

**Town of Needham
Select Board
Minutes for June 25, 2019
Needham Town Hall
Select Board's Chamber**

6:45 p.m. Informal Session:
Gerry Rovner, 48 Cynthia Road, Town Meeting Member spoke with the Board about placing one way and do not enter signs in his neighborhood ahead of the opening of the new Sunita Williams Elementary School in September. He gave the Board copies of remarks from meetings of when the school was in the planning stages, noting signs were part of the discussion as a safety measure and to prevent speeding and cutting through the neighborhood. He said there is no downside. Police Chief John Schlittler acknowledged the concerns of Mr. Rovner suggesting a 30 day wait period to determine the foot and drop off traffic at the school. Chief Schlittler commented enforcement could be an issue as limited personnel are available to issue violations. The Select Board acknowledged the request and said the situation will be monitored.

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. Pride Month Proclamation:
Ms. Cooley read a proclamation declaring June 2019 to be Pride Month in the Town of Needham.

**Motion by Ms. Cooley that June 2019 be declared Pride Month in the Town of Needham and that all residents be encouraged to recognize and acknowledge the contributions of the LGBTQ members of our community as we continue to advance the principles of liberty, equality, and inclusivity for all.
Second: Mr. Handel. Unanimously approved 5-0.**

7:02 p.m. Change of Beneficial Interest - Needham Cabot Concessions LLC:
Andrew Upton, Attorney appeared before the Board on behalf of Needham Cabot Concessions LLC., operating in the Needham Sheraton Hotel, 100 Cabot Street, who are seeking a Change in Beneficiary of its liquor license. He said there are no changes in hours, service, or to any aspect of the operation of the liquor license.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Matthews said the town has held compliance checks once or twice a year for service to underage patrons, noting the Sheraton failed eight months ago. He said he was unhappy with the lack of responsiveness by management at the time to

prevent it from happening again. He noted that the manager attended a seminar held by the town for all licensees about standards for checking ID's, commenting he told all pouring and package licensees in Town that they could expect another compliance check in the near future. Mr. Matthews said most licensees passed but a few failed, including the Sheraton. He commented the Select Board does not want to hurt or disrupt the livelihood of business by fining or suspending a license, but the Select Board is adamant that no licensee is to serve underage patrons. He said while the manager of record is personally liable for everything that happens, the form of ownership is complicated, and owners tend to be removed from day to day operations. Mr. Matthews implored Mr. Upton to communicate to the management of the company that the business must be run by people who will tend to the licensing requirements and who will comply with the reasonable requests of the Board and its enforcing agents. He said failing twice after being cautioned is not right.

Mr. Bulian said a public hearing will be scheduled with the manager of the hotel and general manager, noting a violation hearing is pending.

Dr. Ed Cosgrove, Chair Board of Health supports the comments by Mr. Matthews. He said the Board of Health is monitoring the situation and may look to intervene under the public health law. He said management must understand service to minors will not continue.

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

Motion by Mr. Handel that the Select Board approve and sign an amendment application for a Change in Beneficiary for Needham Cabot Concessions, LLC, 100 Cabot Street, Needham and to forward this application to the ABCC for approval.

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

7:11 p.m. Appointments and Consent Agenda:
Motion by Mr. Handel that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS See attached list of Appointments.

CONSENT AGENDA

- 1. Ratify a request for a One Day Special Wines & Malt Beverages license for Maxwell Sparr, of Trip Advisor who hosted a Global Volunteer Day event on Thursday, June 20, 2019 from 3:00 p.m. to 7:00 p.m. The event was held at Trip Advisor, 400 First Avenue, Needham.**
- 2. Approve a One Day Special Wines & Malt Beverages license for Kathleen Hunt of Core Net New England to host a program on June 25, 2019 from 5:30 p.m. to 8:30 p.m. The event will be held at Shark Ninja Headquarters, 89 A Street, Needham.**

