

BOARD OF SELECTMEN
June 27, 2017
Broadmeadow School Performance Center
120 Broad Meadow Road
REVISED Agenda

Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.

	6:15	Executive Session Exceptions 3 & 6
	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Continue Public Hearing Eversource Energy - Dartmouth Avenue
2.	7:00	Pledge of Collateral (Alcohol License) – Reveler Beverage
3.	7:00	Approval of the Sale of Bonds and Notes David Davison, Assistant Town Manager/Director of Finance
4.	7:10	Town Manager - Set Water and Sewer Rates - Mobile Food Vendor Regulation Update - Town of Needham Regulations for the Sale of Alcoholic Beverages - Eversource Reliability Project
5.	7:45	Public Hearing – Public Facility Operations and Public Works Consolidation
6.	8:00	Continue Public Hearing – Verizon Small Cell Antennas
7.	9:00	Board Discussion Committee Reports

APPOINTMENTS

See attached list.

CONSENT AGENDA *=Backup attached

1.	Accept the following donation made to the Needham Community Revitalization Trust fund: \$200 from Ruth Wegner.
2.	Approve a change in the Selectmen meeting schedule, changing the July meeting FROM July 18 (already approved) TO July 25, 2017.
3.*	Approve a request from the Hillside Elementary School PTC to hold its Halloween Trick or Trot 5K Run/Walk and Monster Fun Run event on Sunday, October 29, 2017. The route starts and ends at the Hillside School, with the route following Glen Gary, West, Eliot, Parish, Damon, Parish, Nehoiden, Central down Bess, Julia, Jarvis, Central, and Booth Street. The event will be finished by 11:00 am. 300 participants are expected. This event has been approved by the following departments: Police, Fire, Park & Recreation, and DPW.

4.*	Approve a request from Allan Eyden, Road Coordinator for the Pan Mass Challenge, to have a portion of its ride to go through Needham. The event is scheduled for August 5, 2017 and August 6, 2017 starting at 7:00 a.m. The route of the race has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.				
5.*	Approve Open Session minutes of April 26, 2017, May 30, 2017, June 9, 2017 and June 13, 2017; and approve Executive Session minutes of March 28, 2017, June 9, 2017, and June 13, 2017.				
8.	Grant permission for the following residents to hold block parties:				
Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Cindy Osgood	27 Laurel Drive	Lower Laurel Drive	9/9/17	9/10/17	3:30pm-8pm

Board of Selectmen Appointed Committees
Reappointments 6/27/2017

Committee Name	Contact	Term Expiration
Board Of Appeals	Howard S Goldman	6/30/2020
Cable Television Advisory Board	Dan Schwartz	6/30/2020
Cable Television Advisory Board	Peter E. Hess	6/30/2020
Conservation Commission	Sue Barber	6/30/2020
Council of Economic Advisors	Glen Cammarano	6/30/2020
Council of Economic Advisors	Maurice P. Handel	6/30/2020
Council of Economic Advisors	Matthew D. Talcoff	6/30/2020
Council of Economic Advisors	William Day	6/30/2020
Council of Economic Advisors	Jack Cogswell	6/30/2020
Council On Aging	Penny Grossman	6/30/2020
Council On Aging	Edward Cosgrove Jr	6/30/2020
Cultural Council	Elise Miller	6/30/2020
Cultural Council	Ronald Lowry	6/30/2020
Cultural Council	Kristen Mazzocchi	6/30/2020
Design Review Board	Mark Gluesing	6/30/2020
Design Review Board	Robert Dermody	6/30/2020
Downtown Streetscape Working Group	Paul Good	6/30/2018
Downtown Streetscape Working Group	Gloria Greis	6/30/2018
Downtown Streetscape Working Group	Nelson Hammer	6/30/2018
Downtown Streetscape Working Group	Maurice P. Handel	6/30/2018
Downtown Streetscape Working Group	Dale Wise	6/30/2018
Golf Course Advisory Committee	Jon Schneider	6/30/2020
Golf Course Advisory Committee	Mary Grace Summergrad	6/30/2020
Historical Commission	Rose Doherty	6/30/2020
Human Rights Committee	Marlene Schultz	6/30/2020
Human Rights Committee	Matthew H. Schroeder	6/30/2020
MWRA Advisory Board	John P Cosgrove Jr	6/30/2020
Needham Cmt. Revitalization Trust Fund	Maryruth Perras	6/30/2020
Needham Community Television Dev Corp	Peter E. Hess	6/30/2020
Needham Community Television Dev Corp	Dan Schwartz	6/30/2020
Property Tax Assistance Committee	Elizabeth P Handler	6/30/2020
Property Tax Assistance Committee	Jill C Kahn-Boesel	6/30/2020
Rail Trail Advisory Committee	Dmitry Gorenburg	6/30/2020
Rail Trail Advisory Committee	James Goldstein	6/30/2020
Rail Trail Advisory Committee	John Bulian	6/30/2020
Rail Trail Advisory Committee	Gerry Koss	6/30/2020
Regional Transportation Advisory Council	Rhain Hoyland	6/30/2020
Regional Transportation Advisory Council	David Montgomery	6/30/2020
Registrars of Voters	Barbara Doyle	6/30/2020
Solid Waste Disposal/Recycling Advisory	David Ecsedy	6/30/2020
Subcommittee to Study Minuteman School	Daniel P Matthews	6/30/2020
Taxation Aid Committee	Elizabeth P Handler	6/30/2020

Board of Selectmen Appointed Committees
Reappointments 6/27/2017

Taxation Aid Committee	Evelyn M. Poness	6/30/2020
Technology Advisory Board	Michael M Mathias	6/30/2020
Technology Advisory Board	Carl M. Rubin	6/30/2020
Town Counsel	David S. Tobin	6/30/2018
Traffic Management Advisory Committee	John Kraemer	6/30/2020
Water/Sewer Rate Structure Committee	John P Cosgrove Jr	6/30/2020
Water/Sewer Rate Structure Committee	Nick Renzulli	6/30/2020
Water/Sewer Rate Structure Committee	Steve Rosenstock	6/30/2020



Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 06/27/2017
continuation of 5/30/17 meeting

Agenda Item	Public Hearing: Eversource Energy – Dartmouth Avenue
Presenter(s)	Maureen Carroll, Eversource Energy Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 6 feet of conduit in Dartmouth Avenue. This work is necessary to provide underground electric service at 48 Dartmouth 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, the conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<u>Suggested Motion:</u> Move that the Board of Selectmen vote to continue this public hearing to the July 25, 2017 meeting at 7:00 p.m.	
3.	BACK UP INFORMATION ATTACHED



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 06/27/2017

Agenda Item	Pledge of Collateral (Alcohol License) – Reveler Beverage
Presenter(s)	Kristen Scanlon, Attorney Scott Linzmeyer, Owner/Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Reveler Beverage Company, LLC, 250 Chestnut Street, Scott Linzmeyer, Owner/Manager is requesting that the Board approve a Pledge of Collateral (Alcohol License) to Salem Five Cents Saving Bank. This pledge has been requested by the Bank.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Suggested Motion: That the Board approve and sign the Pledge of Collateral (Alcohol License) application submitted by Reveler Beverage LLC to forward the approved Application for Pledge of Collateral to the ABCC for approval.	
3.	BACK UP INFORMATION ATTACHED
a) Amendment for Application of Pledge of Collateral b) Vote of Corporate Board c) Pledge of Alcoholic Beverage License d) Promissory Note	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

AMENDMENT APPLICATION FOR A PLEDGE OF COLLATERAL

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF LICENSEE (Business Contact)

Reveler Beverage Company, LLC

ABCC License Number

89042-PK-0770

City/Town of Licensee

Needham

2. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Kristen

Middle: L.

Last Name: Scanlon

Title: Attorney

Primary Phone: (617) 639-1275

Email: kls@kscanlonlaw.com

3. BUSINESS CONTACT

Please complete this section ONLY if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name:

Primary Phone:

Fax Number:

Alternative Phone:

Email:

Business Address (Corporate Headquarters)

Street Number:

Street Name:

City/Town:

State:

Zip Code:

Country:

Mailing Address

☒ Check here if your Mailing Address is the same as your Business Address

Street Number:

Street Name:

City/Town:

State:

Zip Code:

Country:

4. PLEDGE INFORMATION

Are you seeking approval for a pledge? ☒ Yes ☐ No

To whom is the pledge is being made: Salem Five Cents Savings Ba

Please indicate what you are seeking to pledge (check all that apply)

Does the lender have a beneficial interest in this license?

☐ Yes ☒ No

☒ License ☐ Stock / Beneficial Interest ☐ Inventory

Does the lease require a pledge of this license?

☐ Yes ☒ No

**WRITTEN CONSENT OF
THE MANAGERS OF
REVELER BEVERAGE COMPANY, LLC**

May 9th, 2017

The undersigned, being all of the managers of Reveler Beverage Company, LLC (the "Company"), hereby consent to the adoption of the following resolutions and agree that said resolutions shall have the same force and effect as if duly adopted at a meeting of the Managers held for the purpose set forth below.

For purposes of this consent, the term "Authorized Officers" shall mean collectively the managers, president and chief executive officer of the Company, acting singly or together.

Application for Pledge of Collateral Amendment of License to Sell Alcohol for Off-Premises Consumption under M.G.L. c. 138 §15

RESOLVED: That it is in the best interests of the Company to apply for a Pledge of Collateral amendment to the original license from the licensing authority in the Town of Needham and the Massachusetts Alcoholic Beverage Commission for the sale at retail of alcoholic beverages to be drunk off-premises under the Bylaws of the Town of Needham and M.G.L. c. 138 §15 (the "Liquor License").

RESOLVED: That applications under the Bylaws of the Town of Needham and M.G.L. c. 138 §15 be made to the Town of Needham and the Alcoholic Beverage Commission; the form of such applications reviewed by the undersigned be approved in all respects; and any Authorized Officer of the Company is hereby authorized, acting singly, to execute and deliver the application in the name and on behalf of the Company, with such additions, deletions or changes therein as he may, acting alone, in his sole discretion, deem necessary, desirable, convenient or appropriate and consistent with the best interests of the Company, his execution and delivery thereof to be conclusive evidence of his authority to so act and of this approval thereof.

Miscellaneous

RESOLVED: That the Authorized Officers of the Company are each, acting singly, hereby authorized from time to time, in the name and on behalf of this Company, and under its corporate seal, if desired, to execute, make oath

PLEDGE OF ALCOHOLIC BEVERAGE LICENSE

This Pledge of Alcoholic Beverage License (this "Agreement") is made as of the 7th of June, 2017 by Reveler Beverage Company, LLC, a Massachusetts limited liability company having a principal office of 16 Hampstead Road, Unit 3, Boston, MA 02130 (the "Borrower"), in favor of Salem Five Cents Savings Bank, a Massachusetts bank having an address of 210 Essex Street, Salem, MA 01970 (the "Lender").

RECITALS

A. The Borrower has applied to the Lender for the extension of credit under the Loan Agreement;

B. The Lender has agreed to extend credit to the Borrower under the Loan Agreement, provided that, as a condition precedent thereto, the Lender requires that the Borrower hereby pledge to the Lender the License as collateral security for the Obligations, as more particularly provided herein; and

C. To induce the Lender to extend credit to the Borrower, the Borrower desires to enter into this Agreement with the Lender and is willing to grant the pledge hereunder as security for the Obligations.

AGREEMENTS

In consideration of the Lender extending credit to the Borrower and knowing that Lender will rely hereon, the Borrower hereby represents, warrants, covenants, and agrees as follows:

1. **Definitions.** For purposes of this Agreement, the following terms shall have the meanings there indicated:

"Bank Product Obligations" means each obligation and liability of the Borrower, absolute or contingent, due or to become due, now existing or hereafter arising or contracted, under each agreement to which the Borrower and the Lender and/or any Affiliate of the Lender are parties, relating to any of the following products, services or facilities extended by the Lender or any Affiliate of the Lender to the Borrower: (a) cash management services; (b) commercial credit card and merchant card services; (c) obligations under any hedging contracts entered into by the Borrower and the Lender or any Affiliate of the Lender, and (d) other banking products and services as may be requested by the Borrower from time to time from the Lender or any Affiliate of the Lender.

"Code" means the Uniform Commercial Code, as in effect in The Commonwealth of Massachusetts on the date hereof and as amended from time to time hereafter.

"License" means a certain All Alcoholic Beverages Package Store License issued by the Town of Needham, Massachusetts, License No. 89042-PK-0770, with respect to certain property

located at 250 Chestnut Street, Needham, Massachusetts and operated by the Borrower as "Reveler Beverage Company," a true and correct copy of which is attached hereto as Exhibit A. The term "License" shall mean and include all renewals, extensions, and replacements of such License and all of the Borrower's right, title, and interest therein.

"Loan Agreement" means a certain Loan Agreement of even date herewith by and between the Borrower and the Lender, as may be amended, modified, restated, or extended from time to time.

"Note" means a certain Promissory Note of even date herewith by the Borrower payable to the order of the Lender in the principal amount of \$510,000.00, as may be amended, modified, restated, or extended from time to time.

"Obligations" means (a) all indebtedness, liabilities, and obligations of the Borrower to the Lender arising on or after the date hereof under the Loan Agreement, the Note, and the other Loan Documents (including, without limitation, the obligations to pay principal, interest, and other fees, charges, and expenses), and any and all extensions, renewals, refinancings or refundings, in whole or in part, thereof, (b) all Bank Product Obligations, (c) all indebtedness of the Borrower to the Lender for reasonable fees and expenses arising in connection with the Loan Documents, including, without limitation, reasonable attorneys' fees and legal and other expenses paid or incurred by the Lender in connection with the collection of the amounts due hereunder or under the other Loan Documents, and (d) all other indebtedness, obligations and liabilities of the Borrower to the Lender, of every kind and description, direct or indirect, absolute or contingent, due or to become due, regardless of how they arose or were acquired, now existing or hereafter arising.

All capitalized terms used, but not otherwise defined, herein shall have the meanings set forth in the Loan Agreement.

2. **Pledge.** As security for the payment and performance of the Obligations, the Borrower hereby grants to the Lender, under the Code, a continuing security interest in and lien on, and also hereby pledges and sets over to the Lender, the License. The Borrower hereby authorizes the Lender to file one or more UCC-1 financing statements, and any amendments and continuations thereof, in the appropriate filing offices to evidence and/or perfect the security interest granted by this Agreement.

3. **Governmental Approvals.** Within ten (10) days of the date hereof, the Borrower shall promptly complete and file a petition with the Board of Selectmen for the Town of Needham, Massachusetts (the "Town Licensing Board") to obtain the consent and approval of the Town Licensing Board to the Borrower's grant of security interest in and pledge of the License to the Lender hereunder. The Borrower shall diligently exercise commercially reasonable efforts to cause the Town Licensing Board to approve such petition (including, without limitation, the Borrower's attendance at any hearings scheduled by the Town Licensing Board) and, subsequent to such approval, to cause such petition to be submitted to and approved by the Massachusetts Alcoholic Beverages Control Commission (the "ABCC," and, collectively, with the Town Licensing Board, the "Licensing Authorities") (including, without limitation, meeting with and supplying any information requested by any investigator acting on behalf of the ABCC). The Borrower shall

promptly deliver to the Lender a copy of all petitions, applications, and other material submitted to either of the Licensing Authorities under this Section 3. Without limiting the foregoing, in the event that both of the Licensing Authorities have not granted their consent and approval of the security interest in and pledge of the License to the Lender hereunder by the date that is one hundred twenty (120) days from the date hereof, the Borrower shall continue to diligently exercise commercially reasonable efforts to cause the Licensing Authorities to consent and approve the security interest and pledge hereunder. If, prior to obtaining the consent and approval of the Licensing Authorities, the Borrower at any time fails to continue to diligently exercise such commercially reasonable efforts to cause the Licensing Authorities to grant such consent and approval, the Lender may, in its discretion, elect to deem such failure to be an Event of Default under the Loan Documents. Also, if any of the Licensing Authorities denies the Borrower's petition for consent and approval of the security interest in and pledge of the License to the Lender hereunder, such denial shall constitute an Event of Default under the Loan Documents if such denial is caused by or attributable to (a) the Borrower's failure to comply with any Applicable Law with respect to the submission of any such petition, (b) the Borrower's failure to exercise commercially reasonable efforts to cause the approval of such petition (as required hereunder), or (c) any adverse findings with respect to the Borrower or the owners of its Equity Securities in connection with any investigations performed by any of the Licensing Authorities (including any criminal background reports). The Borrower shall promptly notify the Lender of the occurrence of any such denial, shall promptly deliver to the Lender a copy of any notices or other communications issued by any of the Licensing Authorities with respect to any such denial, and, upon request of the Lender, shall furnish to the Lender such other additional information in the Borrower's possession or reasonably available to the Borrower in connection with any such denial.

4. Additional Covenants.

(a) The Borrower shall continually maintain the License in full force and effect and in good standing and shall perform in a timely manner all of its obligations, covenants, conditions, and agreements arising out of or in connection with the License, including, without limitation, the payment of any annual fees or the submission of any information and applications for the renewal of the License.

