

**Town of Needham
Board of Selectmen
Minutes for May 30, 2017
Needham Town Hall
Selectmen's Chamber**

- 6:45 p.m. Informal Meeting with Citizens: No activity.
- 7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairwoman Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.
- 7:00 p.m. Megan Flack, 8th grade student at Pollard Middle School and member of Project 351 read a proclamation from Governor Charles D. Baker recognizing Monday, May 29, 2017 as Memorial Day. Ms. Flack said it is appropriate all American citizens remember the bravery of the men and women who gave their lives in American wars and conflicts, and that their sacrifice serve as a reminder of the cost of our freedom.
- Ms. Flack told the Board the most recent effort of Project 351 is a drive held for Cradles to Crayons helping many children stay warm during the winter.
- The Board thanked Ms. Flack for appearing before the Board.
- 7:04 p.m. Certificate of Appreciation: Trader Joe's - Needham
Motion by Mr. Matthews recognizing Trader Joe's - Needham on its 20th anniversary serving the residents of Needham.
Second: Mr. Bulian. Unanimously approved 5-0.
- 7:05 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS - No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1500 from The Exchange Club of Needham for 4th of July Banners.**
- 2. Accept the following gifts received by the Needham Public Library for the period of February 23, 2017 to May 5, 2017: Dean Abbey donated the following DVDs: Picket Fences (Season One) \$15, and Alias (The Complete First Season) \$60; Abby Cheng donated the following Ravensburger puzzles to the Children's Room: The Farm \$12.00, and The Enchanted Forest \$16;**

M. David Sherrill sent the library a copy of his genealogical study, *The American Ancestry of Julia Hutchinson* (\$90.00); Robert Brooks donated copies of two books that he wrote: *Handbook of Resilience in Children*, 2nd ed. (\$97.00) and *Reflections on Mortality* (\$20.00); Gail Scudellari gave the library a subscription to *Easy English News* (\$50.40); Emery Hutchins donated a copy of the CD *Maritime by Two Old Friends* (\$10.00); Deepa Krishnan donated the following: “First Words” and “Colors and Shapes” flash cards (\$6.00), and “Seek a Boo! The Seek and Find Memory Game” (25.00); Joyce Hannah gave the library several boxes of adult and children’s books; Cathy and Barbara Collishaw made a donation in memory of Mary Louise Johnson. (\$25.00); Patrice Kenney Clifford gave the library a copy of her book, *Hidden in Plain Sight: Decoding the Art, Architecture and Symbolism of St. Joseph Church, Needham, Massachusetts*. Her book will be placed in the Archives Collection; The following people have made donations to the library totaling \$125.00 in memory of Jerry Levine: Amy and Phil McNulty, and Paul and Deborah Rudoy; The following people have made donations to the library totaling \$1,895.00 in memory of Betty Ann Keane: Tim & Janet Sparkman, Robert Lovezzola, Kathleen & Andrew Seperack, Michele & Zoltan Krasznai, Leigh & George Doukas, James Dahlberg & Deirdre Donahue, Perkins Coie LLP, Clara Donahue, Robert F. Hennings, Jr., Ann MacFate, Kathie & Joe McCabe, Laura Cella-Donovan, Rosemary Flynn Okoren, Leanne Parley, Patricia & Richard Mariano, Ed & Judy O’Brien, Sharon A. Cameron, Elinor & Wilbur Bullen, Dan & Carol Goldberg, Odette Howard, Lauren & David Herter, Anne Madaus, Judith Kittredge, Daniel Dolce, and Mary Doherty; The Institute for Social Neuroscience Psychology (Heidelberg, Australia) sent the library a copy of Jim Penman’s book, *Biohistory: Decline and Fall of the West* (\$19.95); and Rebecca Warner gave the library a copy of her book, *The Sustainable Enough Garden* (\$21.95).

3. Accept the gift of two new, made in America, nylon United States Flags from the Norfolk Lodge A.F. & A.M. for the Needham Town Common and the Needham Heights Common.
4. Ratify a Special One Day Wines & Malt Beverages License for Gloria Greis, of the Needham Historical Society who hosted its Annual Meeting on May 25, 2017. The event was held from 6:30 p.m. to 9:30 p.m. at the Needham Historical Society located at 1147 Central Avenue, Needham.
5. Accept the following donations made to Needham Youth Services for its Junior Police program: \$20 from Peter and Alison Atallah, \$40 from Bradford and Louise Sprogis, \$50 from Felix Munoz Elorza and Carmen Rodriguez, and \$50 from Kit W. Yee and Michael McKay. All are Needham residents.
6. Approve and sign integrated collective bargaining agreement between the Town and the Massachusetts Laborers’ Public Employee’s Council Local 1116/Building Custodians and Trades for FY2016 through FY2018.

