that the Select Board vote to nominate Marcus Nelson to serve as Vice-Chair of the Town of Needham Select Board.

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

Motion by Mr. Borrelli that the Select Board vote to nominate Kevin Keane to serve as Secretary/Clerk of the Town of Needham Select Board. Second: Ms. Frail. Unanimously approved 5-0.

Motion by Mr. Borrelli that the Select Board vote to appoint Myles Tucker to serve as Committee Secretary for the Town of Needham Select Board. Second: Mr. Nelson. Unanimously approved 5-0.

Motion by Mr. Borrelli that the Select Board vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Select Board. Second: Mr. Nelson. Unanimously approved 5-0.

Motion by Mr. Borrelli that the Select Board vote to approve the Select Board's regular meeting schedule for the year as printed, subject to changes as necessary during the course of the year. Second: Mr. Nelson. Unanimously approved 5-0.

April 26, 2022	August 9, 2022	November 22, 2022	February 28, 2023
May 10, 2022	September 13, 2022	December 6, 2022	March 14, 2023
May 24, 2022	September 27, 2022	December 20, 2022	March 28, 2023
June 14, 2022	October 11, 2022	January 10, 2023	April 12, 2023*
June 28, 2022	October 25, 2022	January 24, 2023	
July 26, 2022	November 8, 2022	February 14, 2023	*Wednesday

It was noted that November 8, 2022 is election day. Ms. Fitzpatrick suggested the Select Board may want to reschedule its meeting to November 9, 2022.

6:15 p.m.

Public Hearing: Dangerous Dog Hearing

Police Chief John Schlitter has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog named "Axel" residing at 233 West Street in Needham.

Diana Rasoul-Agha, dog owner and Jeremy Cohen, Attorney spoke with the Select Board via Zoom.

Ms. Cooley said this is the second public hearing concerning Axel, noting the first hearing was held January 11, 2022 with the Select Board determining that "Axel" and "Maya" of 233 West Street were dangerous dogs. She reviewed the Select Board's orders given on January 11, 2022 to the dog owner or keeper.

Chief Schlitter was sworn in under oath in accordance with MGL c. 140 Section 157. Chief Schlitter gave a summary of the incident occurring on March 14, 2022.

Mr. Cohen told the Board more can be done with Axel, including neutering. He suggested the Select Board must "get to the right decision in the right way." He noted the Board put a lot of faith in Ms. Rasoul-Agha after the last hearing on January 11, 2022, and it is disappointing there was a third incident. Mr. Cohen

asked for additional time to have a veterinary behaviorist evaluate Alex, noting the dog has only been aggressive toward other dogs. He acknowledged neighborhood residents are upset and fearful. Mr. Cohen said Ms. Rasoul-Agha and her family are working with a trainer, and it must be determined what is causing Alex's behavior. He reiterated his request for more time as he did not receive all documentation until yesterday, suggesting the process is not right or fair. He acknowledged Ms. Rasoul-Agha must have a fence installed, noting an electric collar is not effective. He said Ms. Rasoul-Agha is installing a front gate, and is committed to walking one dog at a time/one adult, while using a muzzle and a leash. He concluded he does not believe the dog should be euthanized, and that the responsibility lies with Ms. Rasoul-Agha.

Diana Rasoul-Agha thanked the Board for allowing her to comment, saying she has a big decision and big responsibility, and will do whatever it takes to keep Axel, as he is part of her family. She said she never had an issue until Maya entered the home, and she understands that in order to keep Axel she must secure her home and property.

Ms. Cooley asked Ms. Rasoul-Agha if she has taken any action over the last month, since the latest incident? Ms. Cooley asked why Ms. Rasoul-Agha has not responded to her neighbor, Ms. Anders, regarding veterinary bills?

Ms. Rasoul-Agha said Alex is always on a leash and she changed the hinges on the door so it would slam by itself. Ms. Rasoul-Agha said she was given until May 7, 2022 to pay the bill, and that she will provide a check to Ms. Anders.

