

**Town of Needham
Board of Selectmen
Minutes for November 14, 2017
Needham Town Hall
Powers Hall**

- 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 Chair 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. Certificate of Appreciation: Bagel's Best
Mr. Matthews read a Certificate of Appreciation recognizing the 20th anniversary of Bagel's Best in Needham.
- Motion by Mr. Matthews in recognition of its 20th anniversary (with over 1,040,000 bagels baked) of providing delicious breakfast and lunch options to the residents and working community of Needham. We wish you many more years of success in Needham. Congratulations!**
Second: Mr. Borrelli. Unanimously approved 5-0.
- 7:02 p.m. Consent Agenda:
Motion by Mr. Bulian that the Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS:

1. **Cultural Council** Catherine Nanda (term expires 6/30/2020)

CONSENT AGENDA

1. **Ratify a Special One Day Wines and Malt Beverages Only license for Robert Timmerman of the Fr. Daniel Kennedy-Needham Knights of Columbus who hosted a trivia night event on Friday, November 10, 2017 from 6:30 p.m. to 11:30 p.m. The event was held at the Fr. Daniel Kennedy-Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
2. **Require all non-represented employees to transition to direct deposit payroll effective January 1, 2018.**
3. **Accept the following donations made to the Needham Community Revitalization Trust Fund: \$100 from Community Center of Needham, Inc.**
4. **Ratify a Special One Day Wines and Malt Beverages Only license for Susan Shaver, of the Needham Community Farm who held a celebration event for the Needham Community Farm on November 5, 2017 at the First Parish Church Needham, 23 Dedham Avenue, from 6:00 p.m. to 9:00 p.m.**
5. **Approve minutes from the October 24, 2017 meeting.**

6. Water & Sewer Abatement Order #1245.

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

7:02 p.m. Public Hearing: Transfer of All Alcoholic License - Capella LLC d/b/a Cappella, 45 Chapel Street
Robert Picardi II, proposed Manager and Roy Cramer, Attorney appeared before the Board requesting a transfer of license to sell All Alcoholic Beverages at a restaurant located at 45 Chapel Street from Petit Robert Bistro, Raji Spencer, Manager, to Capella LLC, whose proposed Manager is Robert Picardi, II. The premises has 2,609 sq. ft., on the main floor with a seating capacity for 100 patrons, and basement storage space of 399 sq. ft. There is a seasonal outside patio located in the front of the restaurant on Chapel Street consisting of 16 seats with proper barriers per state and local laws. The space also includes kitchen facilities and handicap bathrooms and there is one entrance at the front of the building and one emergency exit at the rear of the building. The proposed Manager, Robert Picardi, II, has previous experience at Prezza, a restaurant located in Boston.

Ms. Cooley reminded Mr. Picardi all servers of alcohol must be properly trained.

Motion by Mr. Handel that (A) the Board of Selectmen approve the application for a transfer of All Alcohol License under the Town of Needham Rules and Regulations Applicable To The Sale of Alcoholic Beverages in Restaurants to Capella, LLC, Robert Picardi II, Manager, and to forward the approved Alcohol License application to the ABCC for approval; and (B) the Board of Selectmen approve the application for a Common Victualler License. Second: Mr. Bulian. Unanimously approved 5-0.

Mr. Matthews told Mr. Picardi the Town wants him to succeed, pointing out the industry is heavily regulated and rules must be followed. Mr. Picardi said he understood Mr. Matthews comment.

7:03 p.m. Public Hearing: Eversource Energy
Karen Johnson, Eversource Energy representative appeared before the Board with two items to discuss:

1. Chestnut Street/Lincoln Street

Motion by Mr. Matthews that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 32 feet of conduit in Chestnut Street. This work is necessary to provide underground electric service to a new medical building at 111 Lincoln Street, Needham.

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

2. Scott Road

Ms. Cooley invited Alex Mandelbraut, developer to appear before the Board. Ms. Cooley indicated conduit has been installed, reminding Mr. Mandelbraut conduit is

not to be installed on future projects prior to receiving a Grant of Location permit. Mr. Mandelbraut concurred.

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

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Matthews that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 8 feet of conduit in Scott Road. This work is necessary to provide underground electric service at 32 Scott Road, Needham.

