SELECT BOARD Meeting Agenda
6:00 p.m. June 14, 2022
NEEDHAM TOWN HALL – SELECT BOARD CHAMBERS & ZOOM

Pursuant to Chapter 22 of the Acts of 2022, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

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	6:00	Public Comment Period Citizens are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board's policy on public participation in meetings can be found here.
1.	**6:00**	Proclamation: Platinum Jubilee – Needham Market
2.	**6:00**	Public Hearing: Verizon Cable Television Contract Renewal • Myles Tucker, Support Services Manager • Bill August, Town Cable Counsel • John Harrington, Legal Counsel to Verizon
3.	**6:15**	Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022) • Diana Rasoul, Dog Owner
4.	**6:30**	Needham Community Revitalization Trust Fund (NCRTF) Project Updates • Amy Haelsen, Economic Development Manager • Paul Good, Chair, NCRTF
5.	**6:35**	Rail Trail – Chestnut Street Extension • Richard Benevento, WorldTech • Alan Cloutier, WorldTech • Edward Olsen, Parks & Forestry Superintendent
6.	**7:00**	Proposed Alcohol Regulations Changes - Breweries • Katie King, Assistant Town Manager/Operations • Chris Heep, Town Counsel

		• Myles Tucker, Support Services Manager • Amy Haelsen, Economic Development Manager
7.	**7:15**	Town Manager • Remote Participation by Members of Public Bodies
8.	**7:30**	Board Discussion • 557 Highland Avenue/Highland Innovation Center Project • Committee Reports

CONSENT AGENDA *=Backup attached

1.*	Approve the proposed schedule of penalties for alcohol compliance check failures for the following license holders: Latin-A Group, LLC d/b/a Latina Kitchen, Lianos Liquors LLC, d/b/a Needham Center Fine Wines and Spirits, Reveler Beverage Company LLC, d/b/a Reveler Beverage, and The Needham General Store LLC, d/b/a Needham General Store.
2.*	Approve Minutes for April 5, 2022; May 9, 2022 (Open Session); May 9, 2022 (Executive Session); May 10, 2022; May 24, 2022 (Open Session); May 24, 2022 (Executive Session); and May 31, 2022.
3.	Approve a Class II Auto Sales License for Needham Auto Sales
4.	Authorize the placement of Pride Month lawn signs at the Town Hall and Public Services Administration Building through June 30, 2022.
5.*	Approve 20(b) Waiver form for the Department of Health and Human Services .
6.	Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Daniel Burns	6 Louart Drive	Wildale Circle	9/10/22	9/11/22	4pm-7pm

PROCLAMATION

WHEREAS: The Town of Needham Massachusetts was incorporated in 1711, and then named by the Royal Governor, Joseph Dudley, who took the Name from Needham Market in England; and

WHEREAS: Needham Market, Suffolk, England was established in 1245, 466 years earlier than Needham in the Commonwealth of Massachusetts; and

WHEREAS: In 1993, Needham Town Meeting resolved that a close bond of social and cultural friendship be developed between the two communities; and

WHEREAS: That bond has been developed through numerous visits by officials from each community to the other; and

WHEREAS: The Town of Needham recognizes the significance of the Platinum Jubilee, celebrating the seventieth anniversary of the coronation of Queen Elizabeth II; and

WHEREAS: Needham joins with the residents of Needham Market to mark this joyous occasion.

NOW THEREFORE, be it resolved that the Needham Select Board and the people of Needham, Massachusetts, USA extend their warmest regards to the Town Council and the people of Needham Market, Suffolk, England on the joyous occasion of the Platinum Jubilee.

Signed this 14th Day of June 2022

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Select Board of Needham

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	Public Hearing: Verizon Cable Television Contract Renewal
Presenter(s)	Myles Tucker, Support Services Manager Bill August, Town Cable Counsel John Harrington, Legal Counsel to Verizon

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

The Town Manager will recommend that the Select Board, as Issuing Authority for the Town, enter into a five-year cable television renewal license with Verizon New England, Inc. for the period of August 15, 2022 through August 14, 2027.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board find that the cable franchise renewal proposal of Verizon New England, Inc. reasonably meets the franchise and cable-related renewal needs and interests of the public and Town; and that Verizon New England, Inc.'s financial and technical qualifications and local programming channels, facilities, and services are reasonable to meet Town cable franchise needs, find that the Select Board, as Issuing Authority for the Town, votes to accept the renewal agreement with Verizon New England, Inc. effective August 15, 2022.

3.	**BACK UP INFORMATION ATTACHED**

a. Cable Television Renewal License Agreement
b. Legal Advertisements

CABLE TELEVISION
RENEWAL LICENSE

GRANTED TO

VERIZON NEW ENGLAND INC.