Mr. Borrelli said it is an emotional time and that dogs are a part of the family. However, he noted 3 families have been shattered due to the actions of Ms. Rasoul-Agha's dog. He said the best interest of the dog must be considered, and the options in front of the Select Board will not provide a good life for Axel. He said the best option is to rehome Axel so he can have a better life than what the Select Board may impose. Mr. Borrelli said euthanasia would be the next step. He said he is leaning toward an order for home confinement, hoping the dog owner will decide to rehome Axel. He said he does not believe home confinement is in the best interest of Axel.

Discussion ensued on the possibility the Select Board may order the dog to be neutered, rehoming, confinement, euthanasia, the timeline to begin home confinement, and the required steps necessary should another incident occur.

Ms. Cooley commented no actions have been taken by Ms. Rasoul-Agha to install a fence, noting it is important the Select Board realize that it appears no action will be taken to secure the property, unless ordered by the Select Board.

Mr. Keane said he is not sympathetic and that measures can be taken by the Board to protect the neighborhood. He asked "What do we say next time an incident happens?"

Ms. Cooley commented on the possibility of an insurance rider being on file with the police department for individuals who may have been harmed in some way by Axel. She reiterated the Board previously found Axel to be a dangerous dog and is still a dangerous dog. Based on what she is hearing, she said the Board appears to want to move to have the dog euthanized and Ms. Rasoul-Agha must pay veterinary bills for her neighbor. In addition, until the dog is euthanized, he must be confined to the premises and only walked outside in the backyard, on a leash, with an adult, and with a muzzle.

Mr. Borrelli said he would not support euthanasia at this point, rather confinement in the hopes a different solution is found.

Mr. Nelson commented on conversations he had with neighbors and their sense of fear. He stated, while he does not want to suggest euthanasia, the options and chances repeatedly afforded Ms. Rasoul without any actions being taken thus far does not help the situation. He said he struggles with allowing another opportunity for an incident to occur and that there are families already affected.

Ms. Cooley concurred with comments made by Mr. Nelson.

Mr. Borrelli said there are options that are better than euthanasia. He asked Ms. Rasoul-Agha if she would consider finding a place to rehome Axel, before the Board moves further on the conversation?

Mr. Cohen, as Ms. Rasoul-Agha's attorney instructed her not to answer the question. He suggested the Board must use the available tools, rather than compulsory rehoming and to work within the law. He suggested state statute does not allow for compulsory rehoming.

Ms. Cooley invited public comment.

Susan Krisner, 243 Warren Street said she loves dogs, but sometimes dog owners must make the choice to say goodbye. She suggested Ms. Rasoul-Agha considers what is in the best interest of her family and the neighborhood. She said the dog is territorial.

Lauren Roth, 41 Bobsled Drive said while she is highly sensitive to Ms. Rasoul-Agha, the neighbors are terrified. She said the dog has already inflicted significant injury and traumatization, and she does not have confidence in Ms. Rasoul-Agha as a responsible pet owner. Ms. Roth said the situation is affecting dozens of families.

Ms. Cooley asked for a motion.

Mr. Borrelli made a motion that did not have the support of the Board. He withdrew his motion and discussion continued.

Mr. Cohen said he has heard people say the dog is territorial, has violent tendencies, is hunting prey, and is aggressive, noting it is all speculation on the behavior of the dog. He reiterated his suggestion that the Select Board “do the right thing” and order a behavioral evaluation of the dog. He said no one on the Board knows anything about dog behavior, suggesting the Board find the right answer in the right way.

Ms. Cooley asked Mr. Cohen: “How long does it take to get a behavioral evaluation?” Mr. Cohen stated 60 days.

Discussion ensued on the idea of an animal behaviorist.

Ms. Frail said she is concerned as her understanding is that a behaviorist works with the owner, not the animal.

Mr. Keane asked Chief Schlittler what was the recommendation of the animal control officer?

Chief Schlitter said he is concerned about the ability of the dog owner to control the dog, due to past incidents.

Mr. Borrelli said something could have been done in the last month to get a behavioral evaluation, therefore he is not compelled to delay a decision for that reason. He reiterated the option of confinement has not been used, and it is better to try before euthanasia, in the hopes the owner will do the right thing for herself and the neighborhood. He said the onus is on the dog owner.