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

7:05 p.m. Public Hearing: Verizon Wireless Small Cell - South Street
Betsy Mason, Attorney from McLean Middleton representing Verizon Wireless and Dr. Donald Hayes, independent consultant and radiation specialist appeared before the Board 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 South Street, Needham. This installation will remedy the existing wireless coverage and capacity gaps that Verizon Wireless has identified in its wireless network in the Needham area. It is noted the Department of Public Works has approved this petition, based on Verizon's commitment to adhere to the conditions in the Order for this petition.

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

Mr. Borrelli said one public comment was received supporting the petition.

Mr. Borrelli asked if petitions for more sites will be coming in the months ahead? Ms. Mason said she was not aware of additional petitions in the months ahead, but would notify the Town if more sites are required.

Motion by Mr. Handel 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 on Verizon Site Name Dover N SC02MA, Utility Pole Number 2/152 on South Street, Needham, closest intersecting street is Wilson Lane.

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

7:16 p.m. Eversource Reliability Project Update:
Ray Miyares, Special Counsel appeared before the Board with an update on the status of the petition of Eversource Energy at the Energy Facilities Siting Board. Also in attendance were Eversource Energy representatives Dominic Nicotera, Project Manager and Kate McInerney, Project Manager/Outreach and Support Services Group.

Ms. Cooley said abutters were notified of the meeting and asked to submit questions, noting approximately five emails were received.

Mr. Miyares gave a synopsis of the process to date, saying the petition was filed by Eversource Energy with the Energy Facilities Siting Board (EFSB) in June 2016. He commented on Eversource Energy's "preferred route," noticed "alternative route," pre and post construction EMF monitoring, and public hearings held by the Town. He reiterated the Board's vote in May 2017 endorsing the "alternative route" (along South Street) for the project, and the involvement of the Energy Facilities Siting Board.

Ms. Cooley pointed out Mr. Bulian had recused himself from prior discussions because one of the potential routes passed by his home, but he can now participate in discussion with the Selectmen as the route was selected in June 2017.

Mr. Nicotera gave a powerpoint presentation summary of the project, commenting on the process and project status, construction and traffic management plans, timeline, and next steps. He said a siting decision from the EFSB is expected in the first quarter 2018 and Eversource Energy is currently applying for permits in Needham, Dedham, and Boston. Mr. Nicotera said construction for the entire project is anticipated to begin in the second quarter 2018 ending in the second quarter 2019. A map of the route was viewed. Mr. Nicotera commented safety is the priority on any job by Eversource Energy. He described the process for installing pipes underground along South Street.

Ms. McInerney said construction impact on neighborhoods is taken very seriously, and Eversource Energy has a department devoted to making sure care is given to residents and communities. She commented communication is key, noting door to door outreach, mailings, website information, and a hotline number are provided for residents.

Ms. Cooley clarified work hours are 7 a.m. to 5 p.m. Monday - Friday and 9 a.m. - 5 p.m. on Saturday (as needed) along South Street (awaiting approval by the EFSB). She commented at least one email was received asking what led to the recommendation from the Board of Selectmen to select the South Street route? She said the Board of Selectmen wanted the route to progress down the widest roads with the fewest walkers, which led to the South Street route being selected as the Town's preferred route. She said the Town continues to review plans as they come forward, anticipating the Board of Selectmen will hold a hearing in January 2018, once the full project plan is known.

Mr. Bulian asked what Eversource Energy will do pre and/or post monitoring after completion of the project should there be a problem? Mr. Nicotera indicated he was referring to construction safety when he commented safety is a priority. Mr. Bulian said he, and everyone on the route, want to know what happens if monitoring shows emissions exceed a safe level. Mr. Nicotera said testimony and engineering reports

indicate levels expected as part of the underground transmission and typical of other build-outs, have Electro Magnetic Field (EMF) levels well below accepted guidelines for the industry. He encouraged folks to review the records, reiterating Eversource Energy agreed to pre and post monitoring. Mr. Nicotera acknowledged he is not qualified to speak regarding the possibility readings show levels higher than anticipated. He stated the expected levels are extremely low based on testimony and reports by experts. He commented the Needham Board of Health is also on record stating no public safety health hazards exist as a result of the project. Mr. Bulian asked again, what will Eversource do should monitoring show levels exceed safe levels?