3. **Approve a One Day Special Wines & Malt Beverages license for Susan Banez of Needham Pool and Racquet Club to hold its Beers and Bags - Cornhole Tournament on July 12, 2019 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool and Racquet, 1550 Central Avenue, Needham.**
4. **Approve open session minutes from May 28, 2019, June 10, 2019, and June 11, 2019.**
5. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$100 from the Charles River Center.**
6. **Accept the following donations made to the Needham Park and Recreation Commission from Needham Flag Football: Outdoor Movie Screen projector (\$620); and a \$5,000 contribution towards Memorial Park 90' Diamond renovation project.**
7. **Water & Sewer Abatement Order No. 1276**
8. **Approve a Muscular Dystrophy Association (MDA) collection weekend in the intersection of GPA and Chestnut Street on September 21, 2019 and October 26, 2019 from 9:00 a.m. – 12:00 p.m. both days.**
9. **Approve and sign agreement between the Town of Needham and the Needham Independent Public Employees' Association from July 1, 2018 – June 30, 2021.**
10. **Approve and sign agreement between the Town of Needham and the Needham Building Custodian and Tradesman Independent Association from July 1, 2018 – June 30, 2019, and July 1, 2019 – June 30, 2022.**

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

7:12 p.m. Public Hearing: New Alcoholic License Latin - A Group, LLC d/b/a Latina Kitchen and Bar (30 Dedham Avenue)
 Antonio DeTrizio, Proposed Manager appeared before the Board to discuss an application for an All Alcoholic License for Latin-A Group, LLC d/b/a Latina Kitchen and Bar. Latina Kitchen and Bar is a new restaurant that will be located at 30 Dedham Avenue. The restaurant will consist of 2,900 SF on the 1st floor and 1,500 SF in the basement that will be used as a prep area and for liquor storage. Included on the 1st floor is an open kitchen and multiple dining areas with a total seating capacity for 100 patrons. There are two entrances and three exits from the building.

There are three houses of worship located within a 500' radius of the proposed premises and M.G.L. Chapter 138 section 16 C requires a vote of the Board after public hearing. No written comment was received by any of the houses of worship with respect to this hearing.

Mr. DeTrizio commented on the business plan and the alcoholic beverage service, for which he said he will be responsible. He confirmed he will require i.d., for everyone and all employees serving alcohol will be T.I.P.S. trained.

Mr. Matthews reiterated the seriousness of the safe serving of alcohol, noting Needham use to be a dry town. He said the Board wants the business to succeed, but it must be according to the rules.

Mr. Bulian invited public comment.

Kristen Collins, 19 Rae Avenue asked for an update on the number of liquor licenses issued and remaining.

Ms. Fitzpatrick said 23 restaurants/hotels and several package stores have licenses.

Mr. Borrelli stressed the importance of having food available if someone is only having a drink.

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 for Latin-A Group, LLC d/b/a Latina Kitchen and Bar, Antonio DeTrizio, Manager, and to forward the approved Alcohol License application to the ABCC for approval.**
- (B) the Select Board determines that the premises are not detrimental to the educational and spiritual activities of the First Parish of Needham Unitarian Universalist, First Church of Christ Scientist and First Baptist Church.**
- (C) the Select Board approve the application for Common Victualler License.**

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

7:00 p.m. Public Hearing: Verizon Small Cell Wireless Antenna Grant of Location - 228 Brookline Street
Victor Manougian, McLane Middleton, Keith Valente, C Squared Systems, and Don Haes, Jr. Ph.D. appeared before the Board to discuss Cellco Partnership d/b/a Verizon Wireless request for 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, Needham.

Mr. Manougian explained the request for Pole number 16/16 at 228 Brookline Street, referencing a similar request for several installations on poles around Needham three years ago. He said the Grant of Location is for small cell wireless antenna. Discussion ensued on the proposed location, the Massachusetts Pole

Attachment Act (MGL Chapter 166 section 22), the Federal Pole Attachment Act, and a recent FCC order effective January 2019, which he said clarifies the 1996 Telecommunications Act dealing with small cell towers, the rights of cities and towns, fees, and wireless carriers being allowed to “densify” their coverage. He explained the latest interpretation of the 1996 Telecommunications Act allows carriers to now consider money spent, return on their money for the location, and the ability to upgrade and plan for future expansion, not just for today. He explained the location was picked because of the need by the carrier at the location, and consideration of other poles in the area. Mr. Manougian said copies of the filing and FCC information were sent to David Tobin, Town Counsel. He pointed out that health is not a reason that the FCC will allow for a denial, noting health issues are preempted. He commented the FCC sets the emission exposure levels that any carrier can emit on any antenna. Mr. Manougian said as long as Verizon meets the FCC standard under 47 U.S. Code section 332 C7B4, then the extent at which the Board considers health aspects then becomes unreasonable and discriminatory. He said the FCC order made clear anything inhibiting a provider the ability to improve an existing network, including improved densification or adding new technology, would be prohibited. He asked for a waiver for the two requirements based on the FCC order.