Ms. Cooley said she is inclined to support Mr. Borrelli’s motion with the expectation that other actions are taken by the dog owner. She said it behooves Ms. Rasoul-Agha to create a safe environment for the animals, including fencing and a behavioral evaluation, but to this point the obvious has not been done.

Ms. Frail commented that the solutions are expensive. She asked for assurance that Ms. Rasoul-Agha could afford to pay for the orders that would be imposed. She said it is a very expensive undertaking without any confirmation the orders can be done. Ms. Frail said trust is at its limit.

Ms. Cooley suggested Mr. Borrelli’s motion also include adding fencing, behavioral evaluation for both dogs, neutering, an insurance rider, a weekly update, and to continue the hearing for 1 month subject to weekly reports.

Discussion ensued on steps the Town could take if Ms. Rasoul-Agha did not comply with any one of the remedies the Select Board ordered. The steps include going to district court to have a judge enforce the orders and compel the owner to take necessary steps.

Motion by Mr. Borrelli that the Select Board vote to find Axel of 233 West Street to be a dangerous dog based on the credible evidence presented during the hearing that Axel has (i) without justification attacked a domestic animal causing physical injury; and (ii) has behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to people and domestic animals

AND

That the Select Board suspend tonight's hearing for 30 days until May 10, 2022 with the order that pursuant to M.G.L. c140, §157, that Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that “confined” shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and further that a fence be erected at the premises to contain the dog, further that a weekly check in with the Needham Chief of Police with a update on the situation of the animal, and further that an insurance policy as discussed is put in place, and further that the animal is neutered, and further that the owner will seek an evaluation of the animal, and that all veterinary bills for the injured dogs are paid by the dog owner;

AND

That when removed from said premises, which will only be confined to the yard, Axel shall be securely and humanely muzzled and restrained with a chain or other tethering device held by someone 18 years or older, having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

AND

That all other orders included in the Select Board’s decision dated January 13, 2022 shall remain in full force and effect, namely:

a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and

b. That the owner takes steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.

Second: Heidi Frail. Unanimously approved 5-0.

7:46 p.m. Appointment and Consent Agenda:
Motion by Mr. Borrelli 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. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$200 from the Needham Community Council.**
- 2. Accept the following donation made to Needham Aging Services: \$100 from Carol Amicangioli.**
- 3. Accept the following donation made to Youth & Family Services: \$1,688.47 from Highrock Church Inc. for the Mental Health First Aid Program.**
- 4.* Approve a request from Kiko Bracker, race director from the Needham Running Club, to hold the Needham Backyard Ultra race in Needham. The event is scheduled for Saturday, May 7, 2022, 7:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.**
- 5.* Approve a request from Nick Bendixen, race coordinator from the Charles River YMCA, to hold the Charles River Annual Independence Day 5K race in Needham. The event is scheduled for Monday, July 4, 2022, 7:00am, pending departmental approvals.**
- 6.* Approve a request from Hilary Ryan, race coordinator from the Charles River Center, to hold the Charles River Center 5K run/1 mile walk in Needham. The event is scheduled for Sunday, September 25, 2022, 9:00am, pending departmental approvals.**
- 7.* Approve Open and Executive Session Minutes for March 8, 2022 and March 22, 2022.**
- 8. Approve a Common Victualler License for Blue Restaurant LLC d/b/a Blue on Highland**
- 9. Approve a Weekday Entertainment License for Blue Restaurant LLC d/b/a Blue on Highland**
- 10. Approve a Sunday Entertainment License for Blue Restaurant LLC d/b/a Blue on Highland**
- 11. Outdoor Dining: Extend the authorization granted to the Town Manager by its vote of June 9, 2020 to grant all local approvals necessary to allow existing local businesses to utilize outdoor seating in parking lots, on-street parking spaces, sidewalks, landscaped yard areas or other appropriate locations to provide more space to serve patrons until April 1, 2023, such authorization to remain subject to all the terms and conditions stated in the Board's original vote and to c. 42 of the Acts of 2022.**

12. **Consumption of To-Go Cocktails:** 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. 42 of the Acts of 2022, 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 April 1, 2023.
- 13.* **Approve a Special One Day Wines & Malt Beverages Only License for Gloria Greis of Needham History Center & Museum to host “Spring into Springtime”, Saturday April 30, 2022 from 6:00-11:00 PM. The event will be held at the Needham History Center & Museum, 1147 Central Avenue. The event has been approved by the following departments: Fire & Police.**
14. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Susan Benzie	18 Hollow Ridge Road	Hollow Ridge Road	6/18/22	6/25/22	4pm-10 pm
Samantha Eisenberg	48 Scott Road	Scott Rd	5/14/22	N/A	3pm-6pm

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

7:47 p.m.