(b) Without the prior written consent of Lender, the Borrower shall not permit or agree to any cancellation, abridgment, amendment, extension (other than a renewal thereof), or modification of the License. Without limiting the foregoing, in the event of the revocation, denial, suspension, cancellation or termination of the License, the Borrower shall promptly commence and diligently prosecute to completion any applicable proceedings to reinstate the License.

(c) Without the prior written consent of the Lender, the Borrower shall not (i) create, incur, assume or suffer to exist any mortgage, lien, charge or encumbrance on, or security interest in, or pledge of or conditional sale or other title retention agreement with respect to the License, except the security interest created hereunder and under the other Loan Documents, (ii) permit any levy or attachment to be made against the License except a levy or attachment relating to this Agreement, (iii) permit any financing statement to be on file with respect to the License, except financing statements in favor of the Lender, or (iv) permit any transfer or assignment of the License.

5. **Default.** Prior to the occurrence of an Event of Default, but subject to the terms, covenants, and conditions of this Agreement, the Borrower shall have all rights and benefits as the holder of the License. Upon the occurrence of an Event of Default and at the election of the Lender, the foregoing rights of the Borrower shall cease, and the Lender, in addition to the other rights and remedies granted herein or in the other Loan Documents, is hereby expressly and irrevocably authorized to exercise every right, option, power or authority inuring to the Borrower under the License as fully as the Borrower could itself. Also, without limitation of any remedy available to the Lender hereunder, under the other Loan Documents, or under Applicable Law, upon the occurrence of an Event of Default, the Lender shall have all the rights and remedies of a secured party under the Code. Further, subject to all applicable laws, rules and regulations of the Licensing Authorities (including any of the same which require the submission of applications for transfer of the License to the Lender), the Borrower hereby authorizes the Licensing Authorities, upon receipt of notice from the Lender of the occurrence of an Event of Default, to accept the Lender as the holder of the License for any and all purposes, as fully as it would recognize and accept the Borrower, without any obligation on the part of any such Licensing Authority to determine whether an Event of Default has in fact occurred. In addition, the Borrower shall, at any time after an Event of Default and upon demand by the Lender, without any further consideration payable to Borrower, transfer the License to such Persons and/or locations as the Lender may direct. Upon the occurrence of an Event of Default, the Borrower irrevocably authorizes and empowers the Lender and its successors and assigns to assign, with or without consideration (as the Lender may in its sole discretion deem advisable), the License to such Persons as the Lender may desire and/or transfer the location of the License to such locations as the Lender may desire, subject to Licensing Authority review and approval. All of the foregoing rights and remedies of the Lender are subject in all events to all applicable laws, rules and regulations of the Licensing Authorities.

6. **Indemnification.** The Borrower shall indemnify and hold the Lender harmless against and from all liability, loss, damage and expense, including reasonable attorney's fees, which Lender may incur by reason of this Agreement or by reason of any action taken in good faith by the Lender, and against and from any and all claims and demands whatsoever which may be asserted against the Lender by reason of any alleged obligation or undertaking on its part arising out of or resulting from the License. If the Lender incurs any such liability, loss, damage or expense and the Borrower fails to pay therefor within ten (10) days of demand, the amount thereof shall accrue interest at the default rate of interest set forth in the Note until paid by the Borrower.

7. **No Obligation of Lender.** Nothing contained herein shall operate or be construed to obligate the Lender to perform any of the obligations or liabilities arising out of or resulting from the License or otherwise to impose any obligation upon the Lender with respect to the License prior to written notice by the Lender to the Borrower of the Lender's election to assume the Borrower's obligations under the License. Prior to such written election, this Agreement shall not operate to place upon the Lender any responsibility for the payment, performance or observance of any obligation or liability relating to the License pursuant to the terms thereof, and the execution of this Agreement by the Borrower shall constitute conclusive evidence that, prior to any such election, all responsibility for the payment, performance or observance of any obligation or liability relating to the License is and shall be that of the Borrower.

8. **Representations & Warranties.** The Borrower hereby represents and warrants to the Lender that (a) the License has been approved and that when it is issued it will be in full force and effect; (b) a true and correct copy of the License approval letter issued by the Town Licensing Board is attached hereto as Exhibit A; (c) the Borrower is in compliance with the terms and conditions of the License; (d) the Borrower has not received any notice from the Town Licensing Board alleging any default or failure to comply by Borrower with the terms and conditions of the License; (e) the Borrower lawfully holds the rights and interest of the Borrower in the License; and (f) the Borrower has not sold, assigned, transferred, mortgaged or pledged any of its rights or interests under or with respect to the License to any Person other than the Lender.

9. **Further Assurances.** The Borrower shall execute and deliver to the Lender such further instruments as the Lender may deem necessary to make effective this Agreement, the security agreement created hereby, and the covenants of the Borrower contained herein. Without limiting the foregoing, the Borrower shall, from time to time upon request of the Lender, execute and deliver petitions, applications and other information to be submitted to the Licensing Authorities, all of which shall be in form and substance satisfactory to the Lender in all respects.

10. **Delivery of Notices.** Promptly after the receipt thereof, the Borrower shall provide to Lender with copies of any and all notices received by the Borrower from any Person (including the Licensing Authorities) which allege, either directly or indirectly, that the Borrower is delinquent or deficient in the performance of the obligations of the Borrower relating to the License or that any revocation, denial, suspension, cancellation or termination of the License has occurred or may occur.

11. **Term of Agreement.** Upon full payment and performance of the Obligations, this Agreement shall terminate, and in that event and upon written request of the Borrower, the Lender agrees to execute and deliver to the Borrower instruments effective to evidence the termination of this Agreement and the cancellation of the pledge of the License and the right, title, interest, power and authority assigned herein; provided, however, that, as to the Lender, any affidavit, certificate or other written statement of any officer of the Lender, stating that any part of the Obligations remains outstanding, shall be and constitute conclusive evidence of the then validity, effectiveness and continuing force of this Agreement, and any Person may, and is hereby authorized to, rely thereon.

12. **Governing Law.** This Agreement shall be interpreted in accordance with and governed by the law of the Commonwealth of Massachusetts. The Borrower submits to personal jurisdiction in the Commonwealth of Massachusetts and waives any and all personal rights to object to such jurisdiction. The Borrower agrees that service of process may be made and personal jurisdiction obtained by serving the Borrower at the address stated on the first page hereof.

13. **Severability.** The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision. This Agreement is binding upon and shall inure to the benefit of the parties hereto and their heirs, successors, personal representatives, and assigns.

14. **Notices.** Any notice, request, demand or other communication required or permitted hereunder shall be given in writing pursuant to the terms and conditions of the Loan Agreement.

15. **Amendments.** This Agreement may not be changed, waived, or terminated except in a writing signed by the party against whom enforcement of the change, waiver, or termination is sought.

[Signature to this Agreement appears on the following page 7.]

IN WITNESS WHEREOF, the Borrower has duly executed this Agreement under seal as of the date first written above.

BORROWER:

REVELER BEVERAGE COMPANY, LLC



Witness:

By: 
Name: Scott G. Linzmeyer
Title: Manager

EXHIBIT A
APPROVAL LETTER FOR LICENSE

See attached.

From: Noreply@licensing.state.ma.us
To: [Scott Linzmeyer](#)
Cc: [abcc_eplace@needhamma.gov](#)
Subject: License Issuance Notification - Retail Alcoholic Beverages Application - 89042-PK-0770
Date: Monday, May 08, 2017 5:37:51 PM

Dear Reveler Brewing Company, LLC

Your Retail Alcoholic Beverages Application has been approved by your Local Licensing Authority and the ABCC. Although we have notified the Local Licensing Authority for Needham of this approval, we recommend contacting them to determine the next step to obtain your license.

Need Help? Call the ePLACE Help Desk Team at (844) 733-7522 or (844) 73-ePLAC between the hours of 7:30 a.m. and 5:00 p.m. EST Monday-Friday, with the exception of all Commonwealth and Federal observed holidays. If you prefer, you can also e-mail us at ePLACE_helpdesk@state.ma.us

Thank you!

Alcoholic Beverages Control Commission

PROMISSORY NOTE

1. **Defined Terms.** As used in this Promissory Note (as may be amended, modified, or extended from time to time, this “Note”), the following terms shall have the following meanings:

“Amortization Period” means the period commencing on June 7, 2018 and continuing until and including the Maturity Date.

“Borrower” means Reveler Beverage Company, LLC, a Massachusetts limited liability company.

“Conversion Date” means June 7, 2023.

“Draw Period” means the period commencing on the date of this Note and continuing until and including June 6, 2018.

“Federal Home Loan Bank Rate” means the fixed per annum rate of interest announced from time to time by the Federal Home Loan Bank of Boston as the “Classic Advance Rate.”

“Lender” means Salem Five Cents Savings Bank, a Massachusetts bank.

“Loan Agreement” means a certain Loan Agreement of even date herewith by and between the Borrower and the Lender, as may be amended, modified, or extended from time to time.

“Loan Amount” means Five Hundred Ten Thousand and 00/100 U.S. Dollars (\$510,000.00).

“Loan Year” means each twelve (12) month period of the term of the Loan, with the first (1st) Loan Year being the period commencing on the date of this Note and continuing until and including June 6, 2018.

“Maturity Date” means June 7, 2025.

“Payment Date” means the seventh (7th) day of each calendar month, commencing with July 7, 2017.

“Prime Rate” means the variable per annum rate of interest so published from time to time by the *Wall Street Journal* as the “prime rate” (or if the *Wall Street Journal* ceases to be published, then the Lender shall designate a successor publication as the index source for the prime rate). The Prime Rate is a reference rate and does not necessarily represent the lowest or best rate being charged to any customer of the Lender. Each determination by Lender of the Prime Rate shall be binding and conclusive in the absence of manifest error.

All capitalized terms used, but not otherwise defined, herein shall have the meanings set forth in the Loan Agreement. The terms and conditions of the Loan Agreement and the other Loan Documents are incorporated herein by reference.

2. **Debt.** For value received, the Borrower hereby promises to pay to the order of the Lender so much of the Loan Amount as has been advanced from time to time by the Lender to the Borrower pursuant to the Loan Agreement, together with interest on all unpaid balances under this Note at the applicable interest rate set forth in this Note and with all other amounts due hereunder or under the Loan Documents. This Note is the "Note" referenced and defined in the Loan Agreement and is further evidence of the Borrower's obligation to repay all principal, interest, and other amounts owed by the Borrower to the Lender under the Loan; the principal amount of each Advance made under the Loan Agreement shall be added to the outstanding principal balance due under this Note; and the principal amount of the Aggregate Advances shall accrue interest and be payable pursuant to the terms and conditions of this Note.

3. **Interest Rate Terms.**

(a) **Draw Period.** During the Draw Period, the outstanding principal balance of the Aggregate Advances shall accrue interest at a variable per annum rate of interest equal to the Prime Rate, *plus* one percent (1.0%) per annum. The foregoing interest rate shall adjust automatically with each change in the Prime Rate, and each change in such interest rate as a result of changes in the Prime Rate shall be immediately effective as of that date in which a change in the Prime Rate becomes effective and in accordance with Lender's loan systems and procedures periodically in effect and without notice to the Borrower or demand of any kind.

(b) **Amortization Period.** Upon the commencement of the Amortization Period, the interest rate applicable to the outstanding principal balance of the Aggregate Advances shall be reset by the Lender, and for the period commencing on the first (1st) day of the Amortization Period and continuing until the Conversion Date, the outstanding principal balance of the Aggregate Advances shall accrue interest at a fixed per annum rate of interest equal to the 5-year Federal Home Loan Bank Rate then in effect on the commencement of the Amortization Period, *plus* two and one-quarter of one percent (2.25%) per annum. On the Conversion Date, the interest rate applicable to the outstanding principal balance of the Aggregate Advances shall be reset by the Lender, and for the period commencing on the Conversion Date and continuing until the Borrower has repaid all principal outstanding hereunder, the outstanding principal balance of the Aggregate Advances shall accrue interest at a fixed per annum rate of interest equal to the 2-year Federal Home Loan Bank Rate then in effect on the Conversion Date, *plus* two and one-quarter of one percent (2.25%) per annum.

(c) **Default Interest.** Notwithstanding anything herein or in the Loan Agreement to the contrary, upon the occurrence of an Event of Default, at the Lender's option, the Borrower shall, in addition to any other payment due hereunder, pay interest on the outstanding principal balance of the Aggregate Advances from and after the date on which such Event of Default has occurred

at a per annum interest rate equal to the lesser of (i) the then applicable interest rate set forth in this Section 3, *plus* five percent (5%) per annum, or (ii) the maximum rate permitted by law, and such interest shall be due and payable, on demand, at such rate until such Event of Default has been waived in writing by the Lender or the entire outstanding amount due under this Note is paid to the Lender, whether or not any action shall have been taken or proceeding commenced to recover the same or to exercise rights under the Loan Documents. Nothing in this Section 3(c) or in any other provision of this Note shall constitute an extension of the time of payment of the indebtedness hereunder.

(d) Interest Calculation. Interest on the outstanding principal balance of the Aggregate Advance shall at all times be calculated on a 360-day year of twelve 30-day months, but shall accrue and be payable on the actual number of days elapsed.

4. Payments Terms.

(a) Draw Period; Monthly Payments. During the Draw Period, the Borrower shall make, on each Payment Date, monthly payments of accrued interest in arrears on the outstanding principal balance of the Aggregate Advances.

(b) Amortization Period; Monthly Payments. During the Amortization Period, the Borrower shall make, on each Payment Date, monthly payments of accrued interest in arrears and principal on the outstanding principal balance of the Aggregate Advances based on a seven (7) year amortization schedule, such that the outstanding principal balance of the Aggregate Advances then existing on the commencement of the Amortization Period shall be fully amortized on the Maturity Date. The amount of such monthly payments of principal and accrued interest to be made by the Borrower during the Amortization Period (i) shall be initially determined by the Lender on the commencement of the Amortization Period based upon the foregoing 7-year amortization schedule and the interest rate then in effect on the commencement of the Amortization Period and (ii) shall be reset by the Lender on the Conversion Date based upon the continuation of such 7-year amortization schedule that commenced with the Amortization Period and the interest rate then in effect on the Conversion Date.

(c) Prepayment. Subject to the Borrower's compliance with the terms and conditions of this Section 4(c), the Borrower may prepay the outstanding principal balance under this Note, in whole or in part, at any time prior to the Maturity Date; provided, however, with any prepayment of the entire outstanding principal balance hereunder (whether voluntarily or as a result of the acceleration of this Note) prior to the expiration of the fifth (5th) Loan Year and using funds from a creditor, lender, or financial institution other than the Lender, the Borrower shall also simultaneously pay to and be liable to the Lender for a prepayment fee to be determined as follows:

(i) an amount equal to five percent (5.0%) of the principal balance being prepaid if such prepayment occurs during the first (1st) Loan Year;

(ii) an amount equal to four percent (4.0%) of the principal balance being prepaid if such prepayment occurs during the second (2nd) Loan Year;

(iii) an amount equal to three percent (3.0%) of the principal balance being prepaid if such prepayment occurs during the third (3rd) Loan Year;

(iv) an amount equal to two percent (2.0%) of the principal balance being prepaid if such prepayment occurs during the fourth (4th) Loan Year; and

(v) an amount equal to two percent (2.0%) of the principal balance being prepaid if such prepayment occurs during the fifth (5th) Loan Year.

The Borrower shall not be liable for any prepayment fee for any prepayment made after the fifth (5th) Loan Year, nor, for the sake of clarity, shall Borrower be liable for any prepayment fee for any prepayment made with Borrower's equity at any time. The Borrower shall give the Lender not less than five (5) Business Days' prior written notice of Borrower's intention to prepay any amount under this Note. Any prepayment hereunder will be applied first to the payment of all accrued interest to the date of the prepayment and the remainder to the outstanding principal hereunder; any amounts applied against principal during the Amortization Period shall be applied against payments of principal due hereunder in the inverse order of maturity (commencing with the outstanding principal amount which will be due on the Maturity Date based upon the amortization schedule set forth herein); and, without written amendment of this Note executed by the Borrower and the Lender, partial prepayments made by the Borrower under this Section 4(c) during the Amortization Period shall not affect the amortization schedule and the amount of the regularly scheduled payments to be made by the Borrower hereunder.

(d) Maturity Date. On the Maturity Date or such other date as may be required by the Lender after the occurrence of an Event of Default, the Borrower shall pay to the Lender the entire then unpaid balance of principal, interest, and other charges due under the Loan.

(e) Auto-Debit. The Borrower hereby authorizes the Lender to automatically deduct from the Operating Account, or any successor or replacement accounts maintained with the Lender, the amount of any payment due under or in connection with this Note. If the funds in the Operating Account are insufficient to cover any payment due under this Note, the Lender shall not be obligated to advance funds to cover the payment. The failure of the Lender so to charge any account or to give any notice of such charge shall not affect the obligation of the Borrower to pay interest, principal or other sums as provided under this Note or the other Loan Documents.