Mr. Borrelli clarified the town has guidelines in place for a reason, and not necessarily for health reasons.

Mr. Valente commented on the RF affidavit he prepared dated May 13, 2019 discussing Verizon Wireless’ work in the area and need for the proposed facility. A map was viewed.

Dr. Don Haes, Jr., Certified Health Physicist, Certified Laser Safety Officer said he was asked by Verizon Wireless whether the site would comply with FCC regulations. He commented since the site is proposed, measurements cannot be taken, rather tools are used for making predictions of the actual field levels coming from the site under many conditions. He said he uses “worst case” conditions. Dr. Haes explained his report is public record and his calculations are compared against Commonwealth of Massachusetts regulations, noting FCC regulations take precedence. Discussion ensued on FCC guidelines for maximum permissible exposure. He noted an FCC caveat concerning resulting exposure that is greater than 5% of the limits, “then you have to work with everybody else at that location to make sure you don’t exceed 100% at any location.” Dr. Haes explained his calculations, with discussion ensuing on antenna height, exposure limits, and exposure measurements from the pole.

Mr. Matthews commented on small cell antenna testimony from prior hearings for other locations in town, mostly concerned health and safety implications. He said under federal law the town must approve the installation, and that if after hearing testimony and a vote is taken which is contrary to what everyone is asking the Board to do, hopefully people will understand that it isn’t that the Board doesn’t care about

their opinion. Mr. Matthews said it is his understanding that the technology is used all over the country and folks use a lot of technology that most people do not fully understand. He commented though there was a lot of previous testimony, he understands the topic is new for many people in the room. He said it is his understanding the proposal, based on science, is within the accepted safety limits for the kind of technology and common within the area.

Mr. Manougian commented the Town could deny the application, but he must explain the new FCC order. He stated over time, wireless carriers were having trouble with deployment nationally of small cell antenna with some municipalities blocking it, and that is why the new FCC order came out to further interpret the Act of 1996. He clarified, his opinion of the new FCC order is that as long as what Dr. Haes says is right and the antenna are within the FCC limits, it would be unreasonable and discriminatory to deny the application on an aesthetic reason.

Ms. Fitzpatrick said the materials referenced are on the Town's website.

Mr. Bulian invited public comment.

Michael Ruddy, 69 Melrose Avenue said he spoke with the Department of Public Health in Charlestown regarding Dr. Haes' Mass Radiation Control Program Health Physics Services registration and was told the registration number was terminated on April 9, 2018. He said Dr. Haes submitted application documents dated February 11, 2019. He asked Dr. Haes why the discrepancy of dates? Dr. Haes said it was an oversight and has been paying the fee for 25 years. Mr. Ruddy question Dr. Haes as to where he received his Ph.D? Dr. Haes said he received his degree from Hamilton University in Wyoming. Mr. Ruddy referred to the Wikipedia entry which says Hamilton University is an unaccredited institution and has since been closed by court order in Wyoming, as it is was widely thought to be a "diploma mill." Mr. Ruddy said he has an issue with the representation from an institution known as a "diploma mill." Mr. Ruddy asked Mr. Manougian if he was aware of this information, and if not, why not? Mr. Manougian said he was not aware of the information and is willing to continue the meeting for Dr. Haes to send his check in for registration. He continued as far as whether or not Mr. Ruddy likes the school, it does not affect the credentials obtained by Dr. Haes. Mr. Manougian said Mr. Ruddy is not an expert and has no expert testimony to counter information from Dr. Haes. Mr. Bulian asked Mr. Ruddy his background for which he is making comments? Mr. Ruddy said his background is completely non-professional and he is commenting as a neighbor. Mr. Ruddy said he is astounded the outside counsel for Verizon is from Hamilton University in Wyoming. Mr. Ruddy commented on eight sites previously approved by the Board in 2017, based in part on testimony from Dr. Haes. He suggested a moratorium on Verizon applications going forward and that small cell sites on line are taken off line. Mr. Ruddy said he does not believe the Select Board's "hands are tied." He asked the Board to stand firm "against this arrogant bullying by \$250 billion company that is going to tell us what is safe and what is not." He noted the Town does have jurisdiction over the right

of way, and so long as there are reasonable and non-discriminatory aesthetic requirements that the town has issued, you can enforce it. He said the FCC order currently under appeal in the 9th circuit clearly states so long as there are non-health related, non-environmental concerns that are legitimate, then the Town may move forward with the policies including set-back requirements that Verizon has so arrogantly ignored. Mr. Ruddy said the Select Board can oppose the application on the grounds that set-back requirements instituted by the Board are not unreasonable or discriminatory. Discussion ensued on cell coverage and Mr. Ruddy said there is no demonstrated need for the tower for current or future use. Mr. Ruddy concluded saying he is disgusted that he is being told the technology is safe and that the expert presented received his degree from a “diploma mill.”

