

**Town of Needham  
Select Board  
Minutes for July 23, 2019  
Powers Hall**

6:45 p.m. Informal Meeting with Citizens: No Activity.

7:00 p.m. Call to Order:  
A meeting of the Select Board was convened by Chair John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Purple Heart Community Proclamation:  
**Motion by Mr. Handel that the Select Board of the Town of Needham does hereby proclaim that Needham is a Purple Heart Community and that August 7th will be considered Purple Heart Day in Needham. The Select Board encourages residents and businesses to display the American Flag and recognize Purple Heart recipients on that day, honoring the service and sacrifice of our military personnel.**  
**Second: Mr. Borrelli. Unanimously approved 5-0.**

7:02 p.m. Certificates of Appreciation:  
Lois M. Bacon and Rose M. Doherty met with the Board and were awarded Certificates of Appreciation for their many years of distinguished service to the town.

**Motion by Mr. Bulian recognizing Lois M. Bacon on over 30 years of distinguished service to the Town of Needham. Thank you for your many contributions to the Needham Free Public Library Board of Trustees, first as a member of the Friends, and the many years of dedication in serving as a Foundation Director and an elected Trustee. Congratulations!**  
**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian recognizing Rose M. Doherty on over 15 years of distinguished service to the Town of Needham. Thank you for your many contributions to the Needham Free Public Library Board of Trustees and the many years of dedication in serving as a Foundation Director and an elected Trustee. Congratulations!**  
**Second: Mr. Borrelli. Unanimously approved 5-0.**

The Board thanked Ms. Bacon and Ms. Doherty and wished them well in the future.

7:07 p.m. Public Hearings: Eversource Grant of Locations - Winding River Road, Country Way, and May Street:

Katie Flaherty, Eversource Energy representative appeared before the Board with a request for three Grants of Location:

1. Winding River Road

Ms. Fitzpatrick indicated all paperwork is in order.

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

**Motion by Mr. Handel that the Select Board approve and sign a petition from Eversource Energy to install approximately 6 feet of conduit in Winding River Road. This work is necessary to provide underground electric service to the town pumping station.**

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

2. 245 Country Way

Ms. Fitzpatrick indicated all paperwork is in order.

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

**Motion by Mr. Handel that the Select Board approve and sign a petition from Eversource Energy to install approximately 40 feet of conduit in Country Way. This work is necessary to provide underground electric service to 245 Country Way.**

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

3. May Street

Ms. Fitzpatrick indicated all paperwork is in order.

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

**Motion by Mr. Handel that the Select Board approve and sign a petition from Eversource Energy to install approximately 4 feet of conduit in May Street. This work is necessary to provide underground electric service to 1360 Highland Avenue.**

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

7:11 p.m.

Appointments and Consent Agenda:

**Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.**

**APPOINTMENTS:**

**See attached list.**

**CONSENT AGENDA:**

- 1. Accept the following gifts received by the Needham Public Library for the period of March 1, 2019 to June 30, 2019: Kay Rugan Paltsios made a donation in memory of William Powers (\$25.00); Nancy Johnson made a donation in memory of Debra Olshever's mother (\$25.00); The following people made donations in memory of Sylvia Clark: Susan Harris (\$50.00), and Diane McGuire (\$25.00); Vanessa and Eric Rufa gave the library the following: A four-foot tall toy giraffe (\$83.00), Busy Town Floor Block (\$30.00), and Supersized picture book—Big Red Barn (\$25.00); Kate Hanaway donated the following puzzles: Hot Air Adventure (\$16.00), Roseate Spoonbill (\$20.00), Downton Abbey (\$20.00), Snow Day (\$18.00), Cupcakes for Two (\$15.00), Tiffany (\$54.00), and Shark Teeth & Shells (\$22.00); Corinne Heald gave the library a copy of Needham Author Judi Getch Brodman's book, She's Not You (\$14.99); Natalie Demerjian donated the puzzle, Disney—Thomas Kinkade (\$18.00); The Needham Latinas Group donated 10 books in the Spanish Language (\$50.00); Jay Donahue donated a large bag of plastic, candy-filled Easter eggs to the Children's Room. They were from his rain-canceled Easter Egg Hunt (\$20.00); Thomas Neeley gave the library a copy of Arthur Hittner's book, Artist, Soldier, Love, Muse (\$17.00); Wellesley Books sent the library a check for \$10.50, 10% of amount for books sold at Young Adult Author Panel; William F. Gallagher, M.D. gave the library a check for \$100.00 in appreciation of services rendered; Ann MacFate made a \$250.00 donation for the purchase of large print books in memory of Irene MacFate; Ford Peckham donated a copy of Huê 1968 by Mark Bowden in memory of Major R.N. Peckham, Jr., USAF (Ret.) (\$30.00); Andy Gassman gave the library an American Flag; Matt Robinson donated the following two books: New England Invite: Fresh Feasts to Savor the Seasons by Kate Bowler (\$29.95), and The Man Who Lit Lady Liberty by Richard Schwartz (\$29.95); Amy Kahn donated a puzzle of Klimt's The Kiss (\$30.00); Donna Halper donated \$100.00 for the purchase of Genealogy Books; Joan Dickinson donated copies of two of her books: The UnPuritans: The Hanscome Trilogy, Book I (\$14.99), and The Lost Mulattos: The Hanscome Trilogy, Book II (\$14.99); and Wendy Bertrand gave the library a copy of her memoir: Enamored with Place: As Woman + As Architect (\$35.00).**
- 2. Accept the following donation made to the Needham Park and Recreation Commission for its Arts in the Parks Summer Concert Series and Children's Theatre Performances: \$600 from Wingate Residences.**
- 3. Approve a 20B Exemption for Catherine Murray who is an employee at the Broadmeadow Elementary School as a cafeteria worker to engage in summertime work with the Traveling Meals Program.**

4. Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race/ 1 mile run in Needham on November 17, 2019 from 6:00 a.m. to 12:30 p.m. In the event of inclement weather, event will be held on November 24, 2019. The race application has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
5. Accept a \$1,000 donation made to the Needham Public Health Division's Gift of Warmth Program from the Carter Memorial United Methodist Church.
6. Accept a donation of 8 cases of napkins, and 3 cases of straws made to the Needham Park and Recreation Commission from the Needham Exchange Club. Items will be used at Park and Recreation programs.
7. Accept a \$20 donation made to Needham Youth & Family Services from the Yee family. They would like the monies to be used towards future programs in the Youth & Family Services Department.
8. Approve a request for a One Day Special Wines & Malt Beverages license for Maxwell Sparr, of Trip Advisor to host a BBQ event for the Needham Chamber on Thursday, July 25, 2019 from 5:30 p.m. to 7:30 p.m. The event will be held at Trip Advisor, 400 First Avenue, Needham.
9. Approve a 2019 Common Victualler License for Chef Mike's LLC d/b/a Chef Mike's located at 73 Highland Avenue, Needham.
10. Approve and sign agreement between the Town of Needham and the Needham Independent Town Workers' Association from July 1, 2018 – June 30, 2021.
11. Approve Open Session minutes from June 25, 2019.
12. Water and Sewer Abatement Order #1277.
13. 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 3, 2019 and August 4, 2019 starting at 7:00 a.m. The routes of the race have been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
14. Approve and sign alcohol compliance violation warning letters for: 3 Squares, Bertucci's, Mandarin Cuisine and New Garden.
15. Approve and sign one day alcohol service suspension due to alcohol compliance violations for: Needham Food & Beverage LLC d/b/a The Heights for Saturday, August 3, 2019 and Needham 365 Bev, LLC d/b/a Residence Inn for Friday, July 26, 2019.
16. Grant permission for the following residents to hold block parties:

| Name               | Address        | Party Location      | Party Date | Party Rain Date | Party Time |
|--------------------|----------------|---------------------|------------|-----------------|------------|
| Ratify-Deb Whitney | 36 Hunting Rd. | Sachem Rd.          | 7/13/19    | N/A             | 11am-      |
|                    | 6pm            | East of Hunting Rd. |            |                 |            |
| Jeanie Martin      | 139 Plymouth   | Plymouth Rd.        | 9/7/19     | 9/8/19          | 1pm-       |

|                   |                      |                                                     |         |         |          |
|-------------------|----------------------|-----------------------------------------------------|---------|---------|----------|
|                   | Road                 | Ext.between Harris<br>& RR tracks                   |         |         | 7pm      |
| Katherine Calzada | 9 Morton St.         | Morton St. bet. Webster and Highland                | 9/8/19  | 9/15/19 | 2pm-5pm  |
| Caitlin Reisman   | 80 North Hill Avenue | Howe Road                                           | 9/14/19 | 9/15/19 | 2pm-12am |
| Lisa Cherbuliez   | 17 Lindbergh Avenue  | Lindbergh Ave. between Paul Revere and Tower Avenue | 9/14/19 | 9/15/19 | 5pm-9pm  |
| Mia Rizzo         | 64 Pinewood Rd.      | Pinewood Rd.                                        | 9/21/19 | 9/22/19 | 3pm-9pm  |
| Andrew Allen      | 955 Webster St.      | 900 block Webster St. between Dedham Ave & Howland  | 9/21/19 | 9/28/19 | 12pm-3pm |

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

7:12 p.m. Director of DPW:

Richard P. Merson, DPW Director appeared before the Board with two items to discuss:

1. Sign Notice of Traffic Regulation - Glen Gary Road

**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P19-07-23 for Glen Gary Road, Parking Prohibited, West side from West Street to Castle Place.**

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

2. Sign Notice of Traffic Regulation – Glover Road & Louart Drive

**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #R19-07-23 for Glover Road and Louart Drive, Do Not Enter, Eastbound from Central Avenue, 7:30 AM - 9:00 AM and 2:00 PM - 3:30 PM on school days only.**

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

7:18 p.m. Town Manager:

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

1. Special Town Meeting Update

Ms. Fitzpatrick reminded the Board it called for a Special Town Meeting on October 28, 2019. She reviewed a preliminary list of warrant articles dated July 23, 2019 including Collective Bargaining Agreements, potential amendments to the FY2020 Operating Budget, Transportation Network Funds, and Zoning By-Law

amendments. She said the Board is scheduled to open to warrant on August 20, 2019 and close the warrant on September 10, 2019.

Mr. Borrelli said he is concerned about the timing and need for zoning amendments at the fall Special Town Meeting.

2. Town Manager's Report

Ms. Fitzpatrick reported the Town deployed 12 Big Belly trash cans at DeFazio, Memorial Park, Greene's Field, and in the Chestnut Street/Lincoln Street parking lot behind CVS. She commented the town hopes to gain information from the pilot program to determine if the program can be expanded. Ms. Fitzpatrick said the barrels have many benefits over traditional cans in that they discourage dumping of household/business trash, as well as limit odor and pests. Another feature is the use of "smart" technology, which she said could be used along with the See-Click-Fix app used by the town.

The Board recessed for 5 minutes.

7:27 p.m. Public Hearing- New Alcoholic License for Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria, 1450 Highland Avenue:  
Carlos Chavira, Proposed Manager appeared before the Board seeking approval for an application for an All Alcoholic License for Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria. Pancho's Taqueria is a new restaurant that will be located at 1450 Highland Avenue (formerly the site of Dessert Workshop).

Mr. Chavira told the Board about Pancho's Dedham location, opened three years ago, as well as his 20 years of business experience in the restaurant industry. He commented he believes Pancho's Taqueria will be a great success in Needham. He said the hours of operation will be 11am to 11pm, 7 days a week.

Mr. Bulian asked "Will all employees be TIPS trained"? Mr. Chavira said "yes" and a scanner will be used to check all ID's in Needham.

Ms. Fitzpatrick confirmed all paperwork is in order.

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

Mr. Bulian asked for Board comment.