(f) Form of Payment. Any payments on this Note, whether such payment is of a regular installment or represents a prepayment, shall be made in coin and currency of the United States of America which is legal tender for the payment of public and private debts, in immediately available funds, to the Lender at the Lender's address set forth in the Loan Agreement or at such other address as the Lender may from time to time designate in writing.

5. **Delinquency Charges.** If the Borrower fails to pay any amount due under this Note for ten (10) days after such payment becomes due, the Lender may, at its option, whether immediately or at the time of final payment of the amounts evidenced by this Note, impose a delinquency or "late" charge equal to five percent (5%) of the amount of such past due payment, notwithstanding the date on which such payment is actually paid in full, and the amount thereof shall be secured by all Collateral held by the Lender to secure the obligations evidenced by the Loan Documents. The Borrower agrees that any such delinquency charges shall not be deemed to be additional interest or penalty, but shall be deemed to be liquidated damages because of the difficulty in computing the actual amount of damages in advance.

6. **Costs and Expenses upon Default.** After the occurrence of an Event of Default, in addition to principal, interest and delinquency charges, the Lender shall be entitled to collect all costs of collection, including, but not limited to, reasonable attorneys' fees and expenses, incurred in connection with the protection or realization of collateral, the Lender's enforcement and exercise of any rights under the Loan Documents, and any of the Lender's collection efforts, whether or not suit on this Note is filed, and all such costs and expenses shall be payable on demand and until paid shall also be secured by all collateral held by the Lender as security for the Borrower's obligations to the Lender.

7. **Application of Payments.** Unless an Event of Default has occurred, all payments hereunder shall be applied first to delinquency charges, costs of collection and enforcement and other similar amounts due, if any, under this Note and under the Loan Documents, then to interest which is due and payable under this Note, and the remainder, if any, to principal due and payable under this Note. If an Event of Default has occurred, such payments may be applied to sums due under this Note or under the Loan Agreement in any order and combination that Lender may, in its sole discretion, determine.

8. **Reserved.**

9. **WAIVERS.** The Borrower irrevocably waives presentment for payment, demand, notice of nonpayment, notice of intention to accelerate the maturity of this Note, diligence in collection, commencement of suit against any obligor, notice of protest, and protest of this Note and all other notices in connection with the delivery, acceptance, performance, default or enforcement of the payment of this Note, before or after the maturity of this Note, with or without notice to the Borrower, and agrees that its liability shall not be in any manner affected by any indulgence, extension of time, renewal, waiver or modification granted or consented to by Lender. The Borrower consents to any and all extensions of time, renewals, waivers or modifications that may be granted by the Lender with respect to the payment or other provisions of this Note, and to any substitution, exchange or release of the collateral for this Note, or any part thereof, with or without substitution of said collateral, and agree to the addition or release of any guarantor, all whether primarily or secondarily liable, before or after maturity of this Note, with or without notice to the Borrower, and without affecting its liability under this Note. Any delay on the part of the Lender

in exercising any right under this Note shall not operate as a waiver of any such right, and any waiver granted or consented to on one occasion shall not operate as a waiver in the event of any subsequent default.

THE BORROWER HEREBY IRREVOCABLY WAIVES ALL RIGHT TO A TRIAL BY JURY IN ANY PROCEEDINGS HEREAFTER INSTITUTED BY OR AGAINST BORROWER IN RESPECT OF THIS NOTE OR ARISING OUT OF ANY DOCUMENT, INSTRUMENT OR AGREEMENT EVIDENCING, GOVERNING OR SECURING THIS NOTE.

10. No Usury. The Lender and the Borrower intend to comply at all times with applicable usury laws. If at any time such laws would ever render usurious any amounts called for under this Note or the other Loan Documents, then it is the Borrower's and the Lender's express intention that the Borrower shall not be required to pay interest on this Note at a rate in excess of the maximum lawful rate, that the provisions of this Section 10 shall control over all other provisions of this Note which may be in apparent conflict herewith, that such excess amount shall be credited to the principal balance of this Note (or, if this Note has been fully paid, refunded by the Lender to the Borrower), and the provisions hereof shall be reformed and the amounts thereafter collectible under this Note reduced, without the necessity of the execution of any further documents, so as to comply with the then Applicable Law, but so as to permit the recovery by the Lender of the fullest amount otherwise called for under this Note. Any such crediting or refund shall not cure or waive any default by the Borrower under this Note or the other Loan Documents. If, at any time following any reduction in the interest rate payable by the Borrower, there remains unpaid any principal amount under this Note and the maximum interest rate allowed by Applicable Law is increased or eliminated, then the interest rate payable under this Note shall be readjusted, to the extent not prohibited by Applicable Law, so that the dollar amount of interest payable hereunder shall be equal to the dollar amount of interest which would have been paid by the Borrower without giving effect to the reduction in interest resulting from compliance with applicable usury laws. The Borrower agrees that in determining whether or not any interest payable under this Note exceeds the highest rate allowed by law, any non-principal payment (except payments specifically stated in this Note to be "interest"), including, without limitation, if any are applicable as provided herein, prepayment fees and delinquency charges, shall, to the maximum extent allowed by law, be an expense, fee or premium rather than interest. The term "Applicable Law," as used in this Section 10, shall be interpreted to mean that Applicable Law which allows the greater rate of interest, as such laws now exist or may be changed or amended or come into effect in the future.

11. Acceleration and Other Remedies. Upon the occurrence of an Event of Default, then, and in any such event, the Lender may, at its option, declare the entire unpaid principal balance of this Note, together with interest accrued thereon and all other amounts due under the Loan Documents, to be immediately due and payable and may proceed to exercise any rights or remedies that it may have under the Loan Documents or such other rights and remedies which the Lender may have at law, equity, or otherwise.

12. Successors and Assigns. This Note shall be binding upon the Borrower and upon its

successors, assigns, and representatives, and shall inure to the benefit of the Lender and its successors, endorsees, and assigns.

13. **Security.** This Note is secured by the other Loan Documents, and all amendments, modifications, supplements, substitutions, additions, renewals, replacements and extensions thereof. The Borrower hereby grants to the Lender a security interest in any and all deposits or other sums at any time credited by or due from the Lender to the Borrower and any cash, securities, instruments, or other property of the Borrower which now or hereafter are at any time in the possession or control of the Lender, and such sums shall constitute additional security to the Lender for the liabilities of the Borrower to the Lender, including, without limitation, the liability evidenced hereby, and may be applied or set off by the Lender against such liabilities at any time from and after the occurrence of an Event of Default, whether or not other Collateral is available to Lender.

14. **Collection.** Any check, draft, money order or other instrument given in payment of all or any portion hereof may be accepted by the Lender and handled by collection in the customary manner, but the same shall not constitute payment hereunder or diminish any rights of the Lender except to the extent that actual cash proceeds of such instrument are unconditionally received by the Lender and applied to this indebtedness in the manner elsewhere herein provided.

15. **Amendments.** This Note may be changed or amended only by an agreement in writing signed by the party against whom enforcement is sought.

16. **Governing Law; Submission to Jurisdiction.** This Note is given to evidence debt for business or commercial purposes, is being delivered to the Lender at one of its offices in the Commonwealth of Massachusetts and shall be governed by and construed under the laws of said Commonwealth. The Borrower hereby submits to non-exclusive personal jurisdiction in said Commonwealth for the enforcement of the Borrower's obligations under the Loan Documents, and waives any and all personal rights under the law of any other state to object to jurisdiction within such Commonwealth for the purposes of litigation to enforce such obligations of the Borrower. In the event such litigation is commenced, the Borrower agrees that service of process may be made, and personal jurisdiction over the Borrower obtained, by service of a copy of the summons, complaint and other pleadings required to commence such litigation upon the Borrower at the address set forth in the Loan Agreement.

17. **Replacement Note.** Upon receipt of an affidavit of an officer of the Lender as to the loss, theft, destruction or mutilation of this Note or any other security document(s) which is not of public record and, in the case of any such destruction or mutilation, upon surrender and cancellation of such Note or other document(s), the Borrower will issue, in lieu thereof, a replacement Note or other document(s) in the same principal amount thereof and otherwise of like tenor. Any such replacement Note or documentation shall specifically indicate it is being provided in replacement of and not in addition to the original Note or other security document.

18. Captions. All paragraph and subparagraph captions are for convenience of reference only and shall not affect the construction of any provision herein.

[Signature to this Note appears on the following page 9.]

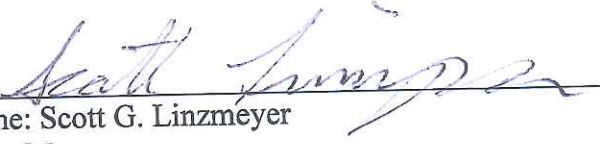
IN WITNESS WHEREOF, this Note has been executed and delivered under seal as of the 7th day of June, 2017.

BORROWER:

REVELER BEVERAGE COMPANY, LLC



Witness

By: 

Name: Scott G. Linzmeyer
Title: Manager



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 06/27/2017

Agenda Item	Approval of the Sale of Bonds and Notes
Presenter(s)	David Davison, Assistant Town Manager/Finance Evelyn Poness, Town Treasurer/Collector

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
We will review the results of the bond anticipation note sale and discuss upcoming borrowings with the Board.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Suggested Motions: (please note there are six (6) motions to be acted upon by the Board)	
Motion A Move that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Hillside Elementary School project authorized by a vote of the Town passed on October 5, 2016 (Article 2) not being paid by the school facilities grant is \$44,717,013 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.	
Motion B Move that the sale of a \$4,929,120 2.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated June 30, 2017, and payable November 1, 2017, to Jefferies LLC at par and accrued interest, if any, plus a premium of \$16,316.00.	
Motion C Move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 13, 2017, and a final Official Statement dated June 21, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.	
Motion D 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 Notes for the benefit of the holders of the Notes from time to time.	
(Continues Next Page)	



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

Motion E

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 Notes.

Motion F

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.

3.

BACK UP INFORMATION ATTACHED

- a. Cover Memo Dated May 25, 2017
- b.

Memorandum

To: Board of Selectmen
From: David Davison, Assistant Town Manager/Director of Finance
CC: Kate Fitzpatrick, Town Manager; Evelyn Poness, Treasurer/Collector; Michelle Vaillancourt, Town Accountant
Date: June 23, 2017
Re: Bond Anticipation Note Sale

The Town received five bids on its \$4,929,120 four-month Bond Anticipation Note (BAN). The lowest bidder, Jefferies LLC offered a coupon rate of 2.0%, with a premium of \$16,316 which results in a net interest cost (NIC) of 1.0152% which is the basis for award. Attached is a summary of the bids received on the sale. The proceeds will finance several ongoing projects (summarized below) previously approved by Town Meeting.

Central Avenue/Elliot Street Bridge	\$ 330,000
High School Cafeteria	\$ 70,000
Public Works Infrastructure Program (2016)	\$ 250,000
Public Works Infrastructure Program (2017)	\$ 160,000
RTS Front-End Loader	\$ 6,000
St Mary's Pumping Station	\$ 65,000
Water Main Replacement	\$ 48,120
Williams Elementary School	<u>\$4,000,000</u>
Total	\$4,929,120

When the BAN matures on November 1, 2017 all the amounts, except for the Williams Elementary School, will be paid in full from the FY2018 debt service appropriation. The current plan is to also retire \$500,000 of the Williams Elementary School portion of the BAN, with the balance being rolled into a new BAN which will be issued for the next phase of that project.

The Board will be asked to approve the sale of the BAN and the consent form executed by the Treasurer. We will bring to the meeting the actual Note, Certificates, Disclosure Certificates, and the Certification of the vote by the Board of Selectmen, to be executed by the Board. Please do not hesitate to contact me if you have any questions prior to the meeting.

Town of Needham

Note Sale

\$4,929,120

Date of Sale 6/21/2017
Date of Board Action 6/27/2017
Settlement 6/30/2017
Maturity 11/1/2017

Bidder	Amount	Rate	Interest	Premium	Net Interest	NIC
Jefferies LLC	\$4,929,120	2.000%	\$33,134.64	\$16,316.00	\$16,818.64	1.0152000%
Eastern Bank	\$4,929,120	1.250%	\$20,709.15	\$3,827.05	\$16,882.10	1.0190000%
Century Bank	\$1,000,000	1.100%	\$3,697.22	\$0.00	\$3,697.22	1.1000000%
TD Securities	\$4,929,120	1.750%	\$28,992.81	\$10,203.28	\$18,789.53	1.1341000%
Oppenheimer & Co, Inc	\$4,929,120	2.000%	\$33,134.64	\$10,205.00	\$22,929.64	1.3840000%

Prepared by Asst Town Manager/Director of Finance June 23, 2017



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 06/27/2017

Agenda Item	Set Water and Sewer Rates
Presenter(s)	Kate Fitzpatrick, Town Manager David Davison, Assistant Town Manager/Finance

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

The Board held a Public Hearing regarding the Sewer and Water Rates at its June 13, 2017 meeting. The Water and Sewer Rate Structure Committee voted to recommend the rate structure that was presented to the Board. The rate structure presented to the Board is a continuation of a phased approach with sewer rates. There is no change proposed to the basic service fees or any of the water rates. The increase to the sewer steps are the same as discussed with the Board of Selectmen in June 2016 and again at the Public Hearing held June 13, 2017.

2. VOTE REQUIRED BY BOARD OF SELECTMEN

Suggested Motion: Move that the Board approve the proposed water and sewer rates identified on schedule below and that they be effective July 1, 2017; further that the Board approve a Septage Disposal fee of \$85.00 per 1,000 gallons.

Water and Sewer Rates

Description	Current Rate	Proposed Rate	\$ Change
Basic Service Fee - Quarterly	\$15.00	\$15.00	\$0.00
Basic Service Fee - Monthly	\$5.00	\$5.00	\$0.00
Water - Regular			
Step 1	\$3.10	\$3.10	\$0.00
Step 2	\$3.40	\$3.40	\$0.00
Step 3	\$4.30	\$4.30	\$0.00
Step 4	\$5.10	\$5.10	\$0.00
Second Meter Fee - Quarterly	\$4.00	\$4.00	\$0.00
Second Meter Fee - Monthly	\$1.34	\$1.34	\$0.00
Water - Irrigation			
Step 1	\$5.10	\$5.10	\$0.00
Step 2	\$5.50	\$5.50	\$0.00
Step 3	\$6.10	\$6.10	\$0.00
Step 4	\$8.10	\$8.10	\$0.00
Basic Sewer Fee - Quarterly	\$9.00	\$9.00	\$0.00
Basic Sewer Fee - Monthly	\$3.00	\$3.00	\$0.00
Sewer			
Step 1	\$8.60	\$8.82	\$0.22
Step 2	\$9.45	\$9.64	\$0.19
Step 3	\$10.20	\$10.40	\$0.20
Step 4	\$11.15	\$11.32	\$0.17
Septage Disposal Per 1,000 Gallons	\$85.00	\$85.00	\$0.00
Prices are per 100 CF (cubic feet) except septage which is per 1,000 gallons			

3. BACK UP INFORMATION

None



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/27/2017

Agenda Item	Mobile Food Vendor Regulation Update
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will discuss the proposed update to the Mobile Food Truck Regulations. A public hearing will be scheduled this summer.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Take-out Food Served by Mobile Food Vendors draft dated 6.16.2017	

Town of Needham Board of Selectmen

Policy Number:	BOS-LIC-013
Policy:	Take Out Food Served by Mobile Food Vendors (Formerly Regulation of Food Trucks)
Date Approved:	October 8, 2013
Date Revised:	Revised June 9, 2015, July 2017
Approved:	Chairman, Board of Selectman

Section 1: Definitions

Mobile Food Vendor - any person who travels from place to place upon public ways and dispenses food from a food truck, food cart, beverage/coffee truck, ice cream truck, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle. This policy applies to mobile food vendors except as provided under Section 7.

Hawker/Peddler – Any person who goes from place to place within the Town selling goods, wares or merchandise, whether on foot or in a vehicle, for profit, is a hawker or peddler (these two terms are interchangeable), unless such person is excluded from the operation of M.G.L.A., Ch. 101 by the provisions of Section 15 of said Chapter.

Section 1. Policy

The Town of Needham, acting through its Board of Selectmen (the “Board”) may authorize Mobile Food Vendors to operate in approved locations on the public right of way, at School buildings, parking lots and adjacent fields, and at public parks and adjacent parking lots, at times deemed to be in the best interest of the Town. Permitted Mobile Food Vendors must comply with all applicable hawker and peddler and sanitation and food safety rules and regulations.