Ms. Cooley asked Mr. Nicotera what type of mitigation will be provided to the Town (i.e. not under sidewalks, edge to edge paving, and monitoring). Mr. Nicotera said those examples are to be expected. He commented if difficulties are found during construction requiring moving an existing utility, Eversource would move the existing utility under a sidewalk to open the street for the transmission line, as noted in documentation.

Ms. Cooley recognized Dr. Edward Cosgrove, Needham Board of Health and Anne Weinstein, District Director for State Representative Denise Garlick in the audience.

Mr. Handel asked about mandated mitigation should monitoring show EMF levels exceed what is acceptable. Mr. Nicotera said the difference between currently acceptable EMF levels and expected levels is so great that Eversource does not anticipate coming close to accepted guidelines. Ms. McInerney said the ESFB has decades of experience and scientific literature associated with EMF's, with many overhead and underground projects permitted with varying levels of EMF's. She said the struggle for Mr. Nicotera and herself is thinking about health based standards and it is a tough question to answer. She emphasized the ESFB looks at the issue of EMF's very carefully, while considering the testimony of expert witnesses. Mr. Nicotera pointed out that when the new line is constructed and in service, one of the two existing lines will be de-energized and removed, essentially reducing EMF's overhead on the section from Valley Road to the station on Chestnut Street. Ms. McInerney said spot measurements by meter are also done for anyone concerned about EMF's.

Ms. Cooley invited Dr. Cosgrove to comment on work done by the Board of Health.

Dr. Cosgrove said the Board of Health has weighed in and examined all the information, commenting the South Street route is the most conservative route. He commented levels of EMF will not be known until the project is built and working. In the event EMF's levels exceed established safety levels, and no progress is made in abating the levels, the Board of Health would be more than willing, under M.G.L. Chapter 133, to order abatement, thereby forcing abatement.

Discussion ensued regarding test pits for evaluating the location of eight manholes, the Town's request for "as built" plans, information for abutters via a project website, and possible negative impact to trees along South Street or to the Charles River Watershed.

Ms. Cooley invited public comment.

Stacey and Simon Mann, corner of Longacre Road and South Street asked why the street was opened and if a manhole will be located at the corner of Longacre Road and South Street? Mr. Nicotera said a manhole is not planned for the corner, rather at the corner of Great Plain Avenue and South Street. He said the street was opened for vacuum excavation to find and avoid existing utilities. Ms. Mann asked how she would communicate information if she were to personally check EMF levels? Ms. Cooley told Ms. Mann if numbers were out of range, to call Eversource. She said everyone expects a safe installation, but if it is not, the situation will have to be figured out. Ms. Mann asked for the monitoring cycle? Mr. Nicotera said he would convey the information when known. He suggested Ms. Mann look at the EFSB docket on line for more information about industry standards for similar projects, which show levels to be dramatically lower than acceptable EMF levels. Mr. Mann said he needs written safety assurances and protocol. Ms. Cooley reiterated the expectation of safety, but if problems arise to call Eversource and the Needham Board of Health. Mr. Mann expressed frustration that the project is being forced upon his family, wanting assurance there is no risk to his children. Ms. Cooley thanked Mr. Mann for his comments.

Rohan Derasari, 569 Chestnut Street asked for clarification of the timeline and location of manholes. Ms. Cooley said the project will run approximately March 2018-June 2019, and asked Mr. Nicotera to provide a simple list of manhole locations. Mr. Derasari reiterated he is not comfortable without a specific process for residents to follow should there be a problem. Ms. Cooley asked Kate Fitzpatrick, Town Manager to craft a process for residents, with contact information from Eversource. Mr. Derasari asked for notice of when construction will take place near his house as he works at home and will need to make other arrangements. Ms. Cooley said it is reasonable for folks to expect a couple of days notice when construction will start near their house. Ms. McInerney asked for Mr. Derasari's contact information.

Mr. Bulian commented other communities must have similar questions regarding transmission lines. He asked Anne Weinstein, District Director for State Representative Denise Garlick to suggest a state legislative effort, relative to protocol, addressing emissions exceeding safe levels. He said he is shocked to find Eversource Energy has no protocol in place.

Linda Asher, 16 South Court asked if there is new technology to shield the transmission lines that could mitigate EMF concerns? Mr. Nicotera referred Ms.