7. Approve Open Session minutes of April 25, 2017, May 1, 2017, May 2, 2017, May 3, 2017, May 8, 2017, and May 10, 2017; approve Executive Session minutes of May 2, 2017.
8. Ratify a request from Michelle Harris, of PLGA Foundation d/b/a A Kids' Brain Tumor Cure, to ride a large portion of its "Geared Up for Kids 2016" bike ride through Needham. The bike ride was held on May 21, 2017 and started at 8:00 a.m. at Needham High School and ended at 12:00 p.m. at Needham High School. The route of the race was approved by the following departments: DPW, Police, Fire, and Park and Recreation.
9. Approve a One Day Special Wines & Malt Beverages Only License for Katie Sullivan of Needham Pool and Racquet Club to hold its Summerfest event on Thursday, July 13, 2017 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool and Racquet Club, 1550 Central Avenue, Needham.
10. Ratify a One Day All Alcoholic Beverages Only license for Ernest A. Steeves, of the Village Club who hosted a Graduation Party on May 13, 2017 from 7:00 p.m. to 11:00 p.m. The event was held in Highlandville Hall at the Village Club, 83 Morton Street, Needham.
11. Ratify a One Day All Alcoholic Beverages Only license for Ernest A. Steeves, of the Village Club who hosted a Birthday Party event on May 20, 2017 from 7:00 p.m. to 11:00 p.m. The event was held in Highlandville Hall at the Village Club, 83 Morton Street, Needham.
12. Ratify an application for a 2017 Public Entertainment license on Sundays from Jeffrey Friedman, of Needham Farmers Market, Inc., located on Garrity's Way. License is valid May 28, 2017 through November 19, 2017.
13. Approve a 2017 Common Victualler License application from Consider It Done Enterprises Inc. d/b/a Goldberg's Deli and Grill located at 250 1st Avenue, Needham.
14. Grant permission for the Needham Business Association to use the Town Common and surrounding area for its Street Fair on Saturday, June 3, 2017. Permission includes: utilizing the parking lot behind Town Hall for pony rides and for two portable toilets; closing Chapel Street from corner of Great Plain Avenue to the Chapel Street parking lot for food court and booths; NBA member business to have items for sale on sidewalk in front of their own stores; a trolley ride that will run from Highland Avenue by the Town Common and loop back around the town to the Town Common; and any changes as recommended by the Needham Police Department. Also grant permission for meter free parking in the downtown area for that day.
15. Water and Sewer Abatement Order #1238.
16. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Rachel Black	83 Nardone Rd	Jarvis Circle	6/24/17	6/25/17	1:30pm-7:30pm
Susan Murray	21 Lexington	Lexington Ave	5/29/17	6/4/17	3:00pm-

Avenue between Manning & Webster Streets

7:00pm

Denise Arrondo 21 Prince Street 21 Prince Street 6/16/17 6/17/17 5:00pm-8:00pm

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

7:05 p.m. Change of Manager: Residence Inn by Marriott Needham
Ms. Cooley opened the hearing saying representatives from Residence Inn by Marriott were unable to attend and the matter will be continued at the next Board of Selectmen meeting on June 13, 2017.

Motion by Mr. Matthews that the Board of Selectmen vote to continue the hearing for Change of Manager - Residence Inn by Marriott to 7:00 p.m. on Tuesday, June 13, 2017.

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

7:06 p.m. Change of License Category: Hearth Pizzeria
Ivan Milan Pulecio, Owner/Manager and Roy Cramer, Attorney appeared before the Board to discuss an application for a change in license category - from Wine & Malt Beverages to All Alcohol Beverages.

Mr. Cramer explained the request is due to customer demand for wine and beer, as well as cocktails. He said potential customers of the restaurant are choosing other establishments for a full drinks menu.

Ms. Cooley clarified no changes will be made to the layout of the restaurant.

Mr. Matthews reminded Mr. Pulecio that Town approval is required to change the layout of the premises.

Mr. Borelli asked if Mr. Pulecio has enough staff to accommodate a change to an all alcohol license? Mr. Pulecio said staff will remain the same, but he and his Assistant Manager will play a bigger role along with a TIPS certified bartender.

Ms. Fitzpatrick, Town Manager indicated all paperwork is in order.

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

Motion by Mr. Bulian that:

- A) the Board of Selectmen approve and sign an application for a Change in Category to All Alcohol for Sol Soul Family Foods LLC d/b/a Hearth Pizzeria, 974 Great Plain Avenue, Needham and to forward this application to the ABCC for approval; and**

B) the Board of Selectmen determines that the premises are not detrimental to the educational and spiritual activities of the First Church of Christ or to the First Parish of Needham Unitarian Universalist.

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

7:12 p.m. New Alcohol License: TDRG Needham Inc., d/b/a Cook Needham, 109 Chapel Street
Paul Turano, Proposed Manager appeared before the Board requesting approval for an All Alcoholic License for TDRG Needham, Inc., d/b/a Cook Needham. Additionally, he seeks approval for a pledge of this license to the Cambridge Savings Bank.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Turano explained his plan for the restaurant and how he plans to handle the alcohol license in his restaurants in both Needham and Newton. He said restaurant renovations will be cosmetic with a similar floor plan, and key staff will be involved monitoring alcohol service.

Ms. Cooley asked for Board comment.

Mr. Handel asked whether the restaurant will make use of the wood oven? Mr. Turano said he is hoping it is possible for a gas assist to help with soot. Mr. Handel said it is a good idea to reduce the amount of soot.

Mr. Bulian asked when the restaurant will open. Mr. Turano said he hopes to open in September 2017, and the number of seats will remain at 132.