Section 2. General Provisions Applicable to All Mobile Food Vendors

- 2.1 Any person wishing to apply for a Mobile Food Vendor Permit shall fully complete the application form (Attachment #1), including authorization for the Town to obtain personal Criminal Offender Record Information (CORI) and Sex Offender Record Information (SORI) throughout the duration of the permit. CORI and SORI approval will be valid for one year. The Town reserves the right to obtain personal CORI and SORI for all employees who will be employed by the Mobile Food Vendor, at its discretion.
- 2.2 Mobile Food Vendors shall comply with all applicable provisions of the Town of Needham General By-laws, and all local and state tax regulations, including but not limited to retail sales taxes applicable to food and beverages.

- 2.3 Mobile Food Vendors must be positioned at least 200 feet from the customer entrance of a fixed location restaurant, unless waived by the Board of Selectmen.
- 2.4 Mobile Food Vendors shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Vendors must be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.5 Mobile Food Vendors may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.
- 2.6 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily. Permit holders shall make specific provisions for trash removal and ensure that the licensed area is kept clean, neat and sanitary at all times. Reliance on the use of municipal trash and recycling receptacles is not considered acceptable.
- 2.7 If a Mobile Food Vendor is authorized to operate after dark, the vendor must assure appropriate lighting.
- 2.8 No signage shall be allowed, other than signs permanently attached to the motor vehicle/cart and a portable menu sign no more than nine (9) square feet in display area on the ground in the customer waiting area, unless specifically authorized by the Board of Selectmen.
- 2.9 No Mobile Food Vendor shall set up tables, chairs, umbrellas or similar facilities (standing counters and tables without chairs or stools are permitted), unless specifically authorized by the Board of Selectmen.
- 2.10 Mobile Food Vendor permits shall be applicable during the period April 1st to November 30th unless extended by vote of the Board of Selectmen. Permit holders may only operate at specifically approved locations at specifically approved times.
- 2.11 Any person to whom a Mobile Food Vender Permit is issued under these regulations shall ensure that order and decorum is maintained in the licensed area and immediate vicinity at all times, and shall cooperate in every respect with Town officials.
- 2.12 Mobile food vehicles shall not be positioned so as to expose customers to vehicular traffic, or otherwise in an unsafe manner. Any directive from a Police Officer in this regard shall be immediately followed.
- 2.13 A Mobile Food Vendor who offers entertainment shall obtain a license from the Board of Selectmen, pursuant to the Town's Entertainment Regulations.
- 2.14 No Mobile Food Vendor or employee shall permit a patron to bring into the permitted area any alcoholic beverage for sale or consumption on the premises.

- 2.15 Mobile Food Vendors shall not sell non-food novelty items, noise makers or toys.
- 2.16 The Board of Selectmen may waive conditions or requirements of this Policy if the Board determines such to be in the best interests of the Community.

Section 3: Authorized Locations for Mobile Food Vendors

- 3.1 Public Right of Way Mobile Food Vendors may operate in the public right of way under the following conditions:
 - 3.1.1 Mobile Food Vendors may be located in the public right of way, as provided in Appendix 1, in areas identified by the Board of Selectmen in Appendix 2, after consultation with the Planning Board, as not served by fixed location restaurant facilities. The Board of Selectmen may from time to time review and modify the locations and areas listed in Appendix 1 and Appendix 2.
 - 3.1.2 Mobile Food Vendors may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 3.2 School Buildings, Parking lots and Adjacent Fields Mobile Food Vendors may operate at approved Public School Buildings, parking lots, and adjacent fields under the following conditions:
 - 3.2.1 When invited to operate by invitation of a person or organization with a valid permit to use the school parking lot or adjacent play areas/fields, and with approval of the permit granting authority.
 - 3.2.2 The mobile food vendor shall comply with all requirements of the permit granting authority.
 - 3.2.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.
- 3.3 Public Parks and Adjacent Parking Lots by Invitation of Permitted Organizations Mobile food vendors may be permitted to operate at approved Public Parks and Parking Lots, as listed in Appendix 3, under the following conditions:
 - 3.3.1 When invited to operate by invitation of a person or organization with a valid permit for use of the park or any portion thereof, and with approval of the permit granting authority.

3.3.2 The Mobile Food Vendor shall comply with all requirements of the permit granting authority.

3.3.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.

The Board of Selectmen will develop the list of parks and parking lots on Appendix 3 after consultation with the board, committee, or commission, if any, having primary jurisdiction over the parcel.

3.4 Public Parks and Adjacent Parking Lots by Direct Permit The Office of the Town Manager may grant permits to Mobile Food Vendors to operate at specified locations at approved Public Parks and Parking Lots on identified times and dates, as listed in Appendix 4, under the following conditions:

3.4.1 The Town Manager shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants, including by lottery or other reasonable means.

3.4.2 The Mobile Food Vendor shall comply with all site specific requirements.

3.4.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.

The Board of Selectmen will develop the list of locations, times, and dates in Appendix 4 after consultation with the board, committee, or commission, if any, having primary jurisdiction over the parcel.

3.5 Mobile Food Vendors Operating on Public Property Not Otherwise Covered – Reserved

3.6 Mobile Food Vendors Operating on Private Property - Reserved

Section 4. Application & Permitting Requirements

4.1 The Town Manager shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants, including by lottery or other reasonable means.

4.2 All Mobile Food Vendors must obtain requisite licenses and/or permits for operation from the Public Health Division, Police Department, Fire Department, and Board of Selectmen (refer to checklist on Attachment 2).

- 4.3 Application must include a detailed list of the intended locations for operation, including a sketch for each location showing how the mobile food vehicle is to be positioned, and the proposed hours of operation.
- 4.4 Permit holders shall provide evidence of comprehensive liability insurance in the amount of at least \$1 million (single claim), and listing the Town of Needham as an additional named insured. Mobile Food Vendors must obtain requisite insurance, bonding and workers compensation as required by the Town.
- 4.5 A Mobile Food Vendor's permit must be prominently displayed at all times while in operation on licensed area.
- 4.6 Violation of any of the provisions of this Policy may result in the revocation of the permits and licenses issued to the vendor to operate in Needham.

Section 5. Fees

- 5.1 The flat fee for a full season one (specified) day per week public right of way permit (Section 3.1) shall be \$100, with additional season-days \$100 each to a maximum fee per season of \$700.
- 5.2 The fee for an intermittent public right of way permit (Section 3.1) shall be \$20 for each individual day. Such permits will be issued only to the extent space is available, and seasonal permits will have precedence over requests for intermittent permits.
- 5.3 The fee for an intermittent permit for use of School Buildings, Parking lots and Adjacent fields (Section 3.2) shall be \$10 per day.
- 5.4 The fee for an intermittent permit for mobile food vendors invited by organizations to operate at approved public parks and adjacent parking lots (Section 3.3) shall be \$10 per day.
- 5.5 The fee for direct permit mobile food vendors (Section 3.4) shall be \$20 per day.

Section 6. Violation, suspension, revocation or modification of a Mobile Food Vendor Permit

Any violation of this policy will be subject to a fine of \$50 (1st offense), \$100 (2nd offense) or \$300 (3rd and subsequent offenses). In addition, any violation may result in the immediate suspension of the permit, and may result in the removal of the Mobile Food Vendor's cart, truck or other vehicle at the owner's expense, if the circumstances warrant it in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Board of Selectmen at a public meeting.

The Board of Selectmen may suspend, revoke or modify a Mobile Food Vendor permit if, after a public hearing, the Board finds that these regulations have been violated.

Section 7. Exceptions (Mobile Food Vendor Permit not Required)

With the exception of food safety, public safety, and hawker and peddler requirements, if applicable, this policy shall not apply to canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time or ice cream trucks which move from place to place, excluding areas prohibited by Town by-law, and are stationary for no more than ten minutes. This policy does not apply to private functions on private property.

Section 8. Resources

Attachment 1:	Mobile Food Vendor Permit Application
Attachment 2:	Mobile Food Vendor Permit Checklist
Appendix 1:	Locations Approved for Mobile Food Vendors in the Public Right of Way
Appendix 2:	Underserved Commercial Areas
Appendix 3:	Locations Approved for Mobile Food Vendors at Public Parks
Appendix 4:	Locations Approved for Direct Permit Mobile Food Vendor Permits

Hawkers and peddlers policy: <http://needhamma.gov/DocumentCenter/View/15093>

Hawkers and peddlers statute:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter101/Section1>

General By-laws:	http://needhamma.gov/DocumentCenter/Home/View/1859
Rental of School Facilities:	http://needhamma.gov/index.aspx?NID=2324
Rental of Fields or Parks:	http://needhamma.gov/index.aspx?NID=718

APPENDIX 1

Locations Approved for Mobile Food Vendors Located in the Public Right of Way

The current locations identified for use by food trucks within the public right of ways areas are:

- First Avenue – along the side of the road located in the general area between A and B Streets*.
- First Avenue – along the side of the road located in the general area between #114 and #200 First Avenue*
- Fourth Avenue – along the side of the road located in the general vicinity of #117-#119 Fourth Avenue
- Cabot Street – circular area at the top of the hill

*Note that these locations may become unavailable depending on construction timelines.

Exact locations must be reviewed and approved by the Needham Police Department.

Locations are subject to change with the approval of the Board of Selectmen and the Needham Police Department.

APPENDIX 2

Underserved Commercial Areas

1. New England Business Center
2. Mixed Use-128
3. Industrial 1

APPENDIX 3

Locations Presently Approved for Mobile Food Vendors at Public Parks

CONFIDENTIAL 10.16.2017

APPENDIX 3

Locations Presently Approved for Direct Permit Mobile Food Vendors





**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/27/2017

Agenda Item	Regulations for the Sale of Alcoholic Beverages
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Town Manager will update the Board on proposed revisions to the Town's regulations for the sale of alcoholic beverages.
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
	Discussion Only
3.	BACK UP INFORMATION ATTACHED
	a. Town of Needham Regulations for the Sale of Alcoholic Beverages draft dated 6.16.2017



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TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham
- II. Compliance
- III. Special License Provisions
- IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town
- V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders
- VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms
- VII. Rules and Regulations applicable to Clubs and Veterans Organizations seeking and issued Alcoholic Beverage Licenses within the Town authorized by Special Act of the General Court (Chapter 3 of the Acts of 1977)
- VIII. Rules and Regulations applicable to One-Day Special Event Licenses
- IX. Rules and Regulations applicable to Package Stores

Licensing Authority: Board of Selectmen

Revision Date: TBD

The Needham Board of Selectmen, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)

II. COMPLIANCE

- 2.1 The issuance of a license by the Board of Selectmen for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission or the Town's bylaws may result in the revocation, suspension or cancellation of the license.

III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)

- 3.1 Counter Service (with stools/chairs), as defined for the purposes of these regulations as a counter, tabletop or other mechanism which is used for the purpose of providing alcoholic beverages to patrons who may or may not be waiting to dine, are permitted only in locations expressly approved and authorized by the Board of Selectmen.

An applicant or licensee may request from the Board of Selectmen, on an annual basis, an addendum to allow for Counter Service areas. This addendum shall be for one year and shall lapse unless renewed. In each instance, such addendum shall not be granted or renewed except under the following conditions:

- a) the Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Counter Service areas;
- b) no more than a total of fifteen (15) seats or ten percent (10%) of the total seats in the premises, whichever is less, shall be allowed in the Counter Service area;
- c) when calculating the number of seats in the premises, the seats where food is served in the Counter Service areas shall be included;
- d) all food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Counter Service areas; any violation of

the conditions set forth in this section, or any violation of any of the laws of the United States of America, the Commonwealth of Massachusetts or the Town of Needham shall be a basis for denying the granting or renewal of the allowance or for the revoking of the addendum;

- e) the applicant for a renewal of an addendum shall provide the Board of Selectmen with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic or wine and malt beverages. If the percentage exceeds thirty-five (35%), the Board of Selectmen may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may deny the granting or renewal of the addendum or suspend or revoke the addendum;
- f) any application for the original granting of an addendum shall be acted on only after notice as set forth in M.G.L. Chapter 138, Section 15A and a hearing by the Board of Selectmen. The annual renewal of the addendum shall be in a manner to be determined from time to time by the Board of Selectmen; and
- g) upon approval of such application for an addendum, the licensee shall pay an additional fee determined by the Board.

IV. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)
Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.
- 4.2 Hours of Operation
The hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service

is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public. The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p.m. on secular days and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Board of Selectmen. The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Board of Selectmen. Holiday sales hours are further limited to the holiday schedule set by the ABCC.

- 4.2.1 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.
- 4.2.2 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.
- 4.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.
- 4.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.
- 4.2.5 With the exception of the licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises.

4.3 Payment of Charges and Taxes

Applicants and licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

4.4 Filing and Application Requirements (excludes One Day Special Event Licenses)

4.4.1 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the applicant to notify all owners of property within a 300 foot radius of the premises to be licensed

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special licenses excluded) in the Town until such time as the applicant shall present to the Board of Selectmen a certificate of insurance showing that the applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage.

4.4.3 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

4.4.3.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. The Board's filing fee shall be paid by check, made payable to the "Town of Needham". Filing fees required by the Commission must be by certified check or bank treasurers check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission". Filing fees shall not be pro-rated for any reason.

4.4.3.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham". The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12)

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b. the location of any proposed bars/counter service areas and cocktail lounges (for innkeepers license only);
- c. areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d. entrances and exits;
- e. kitchens and/or food preparation areas;
- f. take out areas;
- g. storage areas;
- h. restrooms;
- i. all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- j. total occupant load; and
- k. other spaces, or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

4.4.4.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

4.4.4.3 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

4.4.4.4 Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.

4.5.5 Floor Plans – Off Premise Licenses (M.G.L. Ch 138 s. 15)

4.5.5.1 Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which

will be clearly marked

- a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;
- b. gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;
- c. entrances and exits;
- d. storage areas;
- e. restrooms;
- f. cash register areas.

4.5.5.2 Applicants shall submit a plan for signage including window display signs.

4.6 General and Miscellaneous Provisions

- 4.6.1 No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1 (k). This does not apply to package stores.
- 4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on this license. No change of such area or location shall be made without prior written approval of the Board of Selectmen. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.
- 4.6.3 The licensed premises must be well lighted at all times.
- 4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 The licensed premises shall be subject, at all times, to inspection by members of the Board of Selectmen, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Selectmen.
- 4.6.7 Food service shall be available in all areas where alcoholic beverages are to be served for consumption on premises.
- 4.6.8 Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages

may be consumed only from glassware. Package stores and one day licenses are excluded from this provision.

- 4.6.9 No licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.10 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).
- 4.6.11 At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverage server training program satisfactory to the Board of Selectmen. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.
 - a. A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham Board of Selectmen, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.
 - b. Any employee engaged in the sale and handling of alcoholic beverages must complete Board of Selectmen approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.
 - c. All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Board of Selectmen once every two years. Newly hired employees shall complete a Town-approved training program upon employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.

No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee,

confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Board of Selectmen, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.

4.6.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

V. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.
- 5.2 Each applicant shall submit to the Board of Selectmen with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Board of Selectmen for the sale of alcoholic beverages is requested.
- 5.3 Cocktail lounges are permitted with the approval of the Board of Selectmen but limited to approved areas by the Board of Selectmen with appropriate identification of the specific location documented by the Inspector of Buildings.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen.

VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS

Subject to further limitations fixed or from time to time modified or amended by the Board of Selectmen acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 It is the policy and purpose of the Board of Selectmen acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

- 6.2 The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 6.3 No function room may be separately licensed.
- 6.4 No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve-month period immediately preceding the filing of an application. When deemed appropriate by the Board of Selectmen this provision may be waived.
- 6.5 Service of food must be available in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.

VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS SEEKING AND ISSUED ALCOHOLIC BEVERAGE LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)

Licenses issued by the Needham Licensing Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:

- 7.1 Every club applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Board.
- 7.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each applicant shall furnish the Licensing Board with a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Board.

- 7.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 7.5 Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

VIII. RULES AND REGULATIONS APPLICABLE TO ONE-DAY SPECIAL EVENT LICENSES

The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.
- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
 - b) Town of Needham Board of Selectmen Event Information Sheet
 - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
 - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
 - e) Written evidence of the owner's permission to use the proposed licensed premises.
 - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
 - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
 - h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.

- i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)
- 8.6 The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such special One-Day License where sale of alcoholic beverages is taking place.

IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES (M.G.L. CH 138, SEC. 15)

9.1 General Provisions

- 9.1.1 Employees at the licensed premises on which a Section 15 license is exercised, must be 21 years of age except that such licensees may employ a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.
- 9.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store licensee upon or within the licensed premises, or upon any area under the direction and control of the licensee.
- 9.1.3 Where the liquor licenses are granted to serve the public, licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Board of Selectmen may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 9.1.4 No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.
- 9.1.5 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The

licensee may be held responsible for such activity, whether present or not.

- 9.1.6 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 9.1.7 The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Board of Selectmen. In determining suitability for licenses, the Board of Selectmen will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 9.1.10 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 9.1.11 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

9.2 Hours Of Operation

- 9.2.1 For all deliveries conducted off the licensed premises, the licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.
 - a. Deliveries must be made during the operating hours of the store.
 - b. Deliveries shall be made by persons no less than 21 years of age.
 - c. A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of

submittal.