Ron Ravitz, Framingham resident (Father of Debra Ravitz Buchbinder, 47 Highgate Street) said he worked 30 years in the area of nuclear radiation effects. He said without actual measurements, the numbers are just theoretical calculations. Dr. Ravitz proposed taking measurements for absorption from existing facilities. He concluded it is incumbent to go measure, not just calculate, to validate information.

Jennifer Geraci, 45 Melrose Avenue asked the Board to consider there is no immediate need as Verizon said installation is for a future need, which she said might not even be necessary.

Lois Sockol, 611 Greendale Avenue said the developing mind is more susceptible to harm. She said society always tries to protect the vulnerable and not take a chance. She commented she knows that when a scientist tells her something is true, it isn't because they only know the science of the moment. She cited smoking as an example of people being told it had no negative effect, when in fact, it did. She commented she found information on the web that there is enough scientific doubt as to the effect of wireless radiation on adults and children. She suggested putting a pole in the Transfer Station.

Jeff Heller, 23 Parker Road said the location is the simple reason for the turnout by residents. He said the only people who received the notice were abutters, but anyone with a child at Mitchell School should have received the notice. He commented on tools, measurements, and calculations, asking when was the last time devices were calibrated and who calibrated them?

Dr. Haes said he did not enter measurements on the report but followed recommendations and protocol from the FCC OET Bulletin 65.

Ms. Cooley asked Mr. Manougian if measurements were taken, post activation, on the sites requested two years ago that would validate calculations?

Mr. Manougian said no, but the calculations are listed in the RF report as approved sites, and that he is not aware if the previously approved sites are on line yet, so no testing would have been done.

Mr. Bulian questioned the antenna requested by Verizon and approved by the Select Board two years ago are not online yet? Mr. Manougian confirmed none of the antenna are on line yet.

Jeff Heller asked if the conversation is regarding 4G or 5G antenna? He commented only current technology and emissions are being considered, asking who's to keep Verizon from turning on 5G on a particular antenna? He asked if Verizon would be required to come before the Select Board again?

David Tobin, Town Counsel said Verizon would not have to come before the Board again to turn on 5G.

Keith Valente said the proposed antenna is multiband, and the proposed radio heads are for 4G LTE network.

Mr. Haes commented on his calculations.

A resident queried there is no 5G, but the application includes the ability to turn on 5G without having to go through the Select Board again?

Mr. Bulian said "apparently that is the case."

Discussion ensued on emissions and how they bounce off rock in Needham Heights.

Jeff Heller, 32 Parker Road asked the Select Board to review all antenna in place, and ask Verizon to answer questions about upgrading, cost to retrofit, and age. He pointed out the FCC chairman was a former Verizon lawyer. He asked the Board to consider what will happen when AT&T, T-Mobile, and Cingular wireless request installation of their antenna.

Ed Cosgrove, Chairman Board of Health and Dr. Steven Epstein, Board of Health spoke with the Board. Dr. Epstein said there is a lot of data and the Board of Health has not yet discussed the issue. He commented on the National Toxicology Program Study of 2016 discussing tumors in the ear and tumors in the heart. He said the Town must be smart in planning about the total energy density, noting as hundreds of antenna could be throughout Town to provide service. Dr. Epstein said the Board of Health needs time to review all information before making a recommendation. Dr. Cosgrove concurred with the comments of Dr. Epstein, suggesting outside consulting may be needed.

Discussion ensued on installing 5G technology, density, sharing poles, and additional vendor requests.

Mr. Bulian said he has no interest in voting tonight. He noted approval given for antenna two years ago that are not up and running and the Board of Health asking for resources and time. He asked why the time pressure now to install another antenna when antenna approved two years ago are not in use?