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

Motion by Mr. Handel that:

- A) the Board of Selectmen approve the application for a new All Alcohol License under the Town of Needham Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants to TDRG Needham Inc., d/b/a Cook Needham, Paul Turano, Manager, and to forward the approved Alcohol License application to the ABCC for approval;**
- B) the Board of Selectmen approve the application for a Common Victualler License;**
- C) the Board of Selectmen approve the Pledge of License to the Cambridge Savings Bank;**

- D) the Board of Selectmen determines that the premises are not detrimental to the educational and spiritual activities of the First Parish of Needham Unitarian Universalist, Roman Catholic Archdiocese of Boston or to the Good Shepherd Christian Fellowship; and**
- E) the Board grant an addendum as described in Section 3.1 of the Town of Needham Regulations for the Sale of Alcoholic Beverages.**

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

Ms. Cooley reminded Mr. Turano of Needham's history as a dry town.

7:18 p.m. Change of Manager: RFK Kitchen, 30 Dedham Avenue
Francesco Melandri, Owner and Brian Benton, Proposed Manager appeared before the Board to discuss an application for a change in manager.

Mr. Melandri said Mr. Benton has extensive experience in the food service industry of more than 18 years. He assured the Board Mr. Benton is capable and qualified to be manager.

Mr. Benton said as a chef, a lot of time is spent actively interacting with customers. He commented his off premises experience includes running hall and one day liquor license events and working with staff to manage events.

Mr. Borrelli asked the current hours of the liquor license and what time food service ends in relation to alcohol service. Mr. Melandri said the liquor service ends at midnight and the kitchen closes at 10 p.m., but a smaller bar menu is available until midnight. He said the restaurant has been closing during the week around 10 p.m. due to lack of customers. He reiterated food is always available.

Mr. Matthews said the business plan for the restaurant has worked out a little differently than originally thought, suggesting Mr. Melandri work with an attorney to identify any changes requiring update. He reiterated filing documents on time is Mr. Melandri's obligation.

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

Motion by Mr. Handel that the Board of Selectmen approve and sign an application for a Change in Manager to Brian Benton for Great Plain Hospitality d/b/a RFK Kitchen, 30 Dedham Avenue, Needham and to forward this application to the ABCC for approval.

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

7:23 p.m. Continuation of Public Hearing: Village Club
Robert R. Giumetti, Jr., Manager and James G. Healy, member appeared before the Board continuing the meeting held on April 25, 2017 after concerns were

raised and discussed by the Board, Village Club representatives, and neighbors of the Village Club. The concerns included parking, signage, hours of operation, and the suggestion of an onsite function manager supervising events who is also a point of contact for neighbors.

Mr. Healy said serious consideration was given to comments and suggestions from neighbors, noting four different responses to the requests. He reiterated there are no plans to do anything other than what was always done, which is no more than 25-30 annual events held only on Friday, Saturday, and Sunday. He commented for all events where alcohol is served, the Board of the Village Club has agreed to both a TIPS trained bartender and the presence of a certified crowd manager. He said the crowd manager's responsibility will be for issues within the function room, parking compliance outside, and an orderly end to the event. Mr. Healy said the Board of the Village Club voted and agreed there will be no parking on Morton Street, with cones placed on both sides of the entire street. Mr. Healy said all rental agreements will stipulate renters must tell guests not to park on Morton Street, noting guests will be directed to other areas where parking is allowed. Mr. Healy said proposed hours of operation are similar to those of the past 6 years: Sunday 12 noon-8 p.m. including the function room, Monday 3:30 p.m.-9:00 p.m., Tuesday 3:30 p.m.-10:30 p.m., Wednesday 3:30 p.m.-9:00 p.m., Thursday 3:30 p.m.-11:00 p.m., Friday 3:30 p.m.-11:00 p.m. including the function room after 7:00 p.m., and Saturday 12 noon-11:00 p.m. including the function room after 7:00 p.m. Mr. Healy noted other establishments in Town are able to serve alcohol until midnight, noting the Village Club is not requesting longer hours. He commented under the proposed hours, alcohol service will end at 11:00 p.m. on Friday and Saturday with clear out at 11:30 p.m. Mr. Healy commented the Village Club is trying to be a good neighbor and to address what the neighborhood has asked. He asked the Board of Selectmen to vote in favor of expanding the description of licensed premises to include Highlandville Hall so alcohol service can be provided in the rental area.

Ms. Cooley said she appreciates the Village Club's acknowledgment that now may not be an appropriate time to ask for an extension of hours. She said it is important to work well with the neighborhood so people are satisfied. She asked who is the point of contact neighbors can call with concerns? Mr. Healy said the phone number is the same number that calls into the Club. Ms. Cooley said that is not what the Board thought it was going to hear. She commented the Board thought it would have a specific point of contact. Ms. Cooley said calling into the Club should be first, but if not successful, asked is there another point of contact?

Mr. Guimetti said the concern about giving a particular number is the Club is planning to have a rotating crowd manager, and giving out a phone number for a specific person is unfair. He thought of possibly getting a cell phone dedicated for the crowd manager. Mr. Healy said other establishments have a phone number to call. He said he is hopeful for an adequate response, noting neighbors

have other means such as calling the police, which he hopes will never be the case. He commented the approach is fair and reasonable.

Mr. Matthews concurred having a separate phone number of someone on call is best, particularly in the early months of operating under an expanded license.