9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.

9.2.3 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

9.3 Consumption On Premises Prohibited Except Sample Tastings

9.3.1 Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, by any person is strictly prohibited except for sample tasting.

9.4 Limitations On Transferability Of Off-Premises Section 15 Licenses

9.4.1 An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

9.5 Food Store Alcohol License Requirements

9.5.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Board of Selectmen shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.

9.5.2 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Board of Selectmen reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.

- 9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Board of Selectmen. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Board of Selectmen of plan to properly secure all alcoholic beverages on the premises from public access during that time.
- 9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.
- 9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

APPROVED:	6/14/77
Amended and revised:	11/18/97
Amended and revised:	2/9/99
Revised fee schedule:	12/7/99
Revised fee schedule:	12/5/00
Revised and approved:	8/20/02
Fee changes	12/21/04
Addition of Liquor	
Liability Insurance:	1/25/05
Addition of One-Day License:	1/25/05
Amended and revised:	11/14/06
Amended and revised:	6/22/10
Amended and revised:	12/18/12
Amended and revised:	5/13/14
Amended and revised:	9/10/2014
Amended and revised:	11/9/2016

BOARD OF SELECTMEN

ACTING AS

NEEDHAM LICENSING BOARD



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/27/2017

Agenda Item	Eversource Reliability Project
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on the Energy Facility Siting Board hearings for the Eversource Reliability Project.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/27/2017

Agenda Item	Public Hearing – Public Facility Operations and Public Works Consolidation
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on a proposal to merge the Department of Public Facilities-Operations into the Department of Public Works in accordance with Section 20B (2) of the Town Charter. Members of the public will be offered the opportunity to provide input.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> That the Board vote approve the consolidation of Public Facilities Operations into the Department of Public Works as presented by the Town Manager in a proposal dated June 9, 2017.	
3.	BACK UP INFORMATION ATTACHED
(Describe backup below) a. Memo from Kate Fitzpatrick, Town Manager dated June 9, 2017. b. Notice of Public Hearing	



TOWN OF NEEDHAM
TOWN HALL
Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500
FAX: (781) 449-4569

TO: Board of Selectmen
FROM: Kate Fitzpatrick
CC: Christopher Coleman, David Davison, Rick Merson,
Dan Gutekanst
DATE: June 9, 2017
RE: Administrative Reorganization for Public Works &
Public Facilities

In June, 2009 we presented the Personnel Board and the Board of Selectmen with a proposal to reorganize the administrative functions at the Department of Public Works. The proposal was based on a 2007 study of the Department by the Mercer Group, and implemented several of the key recommendations in the study. The proposal included the creation of an Assistant Director of Public Works, and an Assistant Purchasing Agent/Office Manager position. The latter position, later reclassified as Supervisor of Administration/DPW, assumed many of the tasks recommended by Mercer with a focus on purchasing and procurement in the Department of Public Works. The current recommendation would fully implement the Mercer recommendations which were to merge the facility maintenance functions into the Department of Public Works, and to centralize finance and procurement for both Public Works and Public Facilities/Operations under one umbrella.

Administration and Finance

Consolidation of the administration and finance functions for public works and public facilities operations would have the following benefits:

- Provide consistency in methodology and presentation and formalize the budget development process for the two most highly complex budgets on the general government side of Town operations.
- Provide consistency and increase efficiency for the two departments that procure the vast majority of goods and services on the general government side of Town operations.
- Enable the allocation of human resources based on need and work flow.
- Help identify areas for common purchasing and efficiencies.
- Allow the Director to cross train staff to handle responsibilities across the two operating functions.
- Provide increased opportunity for automating functions through use of technology.
- Provide advice and guidance on procurement for departments located at the Public Services Administration Building that procure goods and services infrequently.

- Provide assistance to departments located at the Public Services Administration Building on budget development and presentation techniques.
- Serve as the representative of the Director of Finance/Chief Procurement Officer at the PSAB.

Merger

Staffing changes and retirements have provided the opportunity for a reevaluation of the structure of the Facility Operations Division of the Public Facilities Department. The PFD management structure is comprised of the Director of Design and Construction and the Director of Facility Operations. The Director of Design and Construction supervises a Senior Project Manager, two Project Managers, and an Administrative Specialist. The Division oversees the renovation and construction of major facility projects. Current examples include the construction of a new elementary school on Central Avenue, construction of a new pool complex at Rosemary Lake, proposed reconstruction of the Public Safety Building and Fire Station #2, proposed construction of the Memorial Park Building, installation of a new fuel island at the Department of Public Works, and proposed construction of a storage facility at the RTS. The Director of Facility Operations supervises two Shift Supervisors (who supervise approximately 50 custodial and trades staff) and an Administrative Analyst, who supervises two administrative employees. While the two Divisions share expertise and collaborate on certain projects, in many ways the work of the Facility Operations staff is more closely aligned with the Department of Public Works. Our recommendation is to change the title of the Director of Facility Operations to Director of Building Maintenance, and to merge the building maintenance function into the Department of Public Works.

Benefits of the proposed merger include:

- Provide the appropriate level of supervision to the Director of Building Maintenance who currently reports both to the Town Manager and the Director of Public Works, and receives functional supervision from the Superintendent of Schools.
- Consolidate all functions relating to the maintenance and repair of the public's infrastructure under one umbrella.
- Integrate the building maintenance personnel fully into the "Snow Ops" program and formalize their inclusion in the Town's emergency response protocols.
- Improve on the current informal process of equipment and personnel sharing during emergency situations.

Recommendation

This proposal fully implements the Mercer recommendation to merge the building maintenance functions into the Department of Public Works, and to enhance the administration and finance operations of the two functional areas. The components of this proposal include:

1. Reclassification of the Supervisor of Administration/DPW to Director of Administration & Finance/Public Services. The incumbent will report directly to the Director of Public Works, and will oversee the administration and finance (including human resources) functions for all Public Works Divisions.

2. Transfer of the Facility Operations Division to the Department of Public Works.
The title of the position will be changed to the Director of Building Maintenance.

In accordance with the provisions of Section 20B(5) of the Town Charter, the Personnel Board voted to endorse the reclassification of the Supervisor of Administration/DPW to Director of Administration & Finance/Public Services and the change in title from Director of Facility Operations to Director of Building Maintenance. The Personnel Board did suggest that as part of the upcoming Townwide classification and compensation study an effort be made to align the structure of titles (e.g. having one "director" report to another "director") to differentiate the levels of management. This situation exists in other departments as well, and will certainly be reviewed and addressed.

The full implementation of the proposal requires the approval of the Board of Selectmen after public hearing. I will present this recommendation to the Board at a noticed public hearing on June 27th.



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

**Office of the
Board of Selectmen**

**TEL: (781) 455-7500
FAX: (781) 449-4569**

**Town of Needham
Board of Selectmen - Public Hearing**

In accordance with Section 20B (2) of the Town Charter, the Board of Selectmen will hold a public hearing to consider the merger of the Public Facilities Operations functions into the Department of Public Works on June 27, 2017 at 7:45 p.m. at the Broadmeadow School Performance Center, 120 Broad Meadow Road, Needham. All members of the public and interested parties may appear and be heard. Residents may also email comments prior to the hearing to the Board of Selectmen at: selectmen@needhamma.gov



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

**MEETING DATE: 06/27/2017
Continued from 5/30/2017**

Agenda Item	Public Hearing- Verizon Wireless
Presenter(s)	Joshua Lanzetta, McLane Middleton

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Cellco Partnership d/b/a Verizon Wireless requests permission to install twelve (12) separate wireless small cell antennas ("antennas") and supporting equipment on existing electrical distribution poles ("utility poles") in the Town of Needham. The antennas are camouflaged so that they will be indistinguishable from typical electric transformers commonly seen on utility poles in Needham and municipalities throughout the Commonwealth, and their installation will remedy the existing wireless coverage and capacity gaps that Verizon Wireless has identified in its wireless network in the Needham area. The following are the public ways or parts of ways along which the cell antennas above referred to may be installed: 1) install one (1) antenna on Verizon Site Name: Needham MA SC01, Utility Pole Number 168-1 located near 20 Great Plain Terrace, Needham; 2) install one (1) antenna on Verizon Site Name: Needham MA SC06, Utility Pole #7 located near 609 Webster Street, Needham; 3) install one (1) antenna on Verizon Site Name: Needham MA SC10, Utility Pole #33/30 located near 270 Hunnewell Street, Needham; 4) install one (1) antenna on Verizon Site Name: Needham SC03 MA, Utility Pole #14 located near 97 Melrose Avenue, Needham; 5) install one (1) antenna on Verizon Site Name: Needham SC04 MA, Utility Pole #27-0 located near 7 Stevens Road, Needham; 6) install one (1) antenna on Verizon Site Name: Needham SC05 MA, Utility Pole #146/25 located near 189 Harris Avenue, Needham; 7) install one (1) antenna on Verizon Site Name: Needham SC07 MA, Utility Pole #67 located near 443 Great Plain Avenue, Needham; 8) install one (1) antenna on Verizon Site Name: Needham SC09 MA, Utility Pole #97/51 located near Dedham Avenue/South Street, Needham; 9) install one (1) antenna on Verizon Site Name: Needham SC16 MA, Utility Pole #7-101 located near Central Avenue, Needham; 10) install one (1) antenna on Verizon Site Name: Needham SC19 MA, Utility Pole #116-1 located near 1250 Great Plain Avenue, Needham; 11) install one (1) antenna on Verizon Site Name: Needham SC21 MA, Utility Pole #72-3 located near 33 Chestnut Place, Needham; and 12) install one (1) antenna on Verizon Site Name: Needham W SC03 MA, Utility Pole #25 located near, 1437 Great Plain Avenue, Needham.
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
	<u>Suggested Motions:</u> 1) <i>Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna</i>



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

and supporting equipment at Verizon Site Name: Needham MA SC01, Utility Pole Number 168-1 located near 20 Great Plain Terrace, Needham.

- 2) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham MA SC06, Utility Pole #7 located near 609 Webster Street, Needham.
- 3) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham MA SC10, Utility Pole #33/30 located near 270 Hunnewell Street, Needham.
- 4) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC03 MA, Utility Pole #14 located near 97 Melrose Avenue, Needham.
- 5) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC04 MA, Utility Pole #27-0 located near 7 Stevens Road, Needham.
- 6) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC05 MA, Utility Pole #146/25 located near 189 Harris Avenue, Needham.
- 7) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC07 MA, Utility Pole #67 located near 443 Great Plain Avenue, Needham.
- 8) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC09 MA, Utility Pole #97/51 located near Dedham Avenue/South Street, Needham.
- 9) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC16 MA, Utility Pole #7-101 located near Central Avenue, Needham.
- 10) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC19 MA, Utility Pole #116-1 located near 1250 Great Plain Avenue, Needham.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

11) *Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC21 MA, Utility Pole #72-3 located near 33 Chestnut Place, Needham.*

12) *Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham W SC03 MA, Utility Pole #25 located near, 1437 Great Plain Avenue, Needham.*

3.	BACK UP INFORMATION ATTACHED
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(Describe backup below)

Packets furnished under separate cover.

**Please note that a full application is on file in the Office of the Town Manager.*



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 06/27/2017

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
None	

e-mailed 8/5/17



**Town of Needham, Massachusetts
Road Event Form**

2017 MAY -5 A 9:09

INTERNAL USE ONLY

☒ DPW	☒ Police
☒ Fire	☐ OTM
☒ Park & Rec	☐ Paid
☐ PFD	

TYPE OF EVENT: (check all that apply)

☒ RUN ☒ WALK ☐ BICYCLE ☐ MOTORCYCLE

Name of Event:

Halloween Trick or Trot 5K Run/Walk &
Monster Fun Run

Name of Organization:

Hillside Elementary School PTC

**Has this event been conducted in other
Towns in the past?** ☐ YES ☒ NO

If yes, name of Town and date:

Organization Mailing Address:

28 Glen Gary Road, Needham, MA 02494

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

28 Glen Gary Road, Needham, MA 02494

Primary Contact:

Seema Meloni

Contact Title:

Race Director

Contact Address:

71 Damon Road, Needham, MA 02494

Contact Phone (Day):

617-794-6835

Contact Phone (Cell):

617-794-6835

Contact Email:

seema.meloni@gmail.com

Event Date(s):

Sunday, October 29, 2017

Date Expected to be in Needham:

Sunday, October 29, 2017

Earliest Time Expected in Needham: 6 a.m.	Latest Time Expected in Needham: 11 a.m.
Number of Expected Participants: 300	Number of Expected Spectators at Peak Time: 100
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: 40	What type of Parking is required: Parking lot, side streets
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: Until the racers are lining up, we will invite participants to park in the Hillside lot. We will also encourage participants to park on side streets. Last year, we had received permission from the senior center to have participants park in the lot on Hillside Ave. We will ask for the permission again. If permission is not given, then we'll encourage side street parking for remaining participants.	
Are event organizers available to meet with members of the Town to plan event? Yes	
Do event organizers foresee the need for any road closures (subject to police review)? No. We ran this event for the last 3 years without having to close roads and it worked out fine.	
What will be done in case of inclement weather? Event will be cancelled.	
Will neighborhoods be impacted by parking and traffic? Only moderately. The event will be early on a Sunday morning and should be over within 45 minutes. We did not run into any problems with this event last fall.	
What activities are planned for the start of the race (if in Needham)? There will be a kids fun run around the Hillside Elementary School field immediately preceding the 5K.	
What activities are planned for the end of the race (if in Needham)? No major activities after the race. We will provide food, but will start our clean up after the last runner has completed their race.	
What facilities are needed for the start of the race (if in Needham)? Hillside Elementary School building, field, blacktop and parking lot	

What facilities are needed for the end of the race (if in Needham)?

Hillside Elementary School building, field, blacktop and parking lot

Once the event begins, how long will it take to complete the event?

About 45 minutes for last runners to complete 5K; additional 1-2 hours to complete clean-up

<i>Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?</i>	Yes, at start, finish and throughout race
<i>Will volunteers be placed along the route?</i>	Yes, we will have road marshalls placed at each major turn
<i>Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.</i>	Yes, we will have a DJ using a sound system with speakers. We will use a bullhorn for the kids fun run.
<i>Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)</i>	Yes. We aim to provide fruit, bagels and water for runners at the end of the race.
<i>Will portable toilets be used? List locations.</i>	No
<i>Will hydration stops be set up along route? If yes, please include these on route plan.</i>	Yes
<i>If the event takes place after dark, what is the plan to meet lighting needs?</i>	N/A
<i>What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?</i>	We will request volunteer services of physicians and nurses that are parents within the Hillside community.
<i>Does the event take place during commuter times?</i>	No
<i>Is school in session during the event? Will school drop off or pick up be impacted by the event?</i>	No
<i>Are businesses open during the time of the event?</i>	Not many
<i>Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)</i>	No
<i>Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?</i>	No
<i>What is the plan to handle trash?</i>	School dumpsters - we found that we did not generate a significant amount of trash at our event the last 2 years.