Mr. Manougian said he cannot answer why antenna approved two years ago are not running. He offered to continue the public hearing to next month, saying he could not go beyond next month as the statute does not allow more time.

Dave Tobin, Town Counsel commented on the FCC “shot clock” requiring a decision be made within 60 days of filing the application, or it is deemed “denied.”

Ms. Cooley commented she understands the Town is required by the FCC to act on the grant of location process. She commented given what has just been learned about the grants of location the Town was required to act upon expeditiously that have not been implemented, she asked Town Counsel if the town has the ability to put an expiration date on future grant of location approvals?

Mr. Tobin said he would look in to Ms. Cooley’s question.

Mr. Handel asked the implications for the application and the town if the application is deemed “denied” due to time?

Mr. Tobin said the case would go to court and a judge could issue a temporary order overruling the decision of the local board.

Mr. Matthews suggested continuing the public hearing to the next Select Board meeting on July 23, 2019, allowing Verizon time to decide whether to withdraw the application until they are able to address the questions raised tonight. He said the Town would then not be subject to the “shot clock”.

Mr. Borrelli said he is no longer interested in the application. He commented on the process of two years ago and tonight’s request for a waiver. He suggested the Board of Health be given the resources to consider the issue, however he does not want to take time to study something when health cannot be considered when making the decision. Mr. Borrelli asked Verizon for their entire plan, not “piecemeal” applications. He suggested the Select Board review the grant of location rules and limiting “blanket rights” in the future. He said he is mostly concerned that the Select Board is deviating from criteria without an established need.

Ms. Cooley commented she is comfortable not voting tonight, saying she prefers the application be withdrawn. She said she is shocked the sites approved two years

ago are not operating. She said it is difficult to understand why there is a compelling need for the additional grant of location.

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

Sandor Vajda, 228 Brookline Street asked Dr. Haes what date was the FCC regulations set regarding the upper permissible limits (1000 mw/centimeters squared)? He asked the relevance of the FCC regulation? Mr. Vajda commented setbacks are an issue.

Dr. Haes said 1995 and published law in the telecommunications act of 1996, reaffirmed in 2005 and 2013.

Emily Zadeh, 227 Brookline Street gave the Board information on the biological and health effects of microwave radio frequency transmission. Rodan Zadeh, 227 Brookline Street (via telephone) said as a graduate from MIT with a degree in electrical engineering he is very familiar with the Telecommunications Act of 1996. He commented on improving densification, but the tower proposed which is feet away from his children's bedroom, is about radiation. He commented on various studies that have proven the inverse effect on human cells due to radiation, suggesting no one would put their children's health on the line. Mr. Zadeh said he immigrated from Iran taking refuge in the United States, and now must defend the wellbeing of his children against a major corporation whose only reason is to make money. He begged the tower not be put across the street from his children's bedroom, suggesting there are other options to consider.

Priya Gore, 219 Brookline Street, said as an artificial intelligence specialist and technologist the proposed antenna will become obsolete and will no longer need to be in production for services we have today. She said the need for more capacity is not warranted, and that the application should be withdrawn.

Steve Geraci, 45 Melrose Avenue thanked residents for the support. He suggested Needham have a long-range technology plan, asking if there is a chief technology officer involved in the discussion? Mr. Geraci said it is important folks know the long-range plan based on changing and rapidly evolving technology that becomes obsolete overnight, and to know the cumulative effects.

Doug Fox, 43 Marked Tree Road thanked the Select Board for their time. He suggested the Board of Health be given more notice for meetings. He also said he wants to make sure decisions are being made based on science, not emotion. Mr. Fox cited the American Cancer Society's 22-page list of known and possible carcinogens, and which does not consider cell towers and RF radiation to be one of them. He concluded the American Cancer Society has a strong reason to say cell towers cause cancer, but they point out the expert agencies have not classified cell towers specifically as a cancer-causing potential. He suggested the Board of Health

do research. He stated while he would not want to do anything that would hurt anyone in Needham, he personally would like better cell phone coverage.

Steve Maxwell, 234 Brookline Street asked if any testing was done specific to an elementary school site where the traffic level increases around school hours? He asked whether the amount of time was studied for children who walk to school with parents or are waiting in cars are under the pole 5 days/week for 5 or 6 years? Mr. Maxwell concluded when he put an addition on his house several years ago the setbacks were not met and he asked for a waiver, which was denied. He suggested the Select Board is also being asked to consider a waiver from Verizon due to setbacks, saying he does not understand why that waiver would come into play when his request for a waiver was not granted.