Mr. Borrelli noted other establishments have a phone that is answered, and he trusts the phone at the Village Club will be answered and directed to the correct person. Mr. Borrelli said if things don't go well, a cell phone is an option.

Mr. Bulian concurred with Mr. Borrelli. Mr. Bulian said he assumes the crowd manager will be responsible for any guests who leave the venue with alcohol, which is a condition of the license. Mr. Healy agreed.

Mr. Handel said "the proof is in the pudding" and having a cell phone as a requirement is a future possibility.

Mr. Giumetti commented on the on-line process of becoming a crowd manager.

Ms. Cooley invited public comment.

Ken LeClaire, 46 Morton Street asked if the no parking restriction and crowd manager will be for all events or just events serving alcohol? Mr. Giumetti said no parking on Morton Street is for all events, and the event manager will be for all alcoholic events and pending on other non-alcoholic events. Mr. Guimetti said if necessary, the event manager will be at all events. Ms. Cooley wondered if the rental agreement asks the number of expected guests? Mr. Guimetti said the number of guests is asked of the person renting. Ms. Cooley said some events are large and impact parking. Mr. Healy reiterated if a parking issue is anticipated, based on the number of guests, an event manager will be on hand. Ms. Cooley clarified the options available to neighbors include calling the Club, the police, or emailing the Board of Selectmen at selectmen@needhamma.gov. Mr. Guimetti said the Village Club also has an email address.

Glenn Mulno, 40 Morton Street said he appreciates the actions by the Village Club. He said he is satisfied.

Deb LeClaire, 46 Morton Street asked for a phone number. Mr. Guimetti said 781-444-9677. Ms. LeClaire asked the process for reaching the event manager? Mr. Giumetti said the bartender will answer the phone who will close the bar and respond to the problem. Ms. LeClaire reiterated a cell phone for the crowd manager is a good idea and clarified the email for the Board of Selectmen and the Village Club (villageclub83@gmail.com). She asked if homeowners can park in front of their own home. Mr. Guimetti said "absolutely."

Bill Hagan, 12 Morton Street asked if the license will restrict the number of functions? Ms. Cooley said the license does not restrict the number of functions, but it is anticipated the number of functions will remain 25-30 annually. Mr. Handel noted licenses are renewed yearly, and the number of functions could be considered if different than what the Village Club told the Board of Selectmen. Ms. Cooley said neighbors could attend the annual hearing each December.

Chris Murphy, 52 Morton Street said a direct cell phone number for the crowd manager is preferred. She said it is not sensible to call the bartender downstairs in order to reach the crowd manager upstairs or outside. Ms. Murphy commented on parking and use of cones when the downstairs bar and function hall upstairs are open at the same time. She commented she still sees possible problems. Ms. Murphy referred to a letter signed by neighbors to the Board of Selectmen. Ms. Cooley said she appreciates Ms. Murphy's concerns, but the Town is willing to give the Village Club a chance before making other changes.

Ms. Cooley asked for Board comments. No comments were made.

Motion by Mr. Borrelli the the Board vote to approve and sign the application for an Alteration of Premises for the Village Club Building Association with the following hours: Sunday 12 noon-8:00 p.m. including the function room, Monday 3:30 p.m.-9:00 p.m., Tuesday 3:30 p.m.-10:30 p.m., Wednesday 3:30 p.m.-9:00 p.m., Thursday 3:30 p.m.-11:00 p.m., Friday 3:30 p.m.-11:00 p.m. including the function room after 7:00 p.m., and Saturday 12 noon-11:00 p.m. including the function room after 7:00 p.m., and forward the application to the Alcoholic Beverages Control Commission for its review and approval.

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

Mr. Matthews commented a cell phone would be helpful for a faster response to issues. He said the question of how many alcohol functions the Club has had must be asked yearly when filing the license application. He noted the Club is held to a slightly different standard than other businesses in Town because the relationship between the Club, the Town, and neighbors is special.

7:55 p.m. Department of Public Works: Permission to Encroach into Existing Sewer and Drain Easement - 103 Brookside Road
Richard P. Merson, DPW Director and Anthony DelGaizo, Town Engineer appeared before the Board to discuss a 1958 and a 1990's easement at 103 Brookside Road. He explained the property owner is presently trying to sell his house and needs permission from the Board of Selectmen to encroach into the 1958 easement until the easement can be released at the next Town Meeting. Mr. Merson said the property owner is requesting the 1958 easement be extinguished prior to the next Town Meeting.

Motion by Mr. Handel that the Board vote to permit the encroachment of the existing addition to the dwelling at 103 Brookside Road into the existing 1958 sewer and drain easement.

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

8:00 p.m.

Public Hearing: Eversource Energy - Dartmouth Avenue

Maureen Carroll, Eversource representative appeared before the Board requesting permission to install approximately 6 feet of conduit in Dartmouth Avenue. She said this work is necessary to provide underground electric service at 48 Dartmouth Avenue, Needham.

Ms. Cooley invited public comment.

Joanne Neale, 44 Dartmouth Avenue said she does not understand the notification because excavation has already occurred on the property, which has damaged tree roots on their property.

Ms. Fitzpatrick said the Board's approval is to run the wire not a trench, which is a separate approval process.

Mr. Matthews suggested future hearings should be held earlier in the process. He said homeowners are allowed to place wires underground on their property, but when they want to connect to street poles underground whereby entering a public way, the Town must give approval.