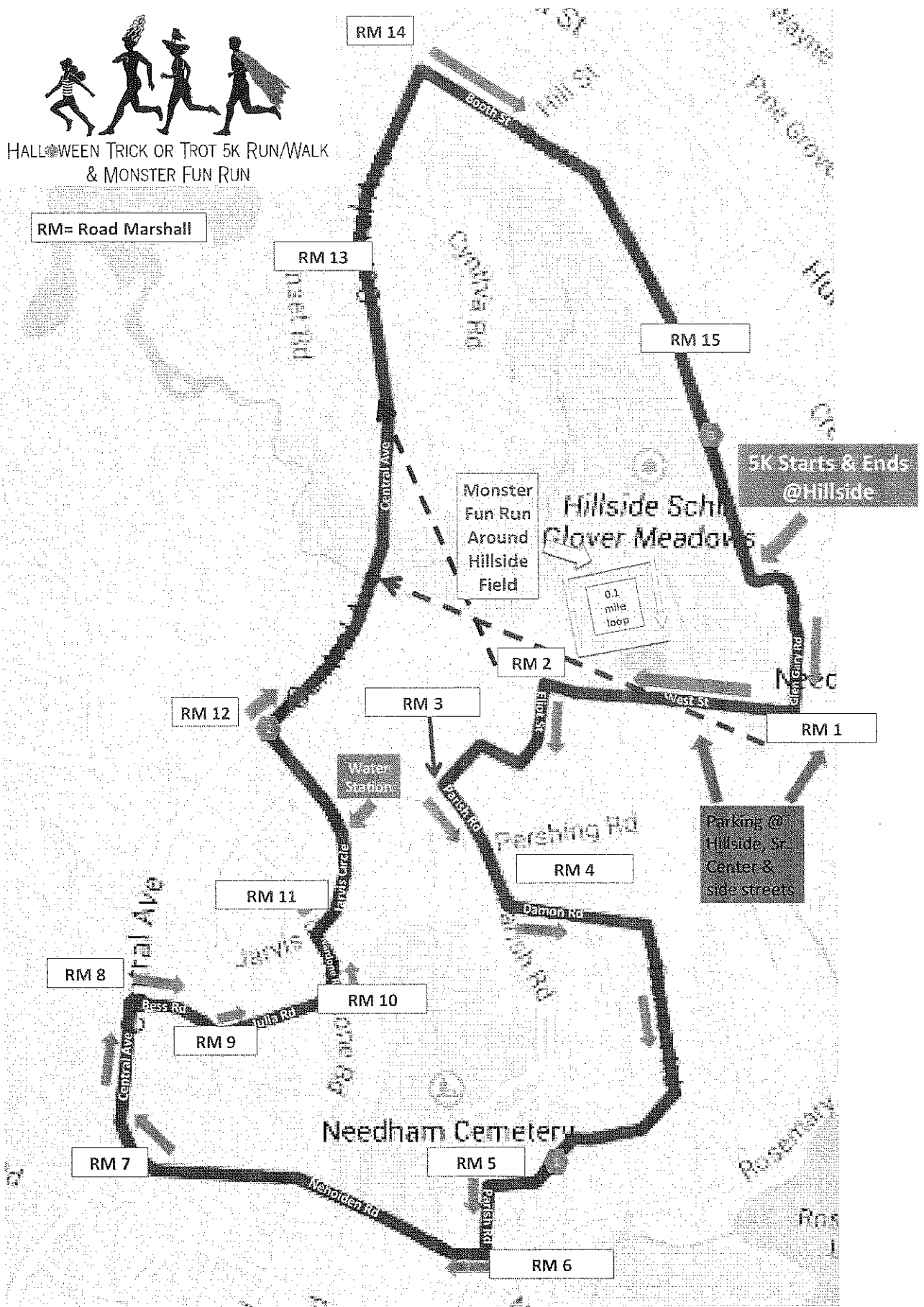
Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ***event route map (include map and text of route, parking plan, volunteer placement)***
- ***application fee (\$25 events that start and end in Needham; \$50 event passes through Needham)***
- ***certificate of insurance***



HALLOWEEN TRICK OR TROT 5K RUN/WALK & MONSTER FUN RUN

RM= Road Marshall



e-mailed 5/17/2017



Town of Needham, Massachusetts Road Event Form

INTERNAL USE ONLY

✓ DPW
✓ ~~File~~ MAY 15 2017
✓ Park & Rec
— PFD
Police
OTM: 22
Paid

TYPE OF EVENT: (check all that apply)

☐ RUN ☐ WALK ☒ BICYCLE ☐ MOTORCYCLE

Name of Event:

Pan-Massachusetts Challenge

Name of Organization:

same

**Has this event been conducted in other
Towns in the past?** ☒ YES ☐ NO

If yes, name of Town and date:
Needham, MA

Organization Mailing Address:

77 Fourth Ave.
Needham, MA 02494

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

same

Primary Contact:

Allan Eyden

Contact Title:

Road Coordinator

Contact Address:

above

Contact Phone (Day):

781-850-0502

Contact Phone (Cell):

339-222-1469

Contact Email:

ajeyden@pmc.org

Event Date(s):

August 5-6, 2017

Date Expected to be in Needham:

same

<i>Earliest Time Expected in Needham:</i> 0700	<i>Latest Time Expected in Needham:</i> 1500
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<i>Number of Expected Participants:</i> Sat: 3,000 Sun: 750	<i>Number of Expected Spectators at Peak Time:</i>
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<i>Are participants charged a fee?</i>	☒ YES ☐ NO
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<i>Estimated Number of Vehicles:</i> 6	<i>What type of Parking is required:</i> none
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<i>Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked:</i> N/A

<i>Are event organizers available to meet with members of the Town to plan event?</i> Yes, if necessary

<i>Do event organizers foresee the need for any road closures (subject to police review)?</i> No
--

<i>What will be done in case of inclement weather?</i> Event is held rain or shine
--

<i>Will neighborhoods be impacted by parking and traffic?</i> Briefly on Saturday

<i>What activities are planned for the start of the race (if in Needham)?</i> N/A

<i>What activities are planned for the end of the race (if in Needham)?</i> N/A

<i>What facilities are needed for the start of the race (if in Needham)?</i> None

What facilities are needed for the end of the race (if in Needham)? None	
Once the event begins, how long will it take to complete the event? Sat: about 1 hour, Sun: about 4 hours	
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	Yes
Will volunteers be placed along the route?	Yes, in support vehicles
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	No
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	No
Will portable toilets be used? List locations.	No
Will hydration stops be set up along route? If yes, please include these on route plan.	Not in Needham
If the event takes place after dark, what is the plan to meet lighting needs?	N/A
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	Support vehicles, coordination with Police
Does the event take place during commuter times?	No
Is school in session during the event? Will school drop off or pick up be impacted by the event?	No
Are businesses open during the time of the event?	Yes
Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)	Briefly on Sat morning
Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?	Unknown
What is the plan to handle trash?	N/A

Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ***event route map (include map and text of route, parking plan, volunteer placement)***
- ***application fee (\$25 events that start and end in Needham; \$50 event passes through Needham)***
- ***certificate of insurance***

Please note, as always, times and routes are the same as past years and are coordinated with the Needham Police. It is important to note that this is NOT a race. No incentives are given or implied for finish times. Recognition is only given for fund-raising.

Town of Needham
Board of Selectmen
Minutes for April 26, 2017
Needham Town Hall
Powers Hall

7:00 p.m.

Call to Order:

A special meeting of the Board of Selectmen was convened by Chairman Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt was not present.

Public Hearing – Eversource Energy West Roxbury to Needham Reliability Project Route

Ms. Cooley stated that the purpose of the meeting was for the Board to hear further input on the route options and to determine whether to take a position as to whether one of the routes, either the preferred route or the noticed alternative, is more advantageous to the Town.

Special Counsel Ray Miyares presented a PowerPoint and discussed Eversource's route options, scoring criteria, proposed scoring, and preferred and noticed alternative routes.

Ms. Cooley noted that the Board of Selectmen is not the final decision maker in this case. She said the Energy Facilities Siting Board will make the decision about this federally mandated project, noting however the Town of Needham has filed for intervenor status and is working to obtain the best outcome possible. She reiterated the EFSB will ultimately make a decision, but reaching agreement with Eversource Energy may be something to consider, and that is part of tonight's discussion. Ms. Cooley said people have asked to what degree the project is required, and how do we know it is needed. She said while it is a federally mandated project, it is known that outside of Needham there are places where improving the transmission line through Needham improves reliability (specifically in West Roxbury and Boston, and farther southwest), but it does not directly impact Needham. Ms. Cooley referred to two cases over the last decade representing the kinds of situations Eversource is trying to prevent, but said that she does not know the duration of the outage or the number of people impacted.

Mr. Bulian recused himself from discussion. He said that Town Counsel indicated he could sit at the table, but not speak.

7:05 p.m.

Ms. Cooley opened the public hearing.

Chris Reece, 900 Greendale Avenue said he and John Curtis requested and have been granted limited participant status by the EFSB. Mr. Reece provided the Board

of Selectmen a package highlighting several items. Mr. Reece said “no build” is the best option. He noted 900 Greendale Avenue is located on the yellow portion of the map, but was not addressed earlier by Counsel. He said given the permanent environmental damage caused by going through the gravel pit and right of way, it is not a good alternative. He said Eversource will need to remove a minimum of 52 trees within a right of way extending 35’-40’ long and over 100’ wide. He commented root systems of trees not removed will be damaged. Mr. Reece said it is the only route that cannot be repaired environmentally, noting other routes go through streets which can be re-paved. Mr. Reece said figures supplied by Eversource are highly suspect.

Lyn Lustig, 86 Eaton Road urged that the Board of Selectmen weigh in on more than just a preferred route. She said she appreciates the testimony the Board submitted by Mr. Fink regarding EMF’s, and suggested testimony also be submitted based on need. She noted an assessment was completed, but it is “not a done deal” and that testimony could be submitted on whether the project is needed at all. Ms. Lustig also urged the Board to make specific requests regarding mitigation, particularly on the removal of 52 trees, as Eversource’s filing indicates it has no intention of replacing any trees. Ms. Lustig said the alternate route along South Street is the best route, noting she believes Eversource’s analysis is seriously flawed as common sense has been left out of their proposal. Ms. Lustig commented on noise lasting 18 months, 7 am-5 pm, 6 days a week. She said noise will be close to homes where there is no buffer. She commented on air pollution and EMF’s, should the project route go by way of Harris Avenue.

Abby Carr, 864 Webster Street said Needham is a classic, walkable suburb. She said she does not like the sensitive receptors data because in the preferred route it does not seem to capture the commuter rail stops. She asked why would Eversource build trenches near highly trafficked rail stops? Ms. Carr commented the people walk on the sidewalks of the preferred route, noting the alternate route has fewer sidewalks.

Larry Kolbe, 94 South Street said his house is close to the road, it is windy, and he worries about cyclists riding on the street. He said construction along South Street could be very dangerous, precisely because there are no sidewalks. Mr. Kolbe commented original plans showed 3 possible routes, asking why one route was removed? He urged the Board to ask Eversource why they did not consider the straightforward route along the existing easement? Mr. Kolbe also urged the Board to ask the EFSB to consider the route along the existing easement.

Attorney Miyares said the third route traveling the railroad right of way was eliminated from further consideration because of the impossibility of obtaining easement rights to go underground. The route was deemed to be less favorable as neighbors along the route would be impacted both visually and physically, and already have a railroad track in their backyard. He also stated there is greater shielding of EMF’s when burying the lines, rather than having them exposed.

David Minard, 260 Warren Street commented the “blue route” along the Harris Avenue has approximately 170 homes, and the “red route” has approximately 170 homes, and the right of way, referenced earlier and removed from consideration, has approximately 55 homes. He showed a snow plowing map from the Town of Needham revealing the “blue route” along Harris Avenue is 100% plowed, indicating it is sidewalks and used by pedestrians who are often children. Mr. Minard said it the project should not go near schools nor under sidewalks, but placed in the least dense neighborhoods.

Jeanne McKnight, 100 Rosemary Way said she is concerned about the preservation of open space. She said one criteria is Article 97 land, noting the preferred route involves an easement across land transferred to the Park and Recreation Commission, and understands why the parcel is listed. She said she was not aware the alternative route also involves Article 97 land. She asked what Article 97 land is affected by the alternative route?

Joel Segel, 263 Warren Street said some information presented should be broken out differently, noting cemeteries and funeral homes are lumped in with schools and hospitals, therefore not distinguishing between people who have absorbed the radiation. He commented the information also does not distinguish between disruptions/harm that is permanent vs. limited. He said children and people should have priority over trees.

John Bergeron, 121 Grant Street said putting a transmission line under the sidewalk or near his front yard would make him uncomfortable. He commented according to the World Health Organization, they are unable to say whether EMF’s are safe and suggest they are a possible carcinogen. He said he appreciates the snow plow map as it is a piece of information that is 100% independent and existed prior to any discussion. He commented it speaks to how the Town views the use of the routes with regard to pedestrian traffic. He commented on various scoring errors in the study provided by Eversource pointing out sensitive receptors for Pollard Middle School are scored the same as the Town Forest.

Ron Ruth, 248 Warren Street concurred with Mr. Segel and Mr. Bergeron. He said scoring on sensitive receptors relate to the need for the Board of Selectmen to make a decision as to the Town’s preferred route, pointing out the jeopardy Pollard Middle School faces in the project. He noted uncertainty on public health issues will last long after the EFSB makes its decision. He said trouble has found the Town before, but public health concerns can give rise to lots of problems including financial exposure. He asked, “Why put the Pollard Middle School at risk?” Mr. Ruth said Eversource Energy was asked if it would indemnify the Town against the risk of the transmission line being in front Pollard Middle School. He quoted Eversource’s response “Eversource will not identify any municipality or other parties for actions that are taken by said municipalities or parties.” He urged the Board of Selectmen to fight for not having the route include schools.

Norm Katziff, 147 Prince Street asked what is happening to the trees? He commented on the existing right of way of high voltage lines that does not impede sidewalks, asking why it is not being considered as a possible route?

Ms. Cooley said while Eversource could not attend the hearing, the question was answered earlier.

Rick Tacelli, 179 Harris Avenue said he appreciates the statistics vs. judgement, quoting Winston Churchill "I don't believe in any statistics that I didn't doctor myself." He commented he prefers the "red route" while he believes "Eversource wants the argument to take place as either route would be fine with them." He asked what other routes exist that do not go through or around Needham? He suggested the Board of Selectmen question the judgement of Eversource and their statistics.

Maura Segel, 263 Warren Street concurred with Mr. Tacelli in that Eversource does not care which route Needham chooses. She said she feels Eversource is pitting one resident against another, and is not a fair position. Ms. Segel asked about other possible routes bypassing Needham. She asked if the Town or homeowners would be compensated in any way?

Chris Cox, 62 Kimball Street is part of a group called "Concerned Citizens of Needham" who are active in examining the project. He presented a petition with over 400 signatures to the Board of Selectmen. Mr. Cox said the group came to the opinion that if this must happen in Needham, routes that go by schools or under/near sidewalks where children walk must be removed from consideration.

James Royal, 218 Broad Meadow Road said statistics are only as factual as the data put into them. Mr. Royal challenged several statements made by residents. He said his house is on the "blue route" which has 33 homes that have already had trees cut from their yards on Broad Meadow Road and Grosvenor Road, citing double indemnity. He said 25,000 studies on EMF's show no conclusive damage, commenting the type of EMF being considered is low density. He read a statement from the World Health Organization, acknowledging he is convinced of the safety. Mr. Royal said the reason the "yellow route" was removed is because Eversource wanted to create duality.

Steve Brunelli, 33 School Street said as an epidemiologist he deals with public health every day. He commented there have not been 25,000 studies done on any topic in public health or medicine. Mr. Brunelli said the WHO classifies EMF's as a carcinogen, particularly in children (leukemia and cancers of the nervous system). He noted a standard of 95% certainty of the presence of risk must be met. He commented, despite the high bar more than half the studies (approximately 2,000) have found there is a risk with uncertainty. Mr. Brunelli said he is offended by the

handout, as it is not science, but a company setting an agenda of what to talk about. Mr. Brunelli said children must be protected.

Steven Epstein, 117 Richdale Road, Vice Chairman of Needham's Board of Health said there are many studies but no proof of harm by EMF's, however there is a trend in studies that shows an association between EMF's and harm. He referred to a study in 2012 showing close proximity to EMF may be associated with childhood disease. He said there is risk in everything we do, but the question is whether we can mitigate those risks to an acceptable level bearing in mind that reasonable people will disagree on what is acceptable. Dr. Epstein referred to concerns of the Concerned Citizen's of Needham group. He said data from Eversource was checked by the state Department of Public Health's Environmental Division, as well as an independent electrical engineer. He said there is general agreement that the modeling we have is the best we are going to get, noting it is "just modeling." Dr. Epstein said distance matters a lot. He said doing nothing may be the worst option for the Town, as a number of neighbors living along the route will have double the exposure. Dr. Epstein said the data is linear with a lot of uncertainty. He said from a Board of Health perspective, it recognizes there is uncertainty and there might be risk, but there is no proven risk. Dr. Epstein suggested the Town consider its options with the EFSB.

Walter Wolf, 98 Grosvenor Road said there is a clear agenda to make it work for the utility company. He said scoring must not consider cost, but rather permanent vs. temporary issues.

Stephanie Arendell, 41 Kimball Street said if she heard one or two children got sick at Pollard, she would "flip out." She concurred with Mr. Ruth, saying why seek out harm, when harm will come to you. Ms. Arendell said the least exposure is the best option.

Resident, Grant Street referred to town census data from 2010 showing 29,000 residents, 28% under the age of 18. He said of 10,311 households in 2010, 37% had children. The resident said in 2015 population grew about 5%, but the amount of households grew 12%. His point was "families drive Needham." He said the preferred route will pass by two schools.

Jerry Bellomo, 111 Grosvenor Road said his street has drains on both sides of the street. He commented flooding issues have been a problem. He said all of Grosvenor Road has the potential as the easiest way for Eversource to use the sidewalk. Mr. Bellomo said children are more important than the cost, suggesting the lines run along the right-of-way.

Steve Sivigny, 90 Elmwood Road said there are reasons other than cost for not building in the existing right of way. He said that line is very close to many homes, and putting another line in would actually be closer to the houses.

Kevin Tierney, 206 Broad Meadow Road said the existing right of way has been described as “not as disruptive” but he feels it is the opposite and not accurate. He referred to the Epsilon report indicating construction would be done at night, disrupting people in the evening in their own backyard.

Steve Delisi, 54 Elmwood Road commented people who already live along the right of way have already been decimated by Eversource work. He said any more work in that area would be grossly unfair.

Amy Wixon, 92 Grosvenor Road echoed comments by previous speakers. She said while not directly affected by any tree clearing, it did affect the appearance of her home. Ms. Wixon said it is unfair to be affected once again.