Dr. Haes discussed his calculations and said his reference area is based on public exposure. Dr. Haes said he assumed 24 hours/day 7 days/week exposure.

Joanne Neale, 44 Dartmouth Avenue suggested Town Counsel look into the lawsuit concerning the FCC regulation that is being challenged in federal court, and whether it relates to the situation in Needham.

Neil Alper, 245 Brookline Street commented on health issues noting he has an acoustic neuroma. He said radiation, even if it doesn't cause cancer, can cause other debilitating diseases. He suggested other health aspects should be considered, not just cancer.

Janet Desaulniers, 222 Brookline Street said not enough is known about long term effects of radiation. She said her most important job is to keep her children safe, but she is not sure she can do that if a cell tower is allowed in the proposed location.

Marty Wells, 32 Melrose Avenue said it is reasonable for the town to consider the need for future towers and to ask for measurements related to that eventuality.

Rob Lauck, 3 Upland Road said the Board should consult with Town Counsel to understand under what basis to make its decision. He said there are various avenues to support the decision, including aesthetics.

Dan Vallee, 304 Brookline Street questioned Dr. Haes on the distance he took measurements?

Dr. Haes said discussed the calculations, done based on FCC mandated reference points (6 ft. above ground, 0 ft-1,500 ft. outward). Discussion ensued on FCC absorption rates.

Bjorn Steffensen, 11 Dunster Road said he remembers from previous discussions that the expected average value of a home declines by 15% and by 10% for a lot when a tower is present. He said it is a big impact on a homeowner.

Sandor Vajda, 228 Brookline Street said there are a large number of lawsuits and pending bills, so it is therefore understandable Verizon wants to push the application through because sooner or later the bills will be approved. He said it is clear people are unhappy, not only in Needham but throughout Massachusetts, the nation, and in Europe. He noted standards in Europe are a hundred times stricter than the FCC standard.

Mr. Bulian closed the public hearing and said the record will be kept open for additional remarks and asked for comments from the Board.

Mr. Handel said everyone would be well-served if the application could be withdrawn as there has not been a credible presentation satisfactory to him given the level of concern from residents. He said he is not prepared to vote on the application.

Mr. Matthews said it is logical to continue the hearing, suggesting to the applicant that it would be better for everyone to withdraw the application rather than operating under the “shot clock,” unless something changed in a major way. He said he is also not prepared to vote based on the information. Mr. Matthews asked about an alternate location and whether the need is strong enough to move forward. Mr. Matthew summarized tonight’s discussion including challenges to the quality of the scientific information, the assertion there is no need for the tower, uncertainty on the health and safety standards, more time and information required by the Board of Health, using the tower for 4G and/or, by right, 5G technology, and where the buildout is going. He commented there is no public interest in “fast tracking” the application. He concluded it makes sense to continue the hearing and that Verizon would reconsider its application based on everything it has heard, perhaps withdrawing the application and not apply again for this or any other location until they can better address the issues raised.

Mr. Borrelli said he would like an update on Verizon’s timeline for currently approved applications. He suggested Verizon not come to the Board for approval unless needed, and when they do come to the Board adhere to Needham’s reasonable regulations for locating a tower. He concurred he would like to see a game plan. He concluded that although health and safety is not a legal challenge, Verizon has an obligation and responsibility to the residents of Needham to place towers in areas where they will have the least impact.

Ms. Cooley said she is interested in whether or not the previous approvals for grants of location could be withdrawn as it is not clear to her there is a public interest business need. She noted many people in Town want better service from Verizon, and that if it actually existed based on what was presented to the Board, there may have been supporters in the room.

Mr. Bulian agreed with all the comments made by the Select Board and that he is shocked the previously approved antenna are not operational for which measurements could be taken to better understand what is being presented. He concurred the application should be withdrawn and the Board of Health should do their due diligence, reporting back to the Select Board and residents.

Mr. Bulian said the hearing will be continued and asked Verizon to withdraw the current application.

Motion by Mr. Matthews that the Select Board vote to continue Public Hearing - Verizon Wireless at 228 Brookline Street, Needham to the next Select Board meeting on July 23, 2019 at 7:30 p.m.