THE SELECT BOARD

TOWN OF NEEDHAM,
MASSACHUSETTS

AUGUST 15, 2022

TABLE OF CONTENTS

ARTICLE		PAGE
1.	DEFINITIONS	2
2.	GRANT OF LICENSE AUTHORITY	7
3.	PROVISION OF CABLE SERVICE	11
4.	SYSTEM FACILITIES	12
5.	PEG ACCESS SERVICES AND SUPPORT	13
6.	LICENSE FEES	17
7.	CUSTOMER SERVICE	19
8.	REPORTS AND RECORDS	19
9.	INSURANCE AND INDEMNIFICATION	20
10.	RENEWAL OF LICENSE	22
11.	ENFORCEMENT AND TERMINATION OF LICENSE	23
12.	MISCELLANEOUS PROVISIONS	24

EXHIBITS

EXHIBIT A – PUBLIC BUILDINGS TO BE PROVIDED CABLE SERVICE (SUBJECT TO SECTION 3.3)

EXHIBIT B – GROSS REVENUES REPORTING FORM

EXHIBIT C – FORM OF PERFORMANCE BOND

THIS CABLE TELEVISION RENEWAL LICENSE ("License") is entered into by and between the Select Board of the Town of Needham (the "Town"), as Issuing Authority for the grant of cable television license(s) pursuant to M.G.L. Chapter 166A, and Verizon New England Inc., a corporation duly organized under the applicable laws of the State of New York (the "Licensee").

WHEREAS, the Issuing Authority is a "franchising authority" in accordance with Section 602(10) of the Communications Act, and is authorized to grant one or more nonexclusive cable licenses pursuant to M.G.L. Chapter 166A;

WHEREAS, the Issuing Authority granted to Licensee effective as of August 15, 2017, a nonexclusive First Renewal License to install, maintain, extend, and operate a Cable System in the Town for a term of five (5) years (the "First Renewal License");

WHEREAS, the Licensee has operated a Cable System in accordance with the First Renewal License as of the effective date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Town which also transmits Non-Cable Services pursuant to authority granted by M.G.L. c. 166 and Title II, which Non-Cable Services are not subject to the Massachusetts Cable Law or Title VI;

WHEREAS, pursuant to and in accordance with applicable federal and State law, the Issuing Authority undertook a process to determine whether it should renew the First Renewal License and the terms for such a renewal;

WHEREAS, the Issuing Authority has examined the past performance of Licensee and has determined that Licensee is and has been in material compliance with the First Renewal License and applicable law;

WHEREAS, pursuant to and in accordance with applicable federal and State law, the Licensee submitted to the Issuing Authority a proposal to renew the First Renewal License to operate a Cable System in the Town; and

WHEREAS, following good faith negotiations between the parties, the Issuing Authority and Licensee have agreed on the terms for a renewal license under which Licensee will continue to operate its Cable System in the Town.

NOW, THEREFORE, in consideration of the Issuing Authority's grant of a renewal license to the Licensee, the Licensee's promise to continue providing Cable Service to residents of the Town pursuant to the terms and conditions set forth herein, and for other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

1. DEFINITIONS

Except as otherwise provided herein, the definitions and word usages set forth in the Communications Act are incorporated herein and shall apply in this License. For the purpose of this License, the following words, terms, phrases and their derivations shall have the meanings given herein. When not inconsistent with the context, the masculine pronoun includes the feminine pronoun, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory. In addition, the following definitions shall apply:

1.1. *Access Channel*: A video Channel which the Licensee shall make available to the Town of Needham and/or its PEG Access Designee without charge for non-commercial public, educational, or governmental use for the transmission of non-commercial Video Programming as directed by the Issuing Authority and in accordance with the terms of this License.

1.2. *Affiliate*: When used in relation to any Person, another Person who owns or controls, is owned or controlled by, or is under common ownership or control with, such Person.

1.3. *Basic Service Tier*: Any service tier which includes the retransmission of local television broadcast signals.

1.4. *Cable Division*: The Cable Television Division of the Massachusetts Department of Telecommunications and Cable ("DTC") or successor governmental agency if any.

1.5. *Cable Service* or *Cable Services*: Shall be defined herein as it is defined under Section 602(6) of the Communications Act, 47 U.S.C. § 522(6), meaning the one-way transmission to Subscribers of Video Programming or other programming service, and Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

1.6. *Cable System* or *System*: Shall be defined herein as it is defined under Section 602(7) of the Communications Act, 47 U.S.C. § 522(7), meaning a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple Subscribers within the Town, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Communications Act) to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with Section 653 of the Communications Act; or (E) any facilities of any electric utility used solely for operating its electric utility systems.

1.7. *Channel*: Shall be defined herein as it is defined under Section 602(4) of the Communications Act, 47 U.S.C. § 522(4).

1.8. *CMR*: The Code of Massachusetts Regulations.

1.9. *Commercial Subscriber*: A commercial, non-residential Subscriber.

1.10. *Communications Act*: The Communications Act of 1934, as amended.