Emery Grover Project Update:

Dan Gutekanst, Superintendent of Schools, Hank Haff, Director of Design & Construction, Connie Barr, School Committee Chair, Stuart Chandler, PPBC Chair spoke with the Board regarding the status of the Emery Grover Project and Town Meeting plans.

Dr. Gutekanst thanked the Select Board for their support. He said design for the project moves forward, with the immediate need of readying the Hillside School. He said the School Administration will occupy the Hillside School as it is, except for fire safety suppression and some electrical updates.

He described renovations for the Emery Grover Building, including the top floor attic which will be used as a community and conference center. He commented that the Community Preservation Committee recently voted to support \$6 million of the project (debt and cash), also noting higher revised budget estimates (+ \$2 million) due to the volatile market. He said he is hoping a request for funds could be made at the October 2022 Town Meeting. He concluded by giving a brief timeline of the project beginning with readying the Hillside School for school administration in December 2022 with construction and renovation also beginning on Emery Grover. He said completion of the project is anticipated to be summer 2024.

Discussion ensued on cost estimates, contingencies, accelerating design documents, the request at spring 2022 Town Meeting for an emergency preamble for Hillside renovation funding, and the timeline.

The Board thanked Dr. Gutekanst, Mr. Haff, Mr. Chandler, and Ms. Barr for the presentation.

8:05 p.m.

Citizen's Petition Presentation:

Paul Siegenthaler presented the Board a citizens' petition relative to the delivery of written material.

Mr. Siegenthaler said his petition comes from noticing the streets of Needham are heavily littered with printed materials. He said most deliveries of printed materials are made to the sidewalk at the bottom of the driveway in front of the home. He commented on papers getting wet causing water pollution in the Charles River. Mr. Siegenthaler said while delivery can not be restricted, delivery can be moderated, noting his petition will amend the General By Law so that delivery of printed material to a residence be at least 15 feet from the public way, unless left in a designated enclosed box.

Discussion ensued on enforcement, state litter regulations, and use of a dedicated box.

Mr. Borrelli said he likes the intent, but enforcement will be difficult, and 15 feet is a lot to ask. He suggested the idea be refined, with more thought given to enforcement.

The Board thanked Mr. Siegenthaler for the presentation and suggested a video presentation on the topic be made for Town Meeting.

8:16 p.m.

Intention to Layout Streets for Town Acceptance - Hutter Ridge Road:

Thomas Ryder, Town Engineer reminded the Board that Hutter Ridge Road is located off Webster Street, the nearest intersecting way is South Street. The residents on Hutter Ridge Road are requesting their Road be accepted as a town street at the May 2022 Town Meeting.

He said the first step in the Select Board process is to sign Form 2 and Form 2A indicating the intention to layout Hutter Ridge Road and to schedule the public hearing at the Select Board's regularly scheduled meeting on April 26, 2022, in order to review and sign the plans.

Motion by Mr. Borrelli that the Board vote to approve and sign Form 2 and Form 2a indicating our intention to layout Hutter Ridge Road and schedule a hearing for April 26, 2022 at the regularly scheduled Select Board meeting.

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

8:23 p.m. Town Manager:

1. Approve Memorandum of Agreement/Needham Police Union

Kate Fitzpatrick, Town Manager, recommended that the Board approve and sign a Memorandum of Agreement between the Town and the Needham Police Union for the periods FY2022 and FY 2023-2025. She said the Agreements achieve a first step in the Board's objective to remove the Police Department from the Civil Service system, provides education pay equity within the department, provides stipend pay for certification requirements, and includes 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 Union for FY2022 and FY 2023-2025.

Second: Mr. Keane. Approved 4-1-0. Mr. Nelson voted nay.

Mr. Nelson stated he is waiting for additional information and would be voting nay.