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

Mr. Manougian said he has no authority to withdraw the application, but he said he will take testimony he heard tonight to his client to see if they would like to withdraw the application. He commented on prior Grant of Location approvals, saying he will try to get answers. He referred to conditions 9 and 10, which he said were added at a later date. He reiterated the study by the American Cancer Society health testing and FCC regulations are ultimately what Verizon follows, noting the American Cancer Society has not said cell towers cause cancer.

The Board recessed for 5 minutes.

10 p.m.

Approval of the Sale of Notes:

David Davison, Assistant Town Manager/Finance 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 upcoming borrowings. Mr. Davison said the notes will finance a number of projects and asked for the Boards approval.

Motion by Mr. Handel that the Board vote to approve Motion A through Motion E below:

Motion A

Move that the Board approve the sale of a \$34,820,000 2.00 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated June 27, 2019 and payable October 1, 2019 to J.P. Morgan Securities LLC at par and accrued interest plus a premium of \$46,310.60.

Motion B

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 5, 2019, and a final Official Statement dated June 19, 2019, 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 Select Board 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.

Motion D

Move that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town 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 Notes and to comply with relevant securities laws.

Motion E

Move that each member of the Select Board, 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: Ms. Cooley. Unanimously approved 5-0.

It was noted that Town Clerk, Theodora Eaton was in attendance as witness the vote.

10:05 p.m. Director of DPW:

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

1. Sign Notice of Traffic Regulation - Gibson Street

Mr. Merson explained the TMAC has received a request from the residents of Gibson Street asking that a one-hour parking zone be established for both sides of Gibson Street between 8 a.m. and 4 p.m. on school days. He said the residents are concerned about school related vehicles parking all day on Gibson Street, which narrows the road and limits emergency vehicle access.

Mr. Bulian asked why the request is for only 1 hour and not 2 hours?

Discussion ensued and the Board decided to ask TMAC to verify the request is for only 1 hour parking and/or consider changing the request to 2 hours before taking action.

2. Sign Notice of Traffic Regulation - First Avenue

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P19-06-25 for First Avenue, Parking Prohibited, West side, from Highland Avenue to B Street.

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

10:12 p.m.

Set Water and Sewer Rates:

Dave Davison, Assistant Town Manager/Finance reminded the Board that it held a Public Hearing regarding the water and sewer rates at its June 11, 2019 meeting. He said the Water and Sewer Rate Structure Committee voted to recommend the rate structure that was presented to the Board that evening. It was noted the step rates for both water and sewer, both primary and secondary meters would be increased. No changes are recommended to the basic service charges or meter fees. The proposed rate structure effectively provides a subsidy to customers that only have primary meter water/sewer use falling within steps one and two. This accounts for more than half of the residential customers. The subsidy is determined by comparing the proposed rate to the minimum required if all consumers were billed at the same rate regardless of use.

Motion by Mr. Handel that the Board approve the proposed water and sewer rates identified on schedule below and that they be effective July 1, 2019; further that the Board approve a Septage Disposal fee of \$85.00 per 1,000 gallons.

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

10:14 p.m.

Set Transfer Station Rates:

Mr. Davison reminded the Board it held a public hearing regarding the Transfer Station user fees and charges at its June 11, 2019 meeting. The Solid Waste Disposal & Recycling Advisory Committee and Town staff presented recommendations to the Board. During the presentation and discussion there were some minor changes requested by the Board which the schedule reflects.

Motion by Mr. Handel that the Board approve the proposed rate changes as outlined below effective July 1, 2019, and in particular Computer Monitor - 15" or less (Small) will now have a charge of \$5 and the charge for Computer Monitor - Greater than 15" (large) will not change.

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

10:17 p.m.

Town Manager:

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

1. Board Support for Open Meeting Bill

Ms. Fitzpatrick asked the Board to support a letter dated June 25, 2019 to the Joint Committee on State Administration and Regulatory Oversight for S. 1899 - "An Act Promoting Governmental Efficiency" intended to simplify the Open Meeting Law, in particular with regard to procedures for addressing violation complaints.

Motion by Mr. Borrelli that the Board vote to approve and sign a letter to the Joint Committee on State Administration and Regulatory Oversight dated June 25, 2019 supporting S. 1899 - An Act Promoting Governmental Efficiency.

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

2. Town Manager Report

Ms. Fitzpatrick reported she and Mr. Davison attended the Massachusetts Municipal Association's Suffolk University graduation for the Local Government and Leadership and Management certificate program, noting Tatiana Swanson, Procurement Specialist/Finance graduated with distinction after the year-long program. She said many employees from the Town have attended the program.