Asher to testimony and reports from other hearings. He said Eversource is following rules and requirements per the Department of Public Utilities siting board process.

Bob Starmer, 93 Wildwood Drive asked if transmission lines could be placed further from houses in areas along South Street where there are no homes? Mr. Nicotera said there are existing constraints including sewer, water, cable, and gas utilities to work around, as well as Town requirements to stay as close to the center of the roadway as possible.

Ken Budreau, 166 South Street commented on a letter dated October 5 in which the Town objected to XLPE technology and asked Mr. Nicotera if XLP technology will be used? Mr. Nicotera said "correct." Mr. Budreau asked why the Town objected to the use of XLPE technology? Ms. Cooley commented while XLPE technology is a newer technology and safer environmentally than prior technology, it does have higher EMF levels. She noted however, while levels are higher they are significantly below levels deemed safe. Mr. Budreau asked why before and after EMF results are not being presented? Ms. Cooley concurred, noting in this area there are not many installations of XLPE. Mr. Budreau commented if Eversource cannot present before/after results, then he cannot understand how permits were granted. He said before/after results are easily done and should be available. Mr. Budreau commented on Town requests relative to how the project is built. He asked if requests will be followed? Mr. Nicotera said permits will include requirements with which Eversource must comply. Mr. Budreau asked what specific final restoration work will be done? Mr. Nicotera said curb to curb paving will be done. Mr. Budreau asked what type of manhole cover will be used, suggesting the area is open to higher EMF levels? Mr. Nicotera said manhole covers are pre-cast concrete cast iron manhole covers, and while EMF levels are slightly higher at the manhole covers, the expected levels are still well below current accepted health standards. Mr. Budreau urged Eversource produce before/after EMF testing levels from other typical projects. Mr. Budreau asked for EFSB criteria for approving the project? David Rosenzweig, Eversource Siting Attorney explained standards required for EFSB approval, including sufficiently mitigated environmental impacts. Mr. Budreau concluded saying he feels the process has been a "bait and switch" and notification to residents has been terrible. Ms. Cooley commented four or five notices from both Eversource and the Town were sent to residents. She concurred there are issues with the process, but that as the process moves along, people become more aware particularly when it get to the end of someone's driveway. She said she appreciates Mr. Budreau's comments and that the Town is doing its best to get the word out to residents. Mr. Budreau said he does not understand why the Town is so accepting of the process and has "given up." Ms. Cooley said she does not feel the Town has "given up," but the project is coming to Needham, noting the Town is not the decision maker. She said the work of the Board of Selectmen is to get the best project possible. Mr. Budreau said the Town should be objecting when a project lacks transparency.

Ms. Cooley invited residents to send additional questions by email to the Board of Selectmen.

Mr. Matthews stated his view thus far, saying the process has been going on for three years. He commented he does not understand where the idea came from that the Town is a partner in this project. He said the project is a public utility, part of the regional electric grid, controlled by state and federal law, and highly regulated. He said this project is one of several intended to provide “reliability” in the electric grid to deal operationally with weather, accidents, and even intentional wrongful acts. He stated while no one on the Board of Selectmen is an expert, the Town has involved expert counsel in parts affecting the Town. He said proposed routes go under the public way, which is the main involvement of the Town. The Town, he said, is not a direct decision maker in where the route goes. He said the Town has had choices in the matter and has made sure residents have had an opportunity to speak about those choices, acknowledging some people in the audience have stated they have just found out about the project this week. He commented, in a complicated society it is difficult for everyone to get all of the information relevant to them. He stated the project has been litigated and is at the point where some choices are largely set, while others remain “up in the air.” He said the EFSB, the party deciding many of the issues including safety of overall design and routing the project, had a long hearing with expert testimony on both sides of the issue, including the Town and private interveners involved in the litigation. He said he wants people to feel, at least, that the Town has made an effort in making sure people were aware of the project, have an opportunity to be heard, and that the Board of Selectmen has tried to weigh in as it sees fit, keeping with the goals of the reliability system and done in a way that is safe for residents. He said much of the focus tonight has to do with design and engineering, noting he is of the opinion some of the questions cannot be answered. He said some discussion concerning EMF’s is scientific with varying views after more than 25 years of study. He said the Board of Selectmen has made some decisions affecting the project. Discussion ensued on splitting lines, underground placement, and the choice of two routes as proposed by Eversource. Mr. Matthews said proceedings were held because of the contentiousness of the issue of underground lines, noting while the idea is a good one, most people do not want underground lines going down their street in front of their house. Mr. Matthews said the Town intervened in the ESFB proceeding because of the concerns raised by residents. He said one decision was whether or not to weigh in at all, and if so, whether or not to make the recommendation for the South Street route, as opposed to the Harris Avenue route. He said the Town tried to notify residents on or living near both routes, with a public hearing held specifically on the two routes. He commented the Board of Selectmen then made a recommendation for the South Street route. He said while it is true the route has not yet been approved, it is not true to say the choice is new. He referred to public hearing records commenting the EFSB will make its decision and people will have opportunities to be heard after that, but the process is “way down the road.” Mr. Matthews acknowledged people can still voice concerns, but some options may be more limited than at a previous stage. He commented the meeting tonight is to