Discussion ensued on the application and damage to the tree.

Mr. Borrelli said the situation is frustrating. Mr. Bulian concurred, suggesting possible remuneration or compensation for the homeowners at 44 Dartmouth Avenue. Mr. Borrelli suggested postponing the hearing, and asking the builder appear before the Board of Selectmen. The Board agreed to continue the hearing to a time certain to discuss with the builder why the plan was changed.

Motion by Mr. Matthews that the Board of Selectmen continue the Public Hearing: Eversource Energy - Dartmouth Avenue to 7:30 p.m. on June 13, 2017.

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

8:15 p.m.

Public Hearing: Comcast - Greendale Avenue

Manuel Furtado, Comcast Corporation representative appeared before the Board requesting permission to install 2 x 4" PVC approximately 130' in roadway from existing Pole #87 to property line of 692 Greendale Avenue.

Ms. Fitzpatrick indicated all paperwork is in order.

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

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Comcast Corporation to install 2 x 4" PVC approximately 130' in roadway from existing Pole #87 as shown on the attached design to property line of 692 Greendale Avenue. This work is necessary to provide service at 692 Greendale Avenue, Needham.

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

8:17 p.m.

Public Hearing: Verizon Wireless

Joshua Lanzetta, Attorney, McLane Middleton and Dr. Donald Hayes, independent consultant and radiation specialist appeared before the Board to discuss a request from Cello Partnership d/b/a Verizon Wireless to install twelve (12) separate wireless small cell antennas and supporting equipment on existing electrical distribution poles in the Town of Needham.

Mr. Lanzetta briefly explained the Verizon Wireless network in Needham, the proposed network to fix a substantial coverage gap, and small cell antenna technology.

Dr. Donald Haes said he has a Ph. D. in Radiation Safety with over 40 years experience. He commented he also serves as Secretary for the International Committee on Electromagnetic Safety, who "wrote the book" on radio frequency safety, and is also a voting member of the Committee on Man and Radiation, who are a group of experts from the Bio-electro Magnetics Society. He said he is also certified by the Board of American Health Physics, and is registered in Massachusetts to serve as a consultant. Dr. Haes said in reviewing the 12 facilities, he was asked to answer a single question: "If we build these sites as designed, would they comply with not only FCC, but also the Department of Massachusetts Public Health regulations for RF exposure?" He commented he considered each site individually, explaining his methodology to try and predict what the possible highest potential RF exposure would be. He said height, antenna power, and different technologies were considered in his report. He concluded saying his analysis on each site individually shows each site complies with both FCC and Department of Public Health regulations for exposure. He said he sees no reason why the 12 sites should not be approved based upon RF exposure.

Mr. Lanzetta commented on why the safety report is provided and how it interacts with the application process. He explained any wireless communications carrier looking to permit any antenna has a few different burdens, including (1) show there is a substantial coverage gap (2) show municipalities and its constituents the submitted FCC license, and (3) show that the network is operating under the maximum permissible exposure. He said under federal law, the burden has been satisfied and appropriate materials have been submitted.

Ms. Cooley recognized State Representative Denise Garlick. Ms. Cooley noted only Verizon customers will benefit from the upgraded service, and that there is no benefit to the Town of Needham.

Discussion ensued on distance, height, and energy emanating from an antenna.

Ms. Cooley asked for Board comment.

Mr. Borrelli asked the effect if the upgraded system is not installed.

Mr. Lanzetta explained the process for Verizon to identify where gaps exist in coverage and where to place each small cell antenna to remedy a coverage gap. He commented that the high volume of people, data consumption, and a booming municipality are driving factors. He said small cell antenna will also be the backbone for 5G technology.

Mr. Bulian asked whether other carriers will ask to install small cell antennas?

Mr. Lanzetta said "presumably, because it is a state of the art technology." Dr. Haes pointed out other providers are putting micro cells in selective areas (schools, buildings, hospitals) based upon the need. He explained the difference between a micro cell and a small cell.

Mr. Handel said we all benefit from this technology and there is an awareness that the technology has a place in society. He asked how can people be reassured that they are not in a risky situation if their bedroom is 30 feet from an antenna?

Dr. Haes commented he does not see any levels that are at or near 100% of the allowable limits, and no homes are within a few feet of the antennas.

Discussion ensued on exposure limits.

Mr. Matthews asked why all antenna locations, except for Central Avenue, are identified by pole # or street address?

Dr. Haes said he went by the law he was supplied when he plotted the information. Mr. Lanzetta noted the A&E firm doing the drawings for Verizon Wireless uses an approximation of the closest address they can identify without trespassing on private property.

Ms. Cooley invited public comment.

Nicki Ramshaw, 842 Central Avenue read a prepared statement saying the proposed antennas lack long term data on health effects, and property devaluation. She commented she has been informed due to an out dated 1996 law, health issues are not allowed to be a reason to oppose new cellular infrastructure, saying

it is beyond her comprehension especially since cell phone usage in 1996 is quite different than today. Ms. Ramshaw said there have been many studies on cellular infrastructure suggesting there is little to no cause for concern, however more recent studies show that even at very low RF radiation, there are health consequences when applied to long term exposure, especially for children. She said her family hopes to live in their home a long time, but precautionary measures must be put in place for the future. She cited a New York Times article in 2010 addressing property devaluation from cellular infrastructure. Ms. Ramshaw stated she had a conversation with Mr. Bulian requesting the Town study information on long term exposure to cell infrastructure, as well as independent real estate research regarding property devaluation. She urged the Board of Selectmen to oppose cellular antennas in the proposed areas, and put in place proper regulations so the location of cellular infrastructure does not harm or place undue burden on local residents.