****Please refer to minute 9:29 p.m. Mr. Nelson asked to revise his vote to "yes" based on additional information and answers to questions he received.**

2. Annual and Special Town Meeting Articles:

Annual Town Meeting Warrant Articles:

ARTICLE 3 - ESTABLISH ELECTED OFFICIALS' SALARIES

Motion by Mr. Borrelli that the Select Board vote to support Article 3 in the Annual Town Meeting Warrant.

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

ARTICLE 4 - APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

Motion by Mr. Borrelli that the Select Board vote to support Article 4 in the Annual Town Meeting Warrant.

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

ARTICLE 5 - APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

Motion by Mr. Borrelli that the Select Board vote to support Article 5 in the Annual Town Meeting Warrant.

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

ARTICLE 6 - APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

Motion by Mr. Keane that the Select Board vote to support Article 6 in the Annual Town Meeting Warrant.

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

ARTICLE 7 - APPROPRIATE FOR RTS SERVICE DELIVERY STUDY

Motion by Mr. Nelson that the Select Board vote to support Article 7 in the Annual Town Meeting Warrant.

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

ARTICLE 8 - APPROPRIATE FOR PARKING STUDY

Motion by Mr. Keane that the Select Board vote to support Article 8 in the Annual Town Meeting Warrant.

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

ARTICLE 9 - APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

Motion by Mr. Borrelli that the Select Board vote to support Article 9 in the Annual Town Meeting Warrant.

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

ARTICLE 10 - APPROPRIATE THE FY2023 OPERATING BUDGET

Motion by Mr. Keane that the Select Board vote to support Article 10 in the Annual Town Meeting Warrant.

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

ARTICLE 11 - APPROPRIATE THE FY2023 SEWER ENTERPRISE FUND BUDGET

Motion by Mr. Borrelli that the Select Board vote to support Article 11 in the Annual Town Meeting Warrant.

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

ARTICLE 12 - APPROPRIATE THE FY2023 WATER ENTERPRISE FUND BUDGET

Motion by Mr. Borrelli that the Select Board vote to support Article 12 in the Annual Town Meeting Warrant.

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

ARTICLE 13 - AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

Motion by Ms. Frail that the Select Board vote to support Article 13 in the Annual Town Meeting Warrant.

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

ARTICLE 14 - SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

Motion by Mr. Keane that the Select Board vote to support Article 14 in the Annual Town Meeting Warrant.

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

ARTICLE 15 - APPROPRIATE TO COMMUNITY PRESERVATION FUND

Motion by Mr. Keane that the Select Board vote to support Article 15 in the Annual Town Meeting Warrant.

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

ARTICLE 16 - APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT

Motion by Mr. Borrelli that the Select Board vote to support Article 16 in the Annual Town Meeting Warrant.

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

ARTICLE 17 - APPROPRIATE FOR NHA PREDEVELOPMENT LINDEN CHAMBERS

Motion by Mr. Keane that the Select Board vote to support Article 17 in the Annual Town Meeting Warrant.

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

ARTICLE 18 - APPROPRIATE FOR NHA PROPERTY SURVEY

Motion by Mr. Keane that the Select Board vote to support Article 18 in the Annual Town Meeting Warrant.

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

ARTICLE 19 - APPROPRIATE FOR COMMUNITY FARM GROWING BEDS

Motion by Mr. Keane that the Select Board vote to support Article 19 in the Annual Town Meeting Warrant.

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

ARTICLE 20 - APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS DESIGN

Motion by Mr. Keane that the Select Board vote to support Article 20 in the Annual Town Meeting Warrant.

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

ARTICLE 21 - APPROPRIATE FOR EMERY GROVER RENOVATION

Motion by Mr. Borrelli that the Select Board vote to support Article 21 with the Emergency Preamble in the Annual Town Meeting Warrant.

Second: Mr. Keane. Approved 4-1-0. Mr. Nelson voted nay.

ARTICLE 22 - APPROPRIATE FOR HILLSIDE SCHOOL HEATING REPAIRS AND UPGRADES

Motion by Mr. Borrelli that the Select Board vote to support Article 22 in the Annual Town Meeting Warrant.