address the part the Town has the biggest influence on ultimately, which is design, location, etc., because the project runs under Needham streets. He commented on the science of EMF's, noting it is a fact of life in any industrial location. He said current existing lines do not come near generally recognized hazardous levels, and the proposed project is at a much lower level. He noted pre and post monitoring is to establish a baseline and to show where things stand. On the other hand, he said, in spite of all of the research over the years, there is a lot of uncertainty and conjectural science. He said there are no absolute guarantees, but rather standards of measuring what is hazardous and an engineering standard of trying to use all reasonable measures to minimize EMF's in situations where there is likely to be public exposure. He said it is the job of Eversource in its presentations to the EFSB to show it meets the standard. He commented the second purpose of tonight's meeting is that as Town officials, it is understood that a lot of people don't always know what is going on in Needham. He stated meetings will continue to happen so people can have their say and questions can be answered as best as possible so the project can be built in a safe and effective manner. He concluded that the Board of Selectmen is aware the project is concerning to many people, but it is fair to say there is no solution to please everyone and deal with the goals, which most will agree with; that the system must meet the basic needs of millions of people who depend on it. He said the Board of Selectmen will continue to work through specific issues to try and make sure the project works as best it can.

Mr. Borrelli thanked everyone for their input, acknowledging the project is disruptive, agreeing the project has been forced upon the Town. He summarized the three alternatives. He stated he takes exception to anyone who says the Board of Selectmen did not fight for the Town, noting the hiring of Special Counsel, discussions with the Board of Health and Town Engineer, pushing back as much as possible. He said this is "the hand we were dealt," and have had input wherever possible. He concluded saying the Board of Selectmen have fought to keep the project in the best interest of the Town, realizing some people on either route will be unhappy with the decision. He concurred communication must be better from the Town, and public data from Connecticut regarding pre and post monitoring must be made available. He commented the role of the Town now is to make sure Eversource complies with what it says it is going to do, and to work with the Board of Health, and hear from the public.

Mr. Handel said he agrees with what has been said, and is reassured by comments made by Dr. Cosgrove, that the Board of Health has the authority, in the event unsafe levels are detected, to order mitigation.

Mr. Bulian concurred that the Town should have done a better job notifying residents.

Ms. Cooley acknowledged and apologized all questions were not answered, recognizing tonight was not a scheduled public hearing. She said updates are critical for people to be informed. She said she expects additional meetings and

encouraged people to submit further questions to the Board of Selectmen. She thanked everyone for attending tonight and for asking questions.

The Board recessed for a minute.

- 9:20 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with one item to discuss:
1. Town Manager's Report
Ms. Fitzpatrick updated the Board on special trash collection on weekends by employees of the Recycling and Transfer Station. She said staff are making rounds to some of the busier parks in Town and two additional trash barrels have been placed in Needham Heights. She said this pilot program is being considered for permanent implementation. Ms. Fitzpatrick also commented on the "Big Belly" trash barrel pilot program. She said the issue of trash is being tackled on many fronts.

- 9:25 p.m. Board Discussion:
1. Committee Reports
No Committee Reports were made.

- 9:25 p.m. Executive Session: (Exceptions 3 and 6)
Motion by Ms. Cooley 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. Matthews. Ms. Cooley polled the Board. Unanimously approved 4-0.

Mr. Bulian was not in attendance for the Executive Session vote.

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.