Dan Walker, 3 Washington Avenue asked the Board to reject cellular antennas based on the detrimental effect on property values, the intrusive nature of the proposed sites, and the dangerous precedent for future antenna proposals. He read a prepared statement regarding possible health concerns including effects on children and cancer. He commented on potential homebuyers and the correlation between placement of antennas and property values. Mr. Walker spoke about the unfair burden placed upon a handful of residents, noting a small number of individuals are being asked to bear a financial burden for the betterment of the community without just compensation could justify a takings claim. He noted a document from the National Business Institute states a cellular provider requesting to expand coverage must demonstrate that the proposal to fill a gap is the least intrusive means of doing so. He argued siting an antenna on a utility pole at the end of someone's driveway in the middle of residential setting is not minimally intrusive. He said other similar locations are available in Needham that would not pose a threat to property values. Mr. Walker urged the Town to consider alternate places. He concluded saying if Needham is not careful in considering these types of proposals, it could open the door to a town littered with cell antennas requests, noting the Town cannot legally refuse a request from another carrier. Mr. Walker asked 3 questions: (1) does the area truly suffer from a significant gap in coverage? (2) are all the proposed antennas needed? (3) can the Town restrict antennas to only non-residential locations? He echoed Ms. Ramshaw's comments of Needham being a leafy, small town suburb. He invited fellow residents to meet and plan an organized opposition to the proposed residential placements.

Debra McGrath, 274 Hunnewell Street presented the Board with copies of a petition with over 100 signatures signed with very little time since receiving the notice just four days prior to the Memorial Day weekend. Ms. McGrath said she represents neighborhood residents opposed to the installation of a Verizon Wireless cell antenna and supporting equipment. She said lawn signs are displayed on Hunnewell Street, and opposition is also expressed on the App

“Next Door” - Hunnewell/Hillside Neighborhood, and on Facebook. She said the petition list many concerns, most notably the continued exposure to RF radiation when there is no perceived gap in coverage in the area. She commented she has Verizon Wireless service and has worked from home for more than 17 years without any drop in coverage. She asked (1) how will future upgrades to the equipment be reviewed, approved, and confirmed? (2) who will ensure the antenna is kept in compliance with local, state, and federal regulations? (3) how will the Town ensure the health and safety of residents living near the proposed site? Ms. McGrath concluded people can turn off their device, but a cell antenna can never be turned off. On behalf of residents in the Hunnewell neighborhood, she urged the Board of Selectmen to vote “No” on the proposal.

Felix Zemel, 14 Donna Road said he is a concerned resident, not an abutter. He commented he has experience in reading the research, but is not a health physicist or RF expert. He made the Board aware of a draft study from the National Toxicology Program, who considered RF coverage and its impact on health. Mr. Zemel said he will send the report to the Board via email. He noted preliminary findings in the report show that at magnitudes of about 1 1/2 watts per kilogram of radio frequency, greater incidents of brain tumors and heart tumors are seen among rats. He asked Dr. Haes where is the background data of additional radio frequency in the area? Dr. Haes said no additional background radiation readings have been added, noting he does not see any readings warranting additional information or any large sources of RF, other than from the towers along Route 128.

Zachary Van Dyke, 273 Hunnewell Street commented the study referred to the area as a flat plain. He noted the proposed location in his neighborhood is not a flat plain, but rather a steep hill. He asked for clarification on assumptions. Mr. Van Dyke commented on waves moving up and down a hill, asking whether the radiation waves would be more powerful? Dr. Haes said his assumption was the addition of the waves in phase is the highest it can be, and cannot be higher than double. Dr. Haes said changes in elevation do not affect the numbers, noting he does not see anyone getting anywhere near the exposure limits unless they are climbing and hugging the pole. Mr. Matthews clarified a flat plain is an increasing factor, not a decreasing factor. Dr. Haes concurred.

Nestor Tarragona, 854 Central Avenue asked Dr. Haes if there is a financial conflict of interest or if he is compensated in any way, directly or indirectly? He suggested the Town obtain an independent opinion of Dr. Haes’ study. Dr. Tarragona said as a clinician and scientist, there are tradeoffs. He said he sees benefits for Verizon, Verizon users, and potential harm for residents. He said the tradeoffs/potential benefit do not outweigh the potential risks. Dr. Tarragona said the Town should be sensitive to children with health concerns and allow residents more time on future notices. Dr. Haes said he will eventually be paid by Verizon, and is willing to provide a list of his clients in the last 30 years.

Ronit Kline, 335 Hunnewell Street said she signed the petition. She reiterated public safety and property values are most important, suggesting other non-residential areas be considered. She said other carriers will come forward in the future increasing exposure even more.