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

ARTICLE 23 - APPROPRIATE FOR GENERAL FUND CASH CAPITAL

Motion by Mr. Keane that the Select Board vote to support Article 23 in the Annual Town Meeting Warrant.

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

ARTICLE 24 - APPROPRIATE FOR POLLARD SCHOOL LOCKER ROOM RETROFIT

Motion by Mr. Keane that the Select Board vote to support Article 24 in the Annual Town Meeting Warrant.

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

ARTICLE 25 - APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

Motion by Mr. Nelson that the Select Board vote to support Article 25 in the Annual Town Meeting Warrant.

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

ARTICLE 26 - LIBRARY SPACE UTILIZATION STUDY

Motion by Ms. Frail that the Select Board vote to support Article 26 in the Annual Town Meeting Warrant.

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

ARTICLE 27 - DPW COMPLEX FEASIBILITY STUDY

Motion by Mr. Borrelli that the Select Board vote to support Article 27 in the Annual Town Meeting Warrant.

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

ARTICLE 28 - APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

Motion by Mr. Borrelli that the Select Board vote to support Article 28 in the Annual Town Meeting Warrant.

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

ARTICLE 29 - RESCIND DEBT AUTHORIZATIONS

Motion by Mr. Keane that the Select Board vote to support Article 29 in the Annual Town Meeting Warrant.

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

ARTICLE 30 - APPROPRIATE FOR COMPENSATED ABSENCES FUND

Motion by Mr. Keane that the Select Board vote to support Article 30 in the Annual Town Meeting Warrant.

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

ARTICLE 31 -APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

Motion by Mr. Nelson that the Select Board vote to support Article 31 in the Annual Town Meeting Warrant.

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

ARTICLE 32 - APPROPRIATE TO WORKERS COMPENSATION FUND

Motion by Mr. Borrelli that the Select Board vote to support Article 32 in the Annual Town Meeting Warrant.

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

ARTICLE 33 - APPROPRIATE TO PUBLIC SAFETY INJURY ON DUTY FUND

Motion by Mr. Keane that the Select Board vote to support Article 33 in the Annual Town Meeting Warrant.

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

ARTICLE 34 - AMEND GENERAL BY-LAW SNOW & ICE ON SIDEWALKS

Motion by Mr. Borrelli that the Select Board vote to support Article 34 in the Annual Town Meeting Warrant.

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

ARTICLE 35 -AMEND GENERAL BY-LAWS – HOUSEHOLD REFUSE

Motion by Mr. Keane that the Select Board vote to support Article 35 in the Annual Town Meeting Warrant.

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

ARTICLE 36 - HOLD STREET ACCEPTANCE – HUTTER RIDGE ROAD

Motion by Mr. Keane that the Select Board vote to support Article 36 in the Annual Town Meeting Warrant.

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

ARTICLE 37 - AMEND GENERAL BY-LAWS – NEEDHAM HOUSING AUTHORITY TERM CYCLE

Motion by Mr. Keane that the Select Board vote to support Article 37 in the Annual Town Meeting Warrant.

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

ARTICLE 38 - AMEND CHARTER - NEEDHAM HOUSING AUTHORITY TERM CYCLE AND TENANT MEMBER APPOINTMENT

Motion by Mr. Keane that the Select Board vote to support Article 38 in the Annual Town Meeting Warrant.

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

ARTICLE 39 - INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE

Motion by Mr. Nelson that the Select Board vote to support Article 39 in the Annual Town Meeting Warrant.

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

ARTICLE 40 - CITIZENS' PETITION - AMEND GENERAL BY-LAWS

Motion by Mr. Nelson that the Select Board vote to take no position on Article 40 in the Annual Town Meeting Warrant.

Second: Mr. Keane. Approved 2-3. Mr. Borrelli, Ms. Frail, and Ms. Cooley voted no.

ARTICLE 40 - CITIZENS' PETITION - AMEND GENERAL BY-LAWS

Motion by Mr. Borrelli that the Select Board vote not to support Article 40 in the Annual Town Meeting Warrant.

Second: Ms. Frail. Unanimously Approved 5-0.