Ms. Fitzpatrick reported 170,592 ride-hailing trips were generated in CY2018 in Needham. She commented the Town will receive \$17,059 proposed for appropriation in October.

Ms. Fitzpatrick reported an average of 0.6 electric assist LimeBike rides were taken for the week ending June 23, 2019.

Ms. Fitzpatrick reported consideration is being given to temporary on-street parking due to parking issues related to the construction of the new public safety building. She said more discussion will occur in July and August.

Ms. Fitzpatrick reminded the Board it will be meeting over the summer to set goals for the next two years. She commented town focus this summer will be on several items including a draft job posting for a new Public Information Officer position, Ridge Hill/Nike Study, Affordable Housing Trust, field work, building maintenance, Fisher Street Trailhead design, Rosemary trail project, public safety station, and the opening of the new Sunita Williams Elementary School.

10:18 p.m. Board Discussion:

1. Town Manager Performance Evaluation Policy

The Board discussed the adoption of a new Town Manager Evaluation Policy in accordance with the Board's FY 2019 - 2022 goals.

Ms. Cooley said the new policy is a significant upgrade and improvement in thinking about the range of characteristics that are important in the overall performance of the Town Manager.

Motion by Mr. Handel that the Select Board vote to approve the revised Town Manager Performance Evaluation Policy.

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

2. Committee Reports

Mr. Bulian said the new Rosemary Pool has had a lot of activity with families enjoying all the new amenities. He said it is great to see.

Mr. Bulian invited the public to attend the fireworks scheduled for the night of July 3rd and the parade on July 4th, courtesy of the Needham Exchange Club. Mr. Handel said many people working in Town government help with events.

Mr. Bulian invited residents to attend the 3rd annual carnival July 11th through July 14, sponsored by the Rotary Club to be held in the parking lot at Needham High School.

Ms. Fitzpatrick told the Board she attended the Farmers Market on Sunday saying it was “quite robust” with a lot of people attending.

Adjourn:

Motion by Mr. Handel that the Select Board vote to adjourn the Select Board Meeting of June 25, 2019.

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

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

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

Select Board Committee Reappointments June 25, 2019

Committee	Term Exp	Member
Board Of Appeals	6/30/2022	Peter Friedenber
Board Of Appeals	6/30/2022	Jon Schneider
Cable Television Advisory Board	6/30/2022	Tom Loughran
Commission on Disabilities	6/30/2022	Tatiana Swanson
Commission on Disabilities	6/30/2022	Corine Burke
Conservation Commission	6/30/2022	Peter Oehlkers
Conservation Commission	6/30/2022	Janet C Bernardo
Council of Economic Advisors	6/30/2022	Michael Wilcox
Council of Economic Advisors	6/30/2022	Virginia Fleisher
Council On Aging	6/30/2022	Tom Keating
Council On Aging	6/30/2022	Colleen Schaller
Cultural Council	6/30/2022	Sharon Breitbart
Downtown Streetscape Working Group	6/30/2020	Dale Wise
Downtown Streetscape Working Group	6/30/2020	Bob Hentschel
Downtown Streetscape Working Group	6/30/2020	Paul Good
Golf Course Advisory Committee	6/30/2022	Jack Heavey
Golf Course Advisory Committee	6/30/2022	Christopher Gerstel
Historical Commission	6/30/2022	Don Lankiewicz
Human Rights Committee	6/30/2022	Cynthia A Ganung
Metropolitan Area Planning Council	6/30/2022	Lee Newman
Needham Community Television Dev Corp	6/30/2022	Tom Loughran
Rail Trail Advisory Committee	6/30/2022	Christopher Gerstel
Registrars of Voters	6/30/2022	John W Day
Taxation Aid Committee	6/30/2022	Helen Newton
Town Counsel	6/30/2020	David S. Tobin
Traffic Management Advisory Committee	6/30/2022	Donna Mullin
Traffic Management Advisory Committee	6/30/2022	Suzanne S. Stein
Transportation Committee	6/30/2022	Richard S Creem
Transportation Committee	6/30/2022	Duncan Allen
Water/Sewer Rate Structure Committee	6/30/2022	Tom Loughran
Water/Sewer Rate Structure Committee	6/30/2022	John Tallarico