Nancy Sterling, 780 Webster Street said she and/or her law firm do not represent Verizon. She suggested another public hearing to allow more time to research the issue. Ms. Sterling said she is a Verizon Wireless customer, while others in her household have AT&T and T-Mobil. She commented Verizon Wireless is the best service by far, but service is not complete throughout Needham citing dropped coverage in certain locations. Ms. Sterling said she has owned a cell phone since 1985, read a lot about the issue, but is not an expert. She commented for every negative health study there is another study saying there is no health risk. Ms. Sterling said it is more preferable to have small cell antennas rather than giant cell towers. She commented if reasonable measures to expand coverage are turned down, giant cell phone towers may come to Needham which will affect property values. Ms. Sterling said she cannot image the trajectory of property values she has seen in Needham over 20 years being impacted by a cell antenna on a pole. Ms. Sterling said she would be happy having an antenna on the pole in front of her house, but not a cell tower in her backyard.

Joanna Herrera, 40 Bobsled Drive echoed many of the comments but that not enough information is available. She said many young children will be impacted by an antenna that is always on.

Gerry Heffernan, 273 Hunnewell Street said she feels it is déjà vu relating back to years ago when teachers and children were getting sick at Hillside School and nobody would listen to the parents. She commented students who were at Hillside School years ago now have breast cancer, liver and kidney problems. She recalled a father, an MIT scientist, pleading with the staff and principal to look into why children were sick. Ms. Heffernan commented on the underground toxic plumb at Hillside School. Ms. Heffernan implored the Board of Selectmen to listen to the concerns of the people because it is not safe, and all for the sake of faster internet. Ms. Heffernan commented she has Verizon Wireless service. She concluded saying she cares about the children of the Needham.

Rick Tacelli, 179 Harris Avenue asked, “If the Town decided better cellular service was needed, would it have commissioned a study to look at the health affects of each of the 12 proposed sites, or would the Town have selected what it thought were the 12 least intrusive sites?” He commented it is good to have better power and coverage, but the 12 proposed sites are the agenda of Verizon.

Jason Portanova, 219 Hunnewell Street agrees with comments made tonight, but asked if the cell antenna’s make noise and at what decibel/frequency level? He noted residents in communities near wind turbines tend to be more prone toward violence and had more general agitation. He also wanted to know if adding 12

cell antenna is the only method of increasing coverage or is it the most effective way? He suggested increasing wattage at the main cell phone tower.

Mr. Lanzetta said the technology being proposed is for a very specific reason, which is to provide coverage in pinpointed locations at low elevation, with an antenna that is tuned to decay over certain lineal footage. He commented adjusting wattage at a macro site is not possible. Mr. Lanzetta said the geography of Needham is for antenna at a lower elevation. Mr. Lanzetta commented the small cell antennas are being placed in residential neighborhoods because that is where service is used most of the time, and because they blend in aesthetically and provide needed coverage. He said property valuations in the public record clearly establish values are not degraded by wireless antenna. Mr. Lanzetta commented on references by residents to articles in the New York Times, saying they neglected to mention the most recent New York Times article stating that real estate values are improved in New York City by wireless coverage. He said the tide has turned and now people won't purchase a home without good wireless coverage. Mr. Lanzetta also said there is established federal case law saying there is no diminution of property values and no valid takings claims present from a property value standpoint. Mr. Lanzetta commented the 1996 Telecommunications Act has been amended (2012) and its supplementation give overwhelmingly clear guidelines on how facilities are handled and permitted at a local level. He noted hundreds of cases exist dealing with permitting wireless facilities. Mr. Lanzetta said the Act will likely be augmented again this summer because of FCC directives and the 5G imperative. He said the 1996 Telecommunications Act is the backbone to permit 5G. He commented the residential real estate diminution of property value and the TCA component come together to say wireless carriers control, to a certain extent, where their antenna and apparatus are placed because the network would be patchy. He explained the process of choosing a possible antenna location. Mr. Lanzetta noted Verizon followed State and Town notice provisions notifying abutters. He also said the antennas do not create any noise and require minimal maintenance. Mr. Lanzetta said Dr. Haes is provided by Verizon to do a safety report to address any concerns by residents about what is being done and how antennas are broadcasting. He noted Dr. Haes' report uses worst case scenario numbers, with antennas transmitting at full capacity 100% of the time, but which is a far cry from what the antennas actually do. Mr. Lanzetta commented on the MPE, as dictated by the FCC, is such that the antennas are operating at a fraction of what the MPE is set at. He said the notion that a broader review would have any relevant input with a permitting realistic timeframe from Verizon's standpoint and the FCC Telecommunications Act is completely obsolete. He said the TCA is designed specifically for expeditious permitting, noting once a carrier establishes a significant coverage gap, which has clearly been done by the RF affidavit, the TCA dictates the fastest path to permitting possible in the municipality in which it is operating. He said it also dictates, as clearly established in very recent precedent over and over and over again, that once a telecommunications carrier like Verizon submits its FCC license and shows a coverage gap, that satisfies the

idea of working within the permissible exposure for each antenna. He said that is the burden Verizon must prove, which he said they have done. Mr. Lanzetta said, respectfully, there is no safety issue, as the antennas are operating at a fraction of the MPE as dictated by federal regulations. He closed saying the grant of location is to permit the wireless antenna in the public right of way. He referenced initial discussions in November 2016 with the Board of Selectmen about the proper path to permitting in Needham, commenting although these antennas on utility poles may be new to Needham, there are roof top installments and macro sites. He said the wireless antenna is being proposed by a wireless carrier. He said the reason a grant of location process is appropriate, rather than a special permit or other zoning analysis is because Massachusetts law asks and pushes utilities (including wireless communication carriers) to a grant of location process when operating in the public right of way, acknowledging that the TCA subverts local zoning regulation, so overlay districts do not apply, limiting an antenna to be permitted in a commercial district not available as relief. He said from Verizon's standpoint they are following appropriate procedure by asking for order on petition for grant of location operating in the public right of way under the Federal Communications Act, and have established there are significant coverage gaps as reflected on the RF report. He respectfully asked the Board grant the permits as Verizon has fully met the legal burden, federally and in the Commonwealth.