Special Town Meeting Warrant Articles

ARTICLE 1 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM FIRE UNION

Motion by Mr. Keane that the Select Board vote to support Article 1 in the Special Town Meeting Warrant.

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

ARTICLE 2 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM POLICE UNION

Motion by Ms. Frail that the Select Board vote to support Article 2 in the Special Town Meeting Warrant.

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

ARTICLE 3 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM POLICE UNION SUPERIOR OFFICERS ASSOCIATION - Defer

ARTICLE 4 - HOME RULE PETITION TO EXEMPT POLICE DEPARTMENT FROM CIVIL SERVICE

Motion by Mr. Nelson that the Select Board vote to support Article 4 in the Special Town Meeting Warrant.

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

ARTICLE 5 - AMEND ZONING BY-LAW - SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY - Defer

3. Town Manager Report

Ms. Fitzpatrick reminded the Board that the Town Common will be under construction and unavailable this summer, noting the tent and parklets will be

available for use on Greene's Field. It was noted the Park and Rec Commission voted in March to support allowing the consumption of alcohol takeout from restaurants on Greene's Field. She commented that the intent is to support restaurants.

Ms. Fitzpatrick reported the Citizen Community Survey will be sent to 2,800 households and will then also be available online for residents in May 2022.

Ms. Fitzpatrick reported the newly redesigned Town website will “go live” tomorrow, along with a new mobile app, available in the App store. She said it was the culmination of a lot of work.

9:20 p.m. Board Discussion:

1. Meeting Location

The Board considered the possibility of returning to the Select Board’s Chamber on the first floor of Town Hall, rather than continuing to meet in Powers Hall.

Ms. Cooley commented, historically the Select Board have met in the Select Board’s Chamber, a more intimate space and that being face to face is a better situation for respectful and civil conversation. She recognized it may be a challenging time, as Covid case rates are increasing again. She noted ventilation is at equal levels in Town Hall spaces.

Mr. Borrelli said the Select Board’s Chamber is “home” and has a better ambiance. He said it is important the Board go back to having meetings in the Chamber, particularly meetings that do not require a bigger space. He acknowledged the pandemic, concluding it will be with us over the years. He noted staff have already returned to their offices and work in small quarters. Mr. Borrelli said he thinks it is time to return to the Select Board’s Chamber and use Powers Hall only for meetings that will require more space.

Mr. Nelson said he supports returning to the Select Board’s Chamber, noting it will be good to return, somewhat, to things as they were before the pandemic.

Mr. Keane said big spaces are daunting and more imposing. He said Powers Hall is beautiful but cavernous. He said the Chambers are more accessible and the issue is tone. He said the Chamber gives a better message.

Ms. Frail said Powers Hall is fabulous but noted, with the exception of staff, the Board is sitting in a gigantic room. She said she will accede to the majority.

Ms. Cooley concurred the Board would like to move to the Chamber, but monitor the schedule for times when Powers Hall should be used for more space.

2. Committee Reports

No Committee Reports were made.

9:29 p.m. Ms. Cooley announced Mr. Nelson, Vice Chair has asked to revisit agenda item: Approve Memorandum of Agreement/Needham Police Union where the vote was 4-1.

Mr. Nelson said he received additional information and answers to questions, and feels inclined to vote “yes,” rather than “nay.”

Motion by Mr. Borrelli that the Select Board vote to reconsider its vote on the Memorandum of Agreement between the Town and the Needham Police Union for FY2022 and FY 2023-2025.

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

Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Police Union for FY2022 and FY 2023-2025.

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

9:30 p.m. Executive Session: Exception 3 (Collective Bargaining Police & Fire Unions) & 6 (Purchase of Real Property)

Motion by Mr. Borrelli 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;

and

Exception 6 – To consider the purchase, exchange, lease or value of real estate 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. Keane. 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, April 26, 2022 at 6 p.m.

**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.

**Town of Needham
Select Board Meeting Minutes
May 2, 2022
Needham Town Hall
Select Board Chambers**

6:45 p.m.

Call to Order:

A special meeting of the Select Board was convened by Chair Marianne Cooley. Present were Marcus Nelson, Kevin Keane, Matt Borrelli, Heidi Frail and Town Manager Kate Fitzpatrick.