Resident who previously spoke suggested the Board of Selectmen should ask about the benefit for Needham. He suggested perhaps there is a benefit for another town.

Amy Gworek, 81 Coolidge Avenue said neither option is acceptable, and the preferred route affects two schools and accessibility to the hospital. She said that fire trucks continually travel on Harris Avenue. She said she would choose the alternative route.

Marty Jacobs, 36 Mayo Avenue sees no justification for the project. He commented that the criteria presented are arbitrary and meaningless. He asked what are the criteria that the EFSB use to make its decision? Attorney Miyares said that two standards must be met: (1) to determine whether the project will provide a reliable energy supply with a minimum impact on the environment at the lowest possible cost and (2) whether the project is necessary, serves the public convenience, and is consistent with public interest. He said the EFSB considers the capital investment plans, the long term economic viability of the facility, overall financial soundness of the applicant, and the plans including the buffer zones or alternatives for the facility being consistent with current health, environmental protection, resources, and development policies. He commented the second criteria are designed to trigger the provision allowing Eversource to exercise eminent domain rights.

Claire Fialkov, 216 Warren Street noted the EFSB has, historically, never rejected the recommendation by Eversource and the towns. She said EFSB is responsible, but it would be a misunderstanding to say that we are not responsible. She said she appreciates the level of responsibility the Board of Selectmen is taking on the matter. Ms. Fialkov commented on a bill in the legislature from State Senator Mike Rush requesting that the siting board not only consider environmental and cost impacts, but also the impact on health. She asked the Selectmen be forward thinking and aggressive. Ms. Fialkov requested and pleaded with the Board of Selectmen to take a position, because by not taking a position, it is taking a position that sabotages what many townspeople want.

Resident who spoke previously asked what benefit is there for Needham?

Attorney Miyares said one possible outcome is for Needham to negotiate with Eversource in support of one route over another, and in exchange Needham will receive some benefit. He said there is nothing intrinsically benefitting the Town, saying actual benefit will only be if a settlement agreement is entered into with Eversource. He commented if Eversource can demonstrate that public interest will be served by the installation, they are given eminent domain power to take property or easements needed, including from the Town. He commented a finding from the EFSB is required.

David Minard, 260 Warren Street asked Attorney Miyares if he is aware of a specific or general figure on return on investment for this type of capital project?

Attorney Miyares said he is not aware, but it is a highly regulated utility and the rates charged are the result of proceedings before the Department of Public Utilities. Mr. Minard then clarified the addition of a multi million dollar capital improvement project would allow Eversource to go to the DPU requesting a rate increase. Ms. Cooley said it is fair to say everyone will pay for the cost of these projects.

Jeanne McKnight asked again whether the alternative route also affects Article 97 land and if so, where? Attorney Miyares said the company says the routes involve Article 97. Ms. Cooley clarified on the current route given, the company states both routes go through Article 97 land. She acknowledged a definitive answer will be sought.

Jerry Bellomo, 111 Grosvenor Road asked if the Board of Selectmen have considered public safety for each route?

Ron Ruth, 248 Warren Street elaborated and gave descriptions of intersections, saying he has asked Eversource of its ability in dealing with emergency vehicles. He told the Board of Selectmen Eversource said it will maintain emergency access at all times.

8:44 p.m. Ms. Cooley closed the public hearing and thanked everyone for their participation.

She noted the Town received a call from St. Sebastian's expressing their concern for the project running in front of St. Sebastian's.

She asked the Board for comments.

Mr. Borrelli thanked residents for attending tonight. He said there is a lot about EMF's that is not known. However, he said what is known is the deeper lines are in the ground, the EMF's will be lower. He said distance matters. Mr. Matthews said the preferred route will affect more people, and it is troublesome that sidewalks are now considered. Mr. Borrelli said the primary route is a non-starter, and perhaps there is a different way to approach the project.

Mr. Matthews spoke about the process and the kind of decision the Board of Selectmen must make. He agreed it is an emotional matter for many people, but that everyone told the truth as they understand it. He directed residents wanting more information to check on the Town's website. Mr. Matthews narrowed the possible outcomes, saying in all likelihood the 3rd option will be an option that does not require Eversource to obtain an easement from the Town to cross park land. He said at the core, this proceeding is decided between the EFSB and Eversource, noting the Town is a stakeholder. He said the Town can argue for "no build" or something else, but his understanding is that those choices are not productive because Eversource has told the Town the ISO has told Eversource to make system-wide redundancy improvements. He said once at that point, arguments may then be made. He spoke about energy necessary for the region of more than 3,000,000 people, many of whom will feel the same way as the residents of Needham. He said the question really is whether or not to weigh in on option 1 or option 2, or pursue another option. Mr. Matthews said the Board's weighing in may be a factor in deciding the case, and must seriously be considered. He said he appreciates all the testimony, noting many decisions will be made should the project run through Needham. He closed saying he hopes the Board can make a decision that will help the Town.

Mr. Handel added the Board of Selectmen is very conscious of how the public feels about the project. He said the Board of Selectmen, along with State Representative Denise Garlick and Town Counsel, will use as much leverage as possible in a process in which Needham is not the major player making the decision.

Ms. Cooley said the process is long and the Town is trying to secure the best route possible. She said the Board continues to read the research.

8:58 p.m. Motion: Mr. Bulian moved that the meeting be adjourned. Mr. Borrelli seconded the motion. Unanimous: 5-0.

Resources include and are available at: www.needhamma.gov

**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 Poness, 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=>

Minutes
Board of Selectmen Meeting
June 9, 2017

1:00 p.m. A meeting of the Board of Selectmen was convened by Chairman Marianne Cooley at the Center at the Heights. Present were Mr. Daniel Matthews, Mr. John Bulian, Mr. Moe Handel, Mr. Matthew Borrelli, Town Manager Kate Fitzpatrick, Assistant Town Manager/Director of Finance David Davison. Planning Board members Ted Owens and Paul Alpert, Finance Committee members Dick Reilly and Louise Miller, Dennis Condon, Fire Chief, John Schlittler, Chief of Police, Lee Newman, Director of Planning & Community Development, Steve Popper, Director of Design and Construction, and Steve Gentile, Project Manager. Representing the firm of Kaestle Boo were Michael McKeon, Todd Costa, and David McKinley.

Mr. Costa and Mr. McKeon walked the participants through a PowerPoint presentation outlining the process of program development and conceptual design. Questions and discussion topics included: the amount of available parking for the new Public Safety Building and loss of public parking, the amount of basement space required, the appropriate comparison metrics for station size and cost, cost estimates, building construction materials and options, timing and schedule, whether the project would benefit from the use of "construction manager at risk," whether bidding the projects together would limit the number of qualified bidders and make the procurement less competitive, site and zoning issues that must be addressed, temporary swing space for Station #2, and the need for an antenna at Station #1. Mr. Popper outlined the schedule, noting that construction is expected to begin in the first half of 2019 and be fully complete in 2022. It was the consensus of the Board that the project should continue to be designed as if no adjacent land will be required, as no decisions have yet been made.

2:50 p.m. **Motion: Mr. Handel moved that the board enter into executive session under exception 6 to discuss the purchase, exchange, lease or value of real property. The motion was seconded by Mr. Bulian. Ms. Cooley polled the Board. Unanimous: 5-0.**

Note: The meeting adjourned at 3:09 p.m. The PowerPoint presentation shown at the meeting is available at www.needhamma.gov.

**Town of Needham
Board of Selectmen
Minutes for June 13, 2017
Powers Hall
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens: John Feldman, 95 Dana Place spoke with the Board concerning the MBTA and idling trains next to his home.

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.

Ms. Cooley welcomed members of Boy Scout 13 who are observing the Selectmen's meeting.

7:00 p.m. Public Hearing Continuation: Change of Manager/Residence Inn
Karen D. Simao, McDermott, Quilty & Miller, LLP, David Laurent, Proposed Manager, and Michael Colvecchio, Director of Loss Prevention for Colwen Management Inc., d/b/a Residence Inn by Marriott Needham appeared before the Board to discuss an application for a change in Manager.

Ms. Simao explained Mr. Laurent's background in the hotel industry includes direct experience in the service and sale of alcohol in the hotel environment, most recently having been an approved Manager of Record in Concord, MA. Ms. Simao said Mr. Laurent is TIPS trained and certified.

Ms. Fitzpatrick indicated all paperwork is in order.

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

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

Ms. Cooley said she is hopeful Mr. Laurent will hold the General Manager position for a while. She reminded Mr. Laurent of a previous alcohol issue at the hotel. Mr. Laurent said he understands.

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to David Laurent for the Residence Inn by Marriott Needham, 80 B Street, Needham and to forward this application to the ABCC for approval.

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

7:04 p.m. Public Hearing Continuation: Eversource Energy - Dartmouth Avenue

Motion by Mr. Matthews that the Board of Selectmen vote to continue this public hearing to the June 27, 2017 Board of Selectmen meeting at 7:00 p.m. at the Broadmeadow School Performance Center.

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

Mr. Borrelli reiterated the presence of the builder is necessary at the meeting.

7:07 p.m.

Public Hearing: Water & Sewer Rates

Dave Davison, Assistant Town Manager/Finance, Chris Seariac, Superintendent of Water and Sewer, Evelyn Poness, Town Treasurer/Collector, and members of the Water and Sewer Rate Structure Committee including John Cosgrove, Jr., Tom Loughran, Steve Rosenstock, and John Tallarico appeared before the Board to recommend the rate proposal which is explained in the June 9, 2017 memo. Mr. Davison commented Richard Merson, Director of Public Works is not in attendance.

Mr. Davison stated the Water and Sewer Rate Structure Committee met on June 5, 2017 and voted to recommend the rate proposal explained in the memo of June 9, 2017. He said the Committee supports the proposed water and sewer rate schedule as presented to the Board last year. He said at that hearing, the rate proposal that took effect on July 1, 2016 increased the average annual water/sewer bill by 2.8%, the rate proposal recommended to be effective July 1, 2017 increases the annual bill by 1.5%. He said there is no change recommended to the domestic water rates, nor to the irrigation rates. The sewer step rates would increase from a high of 2.6% to a low of 1.5%.

Mr. Davison said efforts to encourage reduction and conservation of water appears to be having an effect because consumption by Needham residents has been declining. Mr. Davison noted there is a way to go to reach the goal of no more than 65 gallons per person/per day. Discussion ensued on residents using irrigation water, which Mr. Davison said has increased significantly. Mr. Davison commented for FY2016, 25% of all domestic water usage was for irrigation, noting the all-time high record. Mr. Davison said while the Water and Sewer Rate Structure Committee feel the current rate structure appears to be working, it agreed more time is needed to encourage residents to reduce excessive irrigation, and therefore recommended not to change the rates.

Ms. Cooley reminded residents of the DEP imposed water restriction.

Mr. Handel asked what percentage of irrigation water is used by the highest users?

Mr. Davison said the percentage of irrigation water by the highest users is not known, noting however, the percentage of all users that fall into that rate is less than 8% of customers.

Mr. Borrelli noted concern for the largest user in Needham having declining water consumption. He suggested a meeting with the user to estimate the next 5 years of water use as it will help Needham. Mr. Cosgrove said the user is very guarded with information, noting consumption of soda has also decreased. Mr. Borrelli asked about water rates over the next 5 years. Mr. Davison said it is anticipated rate increases will be required.

Mr. Bulian said people must understand the unhappiness over the DEP mandate, but the Town is doing everything possible to remedy the situation. He said it is unfortunate 8% of irrigation water users use great amounts of water affecting everyone.

Mr. Matthews said issues exist in rate setting, and the rules require the Town to ban water when other communities do not have to adhere to a ban. He said it has to do with Needham's robust water system and by being a dual source community (wells and MWRA). He commented regulations require Needham be held to the most restrictive standard on each side of the ledger. Mr. Matthews said giving up use of Needham's own water is not a good thing in the long run. He commented doing something "more onerous" with rates won't effect people who need to be more careful in their use. He said another option is to get the State to change their policy. Mr. Matthews said the expensive part is not the water, rather the pipes, maintenance, and people. Mr. Matthews said a goal of the Town is to continue working towards a rational policy and enlist the public for better participation. He thanked the committee for their work.

Ms. Cooley asked for a way to get the answer to Mr. Handel's question about the percentage of irrigation water used.

Ms. Cooley invited public comment. No comments were made. She said the Board will continue to receive public comments at selectmen@needhamma.gov until its next Board of Selectmen meeting on June 27, 2017, when a vote will be taken.

Ms. Fitzpatrick pointed out the average residential annual cost is \$35 over a 10 year period, which she said is an important story to tell when compared with other towns.

7:35 p.m.

Amend the Procedure for Designer Selection by Town Agencies:

Dave Davison, Assistant Town Manager/Finance and Steve Popper, Director of Design and Construction appeared before the Board with a request to update the Town's designer selection policy that was last amended by the Board in March 2012. Mr. Davison said procuring on-call services for certain elements of design and construction work on public buildings would provide greater efficiency on small and large building repair and construction projects, than having to procure the services on a piecemeal basis. To procure on-call related services, the Board's policy needs to be updated.

Mr. Borrelli clarified the request allows for an on-call relationship with design and construction firms.

Motion by Mr. Handel that the Board approve the amended policy on the Procedure for Designer Selection by Town Agencies dated June 13, 2017 and that the Chair be authorized to sign the revised policy.

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

7:40 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA:

1. Approve Consent to Easement Structure No. 17-06 from the US Army Corps of Engineers, a project to improve the boardwalk and dock at the Eastman Conservation Area. The Consent will allow the Town of Needham to install and maintain a boardwalk, resurface portions of the Eastman walking trail, and position a section of a ball field on a portion of Charles River Natural Valley Storage Area Tract 1700E.
2. Accept the following donation made to the Needham Community Revitalization Trust fund: \$100 from Josephine & Daniel Gleason, \$70 from John & Patricia Cogswell, \$210 from Evelyn & Ralph Poness.
3. Approve a request from the Public Health Department for a 20(b) exemption to allow the following school employees to work as seasonal packers/drivers for The Traveling Meals program: Dawn O'Halloran, KASE Program; and Catherine Murray, Broadmeadow School Cafeteria.
4. Water and Sewer Abatement Order #1239
5. Support Youth Services' "Needham Unplugged" for the month of March 2018 including its annual no-meeting night which will be held on Thursday, March 15, 2018.
6. Ratify a One Day All Alcoholic Beverages Only license for Ernest A. Steeves, of the Village Club who hosted a Birthday Party on June 2, 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.
7. Ratify a One Day All Alcoholic Beverages Only license for Ernest A. Steeves, of the Village Club who hosted a Graduation Party on June 3, 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.
8. Approve a One Day All Alcoholic Beverages Only license for Ernest A. Steeves, of the Village Club to host a Baby Shower event on June 17, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held in Highlandville Hall at the Village Club, 83 Morton Street, Needham.

9. Approve a One Day Wines & Malt Beverages Only license for Morgan Murphy of TripAdvisor to host an event for Global Volunteer Day on June 20, 2017 from 3:00 p.m. to 6:00 p.m. The event will be held at TripAdvisor, 400 1st Avenue, Needham.
10. Approve a One Day Wines & Malt Beverages Only license for Morgan Murphy of TripAdvisor to host an event for IINE on June 22, 2017 from 6:30 p.m. to 7:15 p.m. The event will be held at TripAdvisor, 400 1st Avenue, Needham.
11. Approve a request from the Charles River YMCA to hold its 4th of July Road Race in Needham on July 4, 2017 from 6:30 a.m. to 11:00 a.m. pending receipt of approval by the DPW. The route of the race has been approved by the following departments: Police, Fire, and Park and Recreation.
12. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Robert Petitt	80 Robinwood Ave	56-96 Robinwood Ave	7/22/17	N/A	3pm-9pm
Jenny Berk	10 Hollow Ridge Rd	Hollow Ridge Rd	6/24/17	N/A	4pm-11pm
Daniel Burns	6 Louart Drive	Wildale Circle	9/9/17	9/10/17	4pm-7pm

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

7:40 p.m. Department of Public Works:
Anthony Del Gaizo, Town Engineer appeared before the Board with 1 item to discuss:

1. Sign Notice of Traffic Regulation - Rockwood Land
Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS17-06-13 requiring that Rockwood Lane eastbound be designated a stopped street at the intersection of Richard Road.
Second: Mr. Bulian. Unanimously approved 5-0.

7:42 p.m. Sewer Rate Relief Credit:
Dave Davison, ATM/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board concerning a Sewer Rate Relief Credit for residents. Mr. Davison explained that at the October 18, 2016 meeting, the Board of Selectmen approved the application for sewer rate relief from the Commonwealth of Massachusetts. He noted the rate relief is offered to communities that have made sewer infrastructure improvements which were financed by debt. The State has distributed \$734 to the Town of Needham for this purpose. Mr. Davison recommended a flat per account credit be applied on the first bill that each account receives during the first quarter of FY2018.