Ms. Cooley said the Board of Selectmen has a responsibility to the citizens of Needham. She closed the public portion of the hearing.

Ms. Cooley asked for comments from the Board.

Mr. Bulian told Mr. Lanzetta his last comment was arrogant. He said many people are concerned, even Verizon customers. He said without Verizon Wireless customers, there would be no need for any towers. Mr. Bulian commented Mr. Lanzetta has given him good reason not to have Verizon service, and said he has no interest in giving his support. He commented the world is getting faster and faster, but he loves when he hits a dead zone, and that it is not important to have 5 bar coverage in 100% of the Town. Mr. Bulian said the benefit is to Verizon and other carriers will follow, creating more concern. Mr. Bulian supports continuing the hearing to gather additional information. He said it is important to proceed with caution. He also agreed with Ms. Ramshaw that the Board of Health should give an opinion.

Mr. Handel said he supports continuing the hearing and a report from the Needham Board of Health. He commended the public for its civility and preparation. He said there must be a way to address concerns so people feel comfortable or that gives the Board more information to make a decision in a logical, responsible way.

Mr. Borrelli echoed comments made by Mr. Bulian, also saying he does not appreciate the legal lecture from Mr. Lanzetta. Mr. Borrelli said Town Counsel

will be engaged and he disagrees that Needham's "hands are tied." He told Mr. Lanzetta "if you didn't need us, you wouldn't be here." Mr. Borrelli agreed there is not a significant need for antennas, and that it is an issue that affects property values. He agreed with Mr. Handel there must be a better way and supports continuing the hearing.

Mr. Matthews concurred with a continuance, saying he appreciates Dr. Haes' view that this is a generally accepted technology. He commented many people just received information at the beginning of the long weekend, which is not enough advanced notice.

**Motion by Mr. Matthews that the Board of Selectmen vote to continue Public Hearing - Verizon Wireless to 8 p.m. on June 27, 2017.
Second: Mr. Bulian. Unanimously approved 5-0.**

Ms. Cooley asked Dr. Haes about the cumulative impact. Dr. Haes said "yes" it would be a stacked impact.

Mr. Handel asked if it is possible to combine carriers to one antenna? Dr. Haes said antenna must be vertically and horizontally separated by at least 10' due to cross-interference.

Mr. Lanzetta said it is highly unlikely carriers would co-locate antennas on the same utility pole.

Ms. Cooley acknowledged this is the year the Board of Selectmen will learn about EMF and RF. She thanked the audience for their attendance.

10:15 p.m. Approval of Sale of Bonds and Notes:
David Davison, Assistant Town Manager and Evelyn Pones, Town Treasurer/Collector appeared before the Board with a review of the results of the bond anticipation note sale and to discuss borrowings.

Mr. Davison said the relatively small amount is a short duration note of 15 days allowing the Town to close out residual amounts needed for borrowing to restore cash to the Town already expended for projects including restoration of the Central Avenue/Eliot Street bridge, RTS equipment, and on going system rehabilitation.

Mr. Davison noted the attendance to Tedi Eaton, Town Clerk as witness.

Motion by Mr. Handel that the Board approve Motions A,B,C,D, and E as follows:

Motion A

Move to approve the sale of a \$470,000 1.20 percent General Obligation Bond Anticipation Note (the “Note”) of the Town dated June 1, 2017, and payable June 15, 2017, to Century Bank at par and accrued interest, if any.

Motion B

Move that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 22, 2017, and a final Official Statement dated May 24, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion C

Move that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

Motion D

Move that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the and Note.

Motion E

Move that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

10:20 p.m.

Town Manager:

Ms. Fitzpatrick told the Board the Town was notified on Friday, May 2, 2017 by the solar energy consultant that Eversource is proposing to eliminate the B5 rate, a very favorable rate that Eversource pays Needham for solar generation. She said Eversource is proposing to replace the rate with something that is not 24 cents on average, but rather 13 cents on average. Ms. Fitzpatrick said the decrease would have a significant effect on what the Town expects to generate and also changes the playing field from the kinds of relationships communities have entered into. Ms. Fitzpatrick suggested the Town file a request to the DPU by tomorrow May 31, 2017, asking that they consider a request to grandfather the Needham system.

Motion by Mr. Handel that the Board of Selectmen vote to submit a letter signed by the Town Manager to the DPU asking it consider the Town of Needham request to grandfather the current rate of the Needham Solar Energy System.

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

10:25 p.m.

Adjourn:

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of May 30, 2017.

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

A list of all documents used at this Board of Selectmen meeting are available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>