The Board discussed funding for the Emery Grover project. Ms. Cooley noted that the Board previously decided to maintain the funding proposal contained in the warrant. She said that she discussed options with the chair and vice chair of the Finance Committee and the Moderator. She said that in the spirit of compromise, she recommends that the Board agree to amend the funding for the project by reducing the amount of Free Cash to be used in half. She said that the amendment would reduce confusion and would align more closely to the norm for facility projects. Ms. Frail said that it is best to be on the same page at Town Meeting. Mr. Keane asked who would speak to the amendment. Ms. Cooley said that she or the Finance Committee would speak to it. Mr. Borrelli said that while he thought the original motion was appropriate, it is reasonable to meet in the middle.

Motion: by Mr. Borrelli that the Board vote to support the Finance Committee's amendment to the Free Cash portion of the funding for the Emery Grover project from \$4,500,000 to \$2,250,000 and to increase the borrowing amount commensurately. Second: Ms. Frail. The motion carried 4 – 1 with Mr. Nelson voting no.

7:05 p.m.

Motion: by Mr. Borrelli that the Board adjourn its meeting simultaneously with the adjournment of Town Meeting. Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

Note: The Annual Town Meeting adjourned for the evening at 11:00 p.m.

**Town of Needham
Select Board Meeting Minutes
May 4, 2022
Needham Town Hall
Select Board Chambers**

6:45 p.m. Call to Order:
A special meeting of the Select Board was convened by Chair Marianne Cooley. Present were Kevin Keane, Matt Borrelli, Heidi Frail and Town Manager Kate Fitzpatrick.

The Board discussed the upcoming Town Meeting and reviewed presentation information.

6:55 p.m. **Motion: by Mr. Borrelli that the Board adjourn its meeting simultaneously with the adjournment of Town Meeting. Second: Ms. Frail. Unanimously approved 4-0 by roll call vote.**

Note: The Annual Town Meeting adjourned for the evening at 11:05 p.m.

Town of Needham
Water Sewer Billing System
Abatement Form

FROM: DEPARTMENT OF PUBLIC WORKS
TO: TOWN TREASURER AND COLLECTOR
CC: TOWN ACCOUNTANT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	- \$47,522.98
Water Irrigation:	- \$84,944.30
Water Admin Fees:	\$0.00
Sewer Sales:	- \$106,872.03
Transfer Station Charges:	\$0.00

Total Abatement: - \$239,339.31

Order #: 1319

Read and Approved:

Michael J. Hestley

Date

05/02/2022

Date

Water, Sewer, and Drains Superintendent, DPW

Date

AS

5/2/22

For the Select Board

Director of Finance and Administration for Public Services, DPW

Town of Needham
Water Sewer Billing System
Abatement Form

Customer Name	Customer ID #	Location ID #	Street #	Street Name	Domestic Water	Sewer	Irrigation Water	Total	Reason Code	Prepared By:
Needham Enterprises	47317	26278	462	Central Avenue	-\$217.05	-\$568.53	\$0.00	-\$785.58	BE	KW
Arthur Fine Homes LLC	47313	4888	248	Harris Avenue	-\$46,680.13	-\$105,110.46	\$0.00	-\$151,790.59	BE	KW
John Builan	23335	70	86	Peacedale Road	\$0.00	\$0.00	-\$82,978.07	-\$82,978.07	MRE	KW
Ray & Barbara Suarez	29099	7498	201	Tower Avenue	\$0.00	\$0.00	-\$1,966.23	-\$1,966.23	BE	KW
COUNCIL ON AGING (3)					-\$309.15	-\$891.99	\$0.00	-\$1,201.14	COA	KW
John Diduk	34147	10056	29	Evelyn Road	-\$46.35	-\$43.71	\$0.00	-\$90.06	ACC	KW
Peter & Joyce Kaplan	24605	11318	4	Lynn Road	-\$40.80	-\$38.40	\$0.00	-\$79.20	ACC	KW
Hongling Xu	38937	22530	23	Bobsled Drive	-\$229.50	-\$218.94	\$0.00	-\$448.44	ACC	KW

Totals: -\$47,522.98 -\$106,872.03 -\$84,944.30 -\$239,339.31

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Verified By:


Management Analyst, DPW