Mr. Borrelli welcomed Mr. Chavira to Needham. He noted the relaxed alcohol license requirements in town over the last few years and asked that food be available when people are having a drink. Mr. Chavira said "absolutely."

Ms. Cooley asked Mr. Chavira when he plans to open? Mr. Chavira said the opening will be in mid-August.

Mr. Matthews commented the Board is pleased to hear of the scanning technology. He reminded Mr. Chavira the town has regular compliance checks for alcohol service to underage patrons. Mr. Matthews said he wants Mr. Chavira to succeed, but rules must be followed.

**Motion by Mr. Handel that:**

- (A) The Select Board 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 Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria, Carlos Chavira, Manager, and to forward the approved Alcohol License application to the ABCC for approval;**
- (B) The Select Board approve the application for a Common Victualler License; and**
- (C) The Select Board determines that the premises are not detrimental to the educational and spiritual activities of the Roman Catholic Archdiocese of Boston, First Parish in Needham, First Church of Christ or the First Baptist Church.**

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

7:30 p.m. Continuation of Verizon Small Cell Hearing from 6/25/2019:  
Victor Manougian, McLane Middleton appeared before the Board to continue discussion from June 25, 2019 regarding Cellco Partnership d/b/a Verizon Wireless who is requesting permission to install one (1) small cell wireless antenna, and all necessary sustaining and protecting fixtures, on an existing utility pole, located on a public way on Verizon Site Name Needham SC02, Utility Pole Number 16/16 at 228 Brookline Street in Needham, MA.

Mr. Bulian explained under Massachusetts law, the Select Board is required to take action on a Grant of Location request within 60 days of the filing of the application, and at the end of tonight's presentation the Board will take a vote. He noted the public comment portion of the hearing has been closed.

Mr. Manougian briefly explained additional information he submitted, as requested by the Select Board at the June 25, 2019 meeting. He commented on the status of nine previously approved cell sites, referring to a spread sheet prepared by the Town Manager's office. Photographs were viewed showing cell tower equipment on three existing telephone poles. He referred to radio frequency emissions testing completed earlier this year in the town of Dartmouth, MA, and a report dated February 28, 2019 prepared by Dr. Donald L. Haes. He said results revealed in virtually all cases, the actual measurements were lower than predicted. Mr. Manougian continued that under M.G.L Ch. 166 once a location is granted under the Pole Attachment Act, it does not expire. He referred to analysis of existing poles in the area and separation requirements in the Grant of Location order. He commented on the proposed pole at 228 Brookline Street, noting it is more than 350 ft. away from the Mitchell School in the right-of-way. He also commented on

a supplemental RF report, clarifying the radio frequencies to operate at the location. Mr. Manougian commented Dr. Haes submitted further information regarding his qualifications, noted in the report dated July 1, 2019. Discussion ensued regarding the 60 day “shot clock” and ramifications should the town not act. Mr. Manougian commented on health issues, saying the Verizon proposal will meet and comply with FCC allowable RF emission limits. He commented on the nine previously approved sites, noting the Needham Board of Health extensively considered materials Verizon submitted in support of the small cell petitions and “seemed to be satisfied with the submissions and RF analysis.” He suggested the same rationale be applied to this single pole located on Brookline Street, and that there should be no basis to deny the request. He commented on the FCC order he submitted and relied on, specifically relating to aesthetics. Discussion ensued on aesthetics which are not preempted by the FCC order if three criteria are met (ie. reasonable, no more burdensome than those applied to other types of infrastructure, and requirements must be published in advance). Mr. Manougian respectfully requested the Board approve the one pole that was left out/added later to the plan.

Ms. Cooley commented on issued GOL’s not expiring, noting Needham GOL’s are for a specific purpose. She asked if once a GOL is approved, can anything be done at the location or can the use change over time?

Mr. Manougian said he is not sure, but antennas are always changing with technology. He surmised that with a GOL order approving a small cell antenna, it could be updated as technology changes, but if the aesthetics change it would require approval.