Motion by Mr. Handel that the Board approve a one-time flat sewer rate credit of \$0.07 per account billed during the first quarter of FY2018 to reflect the State sewer rate relief money received from the Commonwealth.
Second: Mr. Bulian. Unanimously approved 5-0.

7:45 p.m.

Public Information Session: MBTA

Jody Ray, MBTA Assistant General Manager of Rail Operations, Ernie Piper, MBTA Chief Mechanical Officer, and Bob Huggins, MBTA General Superintendent, and Denise Garlick, State Representative appeared before the Board to discuss subjects such as service on the Needham commuter line, train idling, train horn noise, and other issues pertinent to the Town.

Ms. Cooley stated emails and comments were received from residents concerning train horn noise, maintenance, and schedule related issues.

Denise Garlick, State Representative said positive communication and clearly defined issues are essential for a successful outcome. She commented the Town, legislative delegation, commuters, and residents have been engaged in multiple discussions with the MBTA and Keolis. Ms. Garlick said discussions have been constructive, realizing the issue is very complicated. She noted discussion topics included the Needham commuter line and several difficult days of service, timing of alerts, and overall scheduling. Ms. Garlick commented discussions continue on train idling during the winter and silent grade crossings. Ms. Garlick said she feels a responsibility to broker the discussion, encouraging residents to ask questions by stating the issue and asking what could be the solution.

Mr. Matthews suggested discussion begin with the MBTA commenting on specific topics detailed in emails from residents. Ms. Cooley said most comments from residents related to the sound and frequency of horn noise. She said idling in winter, noise from maintenance of trains on the tracks in Needham Heights, condition of the platforms, and tree roots that have been paved over were also of concern to residents.

Mr. Ray said grade crossing horns are required by federal regulation, must be certified, and fall within acceptable Federal Railroad Administration guidelines. He explained the testing process of train horns for certification. He said a specific pattern of sound is required (two long, one short, one long) beginning no less than 15 seconds from a grade crossing, and no more than 20 seconds from a grade crossing. He commented sometimes the horn sound is longer at the end as a result of the train slowing down for some reason until occupying the grade crossing. He commented bells at grade crossings and some towns having a whistle ban. Mr. Ray said the federal government has placed the responsibility of whistle bans on cities and towns, noting the MBTA does not support whistle bans as it believes horns provide another measure of warning motorists. Mr. Ray said he could assist Needham if it wanted to apply for a whistle ban through the FRA, commenting detailed requirements must be met. Mr. Ray said other options available for increased safety at grade crossings include raised barriers and photo enforcement. Discussion ensued on implementation of a whistle ban, and/or the possibility of eliminating the grade crossing at the Needham golf course.

Mr. Huggins commented on the minimum (and normal) state of affairs for maintenance of locomotives in Needham Heights, and the anomaly of the last two winters. He commented on types of train maintenance during hot weather, cold weather, and required daily inspections both internally and externally. He said locomotives are started one hour before each morning departure. Mr. Huggins said weekend maintenance includes one hour for a series of checks for each locomotive laying over, taking place after 11 a.m. He said the MBTA has had to compensate for “break in” issues on new locomotive fleets over the past two winters. Mr. Huggins acknowledged during a big snowstorm the trains will idle more than on a normal night, and the amount of idling over the past two winters will not happen again. Ms. Cooley told representatives from the MBTA residents have shown interest in an express train in/out of Boston in the morning and afternoon. Mr. Ray said later this summer the schedule will be reviewed, noting express trains typically require additional equipment which is not currently available.

Ms. Cooley invited public comment.

Lloyd Bain, 67 Maple Street asked the allowable FRA decibel level. Mr. Ray said he does not know “off the top of his head.” Mr. Bain said the legal limit is 110 decibels, noting his property is 300 ft. from the tracks and the noise is loud and deafening. Mr. Bain said it is unhealthy and affects the quality of life. He suggested MBTA representatives come to Needham in the morning or evening listening to loud and long sound of the horn. Mr. Ray said federal regulations cannot be changed, and the only way to stop the horn from sounding is with an official whistle ban. He said horns are calibrated by testing. Ms. Cooley clarified the perception of sound variation and loudness is real, varying tremendously at times.

Sarah Miller, 95 Dana Place said the engine parks next to her home. She said within the last two weeks trains have started at 5 a.m. waking her family. She said the noise is extremely loud inside and outside, and the quality of life for her family and neighbors is affected. Ms. Miller said the issues were not present before Keolis taking over in 2014. She invited MBTA representatives to take decibel readings at her home. Ms. Miller said she is puzzled by the lack of consistency with trains parking.

Don Basch, 36 Maple Street asked Mr. Ray if he acknowledges variation in train horns. Mr. Ray said he has heard differences, and probably for different reasons, most recognizably due to an engineer who is doing something other than what is supposed to be done. Mr. Basch asked the MBTA to direct and monitor crews with the assurance of safety, but no more decibels than needed. Mr. Ray concurred rules must be followed, agreeing to check horn calibration. He pointed out during a snowy winter the horn will not sound as loud. Mr. Huggins commented rules for sounding horns became federal regulation approximately 10 years ago.

Eric Bailey, 64 Hillside Avenue echoed comments of the previous speaker saying he notices a significant variation in the duration of the horn. He asked what is the definition of long and short, as it relates to the duration of the sounding of the horn? Mr. Piper said the engineer should start to apply the whistle 15 to 20 seconds before approaching a grade crossing, depending upon speed. He said duration varies, but should be consistent in the location Mr. Bailey was referencing. Mr. Bailey said engineer discretion is part of the problem. Mr. Ray told Mr. Bailey it appears the engineer is not complying with the rules. Mr. Bailey suggested the MBTA visit the crossings in early morning.

John Feldman, 95 Dana Place noted inconsistency where engines are started and maintenance is done in Needham Heights. Mr. Piper said the three trains have designated track, but can vary in length. Mr. Feldman said trains outside his home are very intrusive, particularly within the last several weeks. Mr. Feldman commented on decibel testing he took, saying the MBTA is four times over the number of decibels of the State standard. He asked the MBTA to come to 95 Dana Place at 5 a.m. for decibel reading. Mr. Feldman said the MBTA has created a maintenance depot which interferes with sleep. He asked the Board of Selectmen to enforce the State's standard for decibels. Mr. Feldman asked for a contact person available 24 hours/7 days a week who can address issues. Lastly, Mr. Feldman said the maintenance area is an environmental issue requiring clean up. Mr. Huggins responded and gave his phone number to the Board, saying he needs to know of any issues. He commented the maintenance operation will be reviewed and changes will be considered if possible.

Don Forde, 66 Harris Avenue said the train is loud. He asked if the Selectmen would meet with representatives of the Needham Golf Course asking they consider a tunnel to alleviate the situation. He said the golf course crossing affects Birds Hill, Harris Avenue, and the "ladder" streets. Ms. Fitzpatrick told Mr. Forde after a meeting was held in January 2017, a survey was completed at the golf course. She said cost estimates will be presented to the Board.

Mike Samarel, 218 May Street asked the Board the status of the Quiet Zone study prepared over a year ago, and will there be an opportunity for public comment? Ms. Cooley said the Board does not yet have a position on a Quiet Zone. She commented a Quiet Zone is a significant cost and other alternatives must be considered.

Steve Buckley, 1049 Highland Avenue said he is exposed to both horn noise and train idling. He asked about the agreement to move a train into Boston rather than have it idling all night near his home? He said he believes the engineers turn on all the trains at 5 a.m. He said there is too much noise, bad air quality, and lack of control. He asked "where is the disconnect?" Ms. Cooley clarified there appears to be 2 1/2 hours of train idling, suggesting if the 7:30 a.m. train could be parked elsewhere less idling time would be a benefit. She asked the MBTA to honor the request.

Jacob Goldberg, 110 Maple Street said the noise is loud, imploring the Board of Selectmen consider a Quiet Zone. He said the cost is approximately \$1 million and is less than 1% of the Town's annual budget.

Greg Raiz, 50 Barrett Street said it is hard to balance regulations with public needs. He commented the MBTA position not supporting a Quiet Zone may not be enough, suggesting the MBTA can support safety and work with the Town to increase safety while reducing noise. Mr. Raiz said less idling will save money. He commented on utilization of certain trains. He said there are opportunities for an express train increasing utilization and the number of people riding on one train, whereby reducing trains not full at certain times.

Matt Grennen, 66 Maple Street said the sound of the horn is insane, and can be heard the entire length from Hersey station to Needham Heights. He said something needs to be done about the horns.

David Miller, 95 Dana Place said residents should not have to be expected to become accustomed to noise pollution in violation of state and federal law. He said it is not "ok." He commented the noise is beyond obtrusive, and the smell of diesel fuel is throughout his home. He said a diesel locomotive is not legally allowed to idle more than 30 minutes, with a few exceptions. Mr. Miller said the municipality has the right and responsibility to enforce the Clean Air Act, and the Town of Needham can stop the idling of trains.

Phil Mack, 72 Maple Street said all trains give 4 long blasts of the horn. He commented no one is on the train after 9 p.m. Mr. Mack also said the new light on Great Plain Avenue backs up traffic on Maple Street. He suggested block heaters in all diesel trains.

Ms. Cooley asked for comments from the Board.

Mr. Handel said the issue is quality of life and serious health concerns, and there must be a way to minimize idling and mitigate the noise. Mr. Handel said people living next to the tracks are affected more than other residents, and the sound of the horn can be heard almost anywhere in Needham. He said the health issue is of great concern and must be addressed.

Mr. Bulian agreed with comments made by Mr. Handel. He said it is clear to him it was different before Keolis took over, and not good for the health, safety, and well being of residents. He commented federal regulations for blowing of horns is nationwide, saying he is not sure he believes it is a federal rule. He said safety is important, but there seems to be too much redundancy with lights, bells, horns, gates. Mr. Bulian said he cannot recall any incident on the tracks in Needham. He asked the MBTA to seriously consider making corrections to horn noise and idling for the residents of Needham. He said he is interested learning more about a

whistle ban, noting a Quiet Zone is expensive. Mr. Ray clarified creating a Quiet Zone results in a whistle ban. Mr. Bulian suggested a modification.

Ms. Cooley said a Quiet Zone is multilayered requiring quad gates and sensors to achieve a whistle ban. Mr. Ray suggested looking at the Federal Railroad Association website for options to consider at grade crossings.

Mr. Borrelli said he feels the frustration neighbors have towards idling trains. He commented on the agreement to remove trains at night, saying it was successful. He said residents understand when a train is removed there are still issues, but the situation is much better. He commented on a long term solution, and asked if there is a way to move the depot to a commercial area? Mr. Borrelli asked if the noise from the compressor will be continuous? Mr. Piper explained the concern with having two train sets, rather than three in Needham, is that if there is a mechanical failure another train cannot be brought in as a replacement and train cancellation would occur. Mr. Piper said he will work with the Town, but it is a genuine operational concern. Ms. Cooley said the residents have been heard and she asked the issue be worked on.

Mr. Borrelli asked why the MBTA does not support a Quiet Zone? Mr. Ray said while many cities and towns in Massachusetts have adopted Quiet Zones, there have been accidents where Quiet Zones have been in place. He said drivers frequently admit they were distracted and not paying attention, and without a horn sounding nothing would alert them. Mr. Ray said people have driven into the side of a train even with gates down and the horn sounding. Mr. Ray reiterated the horn provides an added measure of safety at a grade crossing. Mr. Borrelli thanked Mr. Ray for that information, finding it helpful. Mr. Borrelli suggested the MBTA look at the emails submitted by residents as they contain great comments and suggestions.

Mr. Matthews said he appreciates and understands the comments by residents, as well as the willingness of the MBTA to come to Needham and to work with the Town. He said a Quiet Zone is in the hands of Needham noting the significant cost, but probably manageable if it is the only way to address the noise. Mr. Matthews reiterated the heightened risks involved with Quiet Zones. He commented the engineering required at grade crossings is significant and may cause problems people are not thinking about in terms of managing intersections and the thousands of people that use the roads during severe weather events. He said the Quiet Zone study presents many questions and consideration for different options. Mr. Matthews said the railroad, infrastructure, and layout of the Town dates back hundreds of years. Mr. Matthews pondered the question “do people want to be in a place where they enforce rules that seem to be unreasonable, or do you want to be in a place where the rules are ‘kind of’ enforced?” He acknowledged that he does not have the answer. He reminded the audience the Town has five grade crossings in the space of about a mile- not the type of engineering anyone would build today where thousands of people live. He commented much is the same with the situation

in Needham Heights, saying an active maintenance depot would not be built in a residential neighborhood. He reiterated the trains are important to the Town and community, and difficult issues remain. He summarized he appreciates the comments, and hopes progress can be made.

Ms. Garlick concluded saying tonight's meeting has been extraordinary. She said what happens next is the plan of action, noting the Board of Selectmen and the Town Manager have a great responsibility in helping to find solutions, as does Keolis and the MBTA. She summarized the issues being train idling, duration, health issues, maintenance and location of the depot, horn/whistle noise and calibration, Quiet Zones, Golf Course grade crossing, and schedule changes/alerts. Ms. Garlick said the Town Manager and Needham Police have Mr. Piper's cell phone number. She commented the idea of using double decker trains during peak times is interesting and worth pursuing. She acknowledged the quality of life in Needham is very good, partly because of quality transportation. She concluded saying the plan of action is to close the loops on the issues and inform the public. She suggested scheduling another meeting to continue discussions, with residents finding out more about how issues are being resolved on the Town's website. Ms. Garlick said she hopes residents are satisfied with this portion of the meeting and that the plan going forward.

Ms. Cooley closed the public hearing. She thanked the public for their comments and representatives from the MBTA, saying she looks forward to the follow up and future actions.

9:25 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with three items to discuss:

1. Approve and Sign Order of Taking Rosemary Property

Ms. Fitzpatrick recommends the Board of Selectmen approve and sign the Order of Taking dated June 13, 2017 with respect to the Rosemary property as authorized by the Town Meeting vote under Article 32 at the May 2017 Annual Town Meeting.

Motion by Mr. Handel that the Board vote to adopt an order of taking for land located in Needham as shown on a plan of land by Samiotes Consultants, Inc., entitled "Plan of Land in Needham, Norfolk County, Massachusetts" dated October 11, 2016 with a revision date of December 19, 2016, as set in the proposed Order of Taking dated June 13, 2017 contained in the Selectmen's packet.

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

2. Ambulance Rates

Dennis Condon, Chief of the Fire Department and Dave Davison, ATM/Finance appeared before the Board with a recommendation to change the Town ambulance rates for emergency medical transport services.

Mr. Davison said it is the first rate change since 2009. He explained the revised rates for levels of service provided by the Town. He noted pending legislation addressing several issues, capping rates of today and only allowing an increase for inflation. Mr. Davison noted residential growth in Needham and the demand for more services. Discussion ensued on the mileage rate for travel beyond five miles and base rates.

Ms. Cooley commented the proposed mileage rate for travel beyond five miles still appears to be low relative to other towns. Mr. Davison said there was an attempt to balance the increase, saying the rate could be adjusted higher. He said roughly 95% of all transports is within five miles, and basically a non-issue. Chief Condon said many towns in Norfolk County must travel to Boston, but Needham is fortunate to have the Beth Israel Hospital in Town. He said he feels \$20/mile is a reasonable charge. Ms. Cooley commented she would have been in favor of a higher charge. Ms. Cooley asked for more information on the percent of Medicare trips vs. other trips. She also said she wanted to know more about adding another ambulance, BLS, and ALS and how each affects the Town's operating costs. Mr. Davison said a future budget request will address those questions. He told the Board roughly 55% of trips are for BLS, 43% of trips are for ALS1, and 2% of trips are for ALS2. He commented on billing and collections.

Motion by Mr. Handel that the Board approve the revised ambulance rates as follows:

Basic Life Support (BLS):	\$1,200.00
Advanced Life Support (ALS1):	\$1,600.00
Advanced Life Support (ALS 2):	\$2,450.00
Extra EMT:	\$ 200.00
Mileage Rate (for travel beyond 5 miles):	\$ 20.00/per mile

and further that the rates become effective on June 30, 2017.

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

Ms. Cooley commented discussion on mileage rate (for travel beyond 5 miles) should continue, particularly if there is risk of the mileage rate getting frozen.

3. Public Facility Operations and Public Works Consolidation

Ms. Fitzpatrick updated the Board on a proposal to merge the Department of Public Facilities - Operations into the Department of Public Works in accordance with Section 20B (2) of the Town Charter. She said a public hearing will be scheduled for June 27, 2017.

9:50 p.m. Board Discussion:

1. Committee Reports

No Reports were made.

Ms. Cooley reminded the Board the next Board of Selectmen meeting will be held on June 27, 2017 at the Broadmeadow School.

9:55 p.m. Executive Session: (Exceptions 3 and 6)
Motion by Mr. Handel that the Board of Selectmen 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.

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. Bulian. Ms. Cooley polled the Board. 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=>

Note: The meeting adjourned at 10:45 p.m.