Ms. Cooley commented on four previously approved sites that were requested based on the need for improved coverage. She said it is her sense that until those cell antennas are installed, and the Town understands the need, she is inclined to deny the request.

Mr. Borrelli thanked Mr. Manougian for the supplemental information, saying his position has not changed. He said the town’s Grant of Location criteria are for a reason, disagreeing with Mr. Manougian’s opinion that the criteria are flawed. Mr. Borrelli concurred with comments made by Ms. Cooley. He said he does not see the need, the aesthetic issue is troublesome, and the burden has not been met to grant approval. Mr. Borrelli said he will vote to deny the application.

Mr. Handel concurred with the comments made by Ms. Cooley and Mr. Borrelli.

Mr. Matthews said he appreciates the additional information from Mr. Manougian, and he does not have any additional questions.

Mr. Bulian concurred with comments from the Board. He said the single request does not seem to have a clearly demonstrated need.



Discussion ensued with Mr. Manougian commenting on the need for the Grant of Location.

**Motion by Mr. Borrelli that the Select Board deny a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment on Verizon Site Name Needham SC02, Utility Pole Number 16/16 at 228 Brookline Street, Needham.**

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

Mr. Matthews commented on changing cell phone technology and the Town's expectation for more applications in the future. He reiterated his belief that Verizon should have withdrawn the application, noting there has not been any showing of an urgent need within a 60 day "shot clock" to approve the application. He commented on proceedings in 2017, noting none of the sites are operational at this point. He said at that time the Board thought it could gain experience and understanding with the initial buildout to figure out what is best for the community. Mr. Matthews commented on the Board of Health's request for more time to review the most recent science and health information, even though federal regulations preempt any decision. He said as representatives of the community, it is reasonable for the Select Board to hear from the Board of Health before making a decision. Mr. Matthews said one issue raised during testimony was to find out where the buildout is going, noting the Board of Health is looking for exactly how many antennas are anticipated with 5G technology, and the cumulative effect of rollouts from other carriers. Mr. Matthews reiterated and concurred with Ms. Cooley's question as to what the company can do once approval is given. He noted telephone poles are no longer being used to hang wires, but rather as broadcast stations by more than one company. He said it does not appear there is much guidance from the federal government, noting there are national policy makers in the current administration that are attacking the role of government in producing reliable science for the public. He said as local officials who are not experts in the field, reliable science is necessary to make sense of some of the technological issues. Discussion ensued on the question of discrimination and future decisions that the Town can live with when Verizon competitors come to Needham. Mr. Matthews suggested it would have been better for Verizon to approach the town to iron out issues beforehand, and to find a suitable location, rather than having to deal with a 60 day "shot clock." Mr. Matthews said the right thing to do is to deny the application.

Discussion ensued on the Board of Health having the opportunity to review additional information within the next 30-60 days.

Stephen Epstein, Board of Health said the last Board of Health meeting occurred on Friday, July 19th. He said information was received but did not have technical specifications for the Board of Health to render any sort of decision. He commented additional technical details were received last night, noting many questions arise. He said the Board of Health will need to hire a health physicist, and all relevant

data must be provided and properly analyzed. He commented the next Board of Health meeting is in early September.

Discussion ensued on the option to withdraw or deny the application, need, aesthetics, health concerns, and distracted driving.

**Motion by Mr. Borrelli that the Select Board vote to deny a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment on Verizon Site Name Needham SC02, Utility Pole Number 16/16 at 228 Brookline Street, Needham.**

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

8:16 p.m. Board Discussion:

1. Committee Reports

Ms. Cooley updated the Board saying the N2025 Committee met this past week with consultants and that progress being made on the list of interviewees. She said she hopes preliminary findings will be available to review in the next few weeks.

8:17 p.m. Adjourn:

**Motion by Mr. Handel that the Select Board vote to adjourn the Select Board meeting of Tuesday, July 23, 2019.**

**Second: Mr. Borrelli. Unanimously approved.**

**A list of all documents used at this Select Board meeting are available at:**

**<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>**