1.11. *Complaint*: Shall be defined herein as it is defined by the Cable Division's Order Adopting Revised Form 500 (June 11, 1999), meaning any written or verbal contact with the Licensee in connection with Cable Service in which a Person expresses dissatisfaction with an act, omission, product or service that is (1) within the Licensee's control, and (2) requires a corrective measure on the part of the Licensee.

1.12. *Converter*: A device capable of unscrambling coded video signals distributed over the Cable System.

1.13. *Educational Access Channel*: An Access Channel available for the non-commercial use of the Issuing Authority, public schools in the Town, as well as the PEG Access Designee, as determined by the Issuing Authority.

1.14. *FCC*: The United States Federal Communications Commission, or successor governmental entity thereto.

1.15. *Force Majeure*: Acts of God; acts of public enemies; orders of any kind of the government of the United States of America or of the State or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts; civil disturbances; explosions; strikes, labor disturbances or lockouts; unavailability of essential equipment, services and/or materials and/or other matters beyond the control of the Issuing Authority, the Town or the Licensee, and unreasonable work delays beyond the reasonable control of the Parties.

1.16. *FTTP Network*: The network constructed and operated by the Licensee and having the meaning set forth in the recitals of this License.

1.17. *Government Access Channel*: An Access Channel made available by the Licensee for use of the Issuing Authority and/or its PEG Access Designee as determined by the Issuing Authority to present non-commercial governmental and government-related programming as determined by the Issuing Authority.

1.18. *Gross Revenues*: All revenue, as determined in accordance with generally accepted accounting principles ("GAAP"), derived by the Licensee and/or its Affiliates from the operation of the Cable System to provide Cable Service in the Town, including, without limitation, the following items: fees, charges and payments collected from Subscribers (including

Commercial Subscribers) for Cable Services, including, without limitation, Basic and premium Cable Services, pay-per-view Cable Services, video-on-demand Cable Services and digital Cable Services; installation, reconnection, downgrade, upgrade and similar charges; revenues received from rentals or sales to Subscribers of Converters, remote controls and other Subscriber equipment used to provide Cable Service over the Cable System; Leased Access Channel programming revenues; revenues that the Licensee receives from home shopping channels as prorated to include such revenue attributable to the Cable System in the Town based on the number of Subscribers; advertising revenues as prorated to include such revenue attributable to the Cable System in the Town based on the number of Subscribers; and all fees imposed on the Licensee by this License and applicable law that are passed through and paid by Subscribers ("fee-on-fee") (including the License Fee, the PEG Access Support and the PEG Grant to the extent that the Issuing Authority provides the Licensee with evidence that such fees and charges are included in the gross revenue of other cable operators in the Town) in accordance with applicable law. For the avoidance of doubt, Gross Revenue shall include the amount of Licensee's gross advertising revenue (i.e., without netting advertising commissions paid to third parties), calculated in accordance with generally accepted accounting principles. Gross Revenues based on bundled services shall be calculated in accordance with Section 5.4.3 below. Provided, however, that Gross Revenues shall not include:

1.18.1. Revenues received by any of Licensee's Affiliates, except to the extent that such revenues relate directly to the provision of Cable Services over the Cable System in the Town;

1.18.2. Actual bad debts written off by the Licensee in the normal course of its business, provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected;

1.18.3. Any revenues foregone as a result of (i) refunds, rebates or discounts made to Subscribers, or (ii) the Licensee's provision of free or reduced cost Cable Services to any Person, including without limitation, employees of the Licensee and public institutions pursuant to M.G.L. Chapter 166A, Section 5(e); provided, however, that if the Licensee receives trades, barters, services or other items of value instead of cash revenue then such items shall be included in Gross Revenue;

1.18.4. Any revenues wholly generated by services that are defined and classified as Non-Cable Services revenue under federal or State law including, without limitation, revenues received from Telecommunications Services; revenues received from Information Services, and directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement and electronic publishing;

1.18.5. Any revenues of the Licensee or any other Person which is received directly from the sale of merchandise through any Cable Service distributed over the Cable System, notwithstanding that portion of such revenue which represents or can be attributed to a Subscriber fee or a payment for the use of the Cable System for the sale of such merchandise, which portion shall be included in Gross Revenue;

1.18.6. Revenues from the sale of Cable Services on the Cable System to a reseller, when the reseller is required by the Town to pay (and does pay) License Fees to the Town on the resale of the Cable Services;

1.18.7. Any tax, fee or assessment of general applicability imposed by a Town, State, federal or other governmental entity and required to be collected from Subscribers by the Licensee and remitted to the taxing entity (including, but not limited to, taxes in the nature of a sales/use tax, communication tax and non-cable license fees); and

1.18.8. Revenues from the sales of capital assets or sales of surplus equipment; provided that this exclusion shall not include sales to Subscribers of Converters, remote controls and other Subscriber equipment for the provision of Cable Service over the Cable System.

1.19. *High-Definition (HD) PEG Access Channel:* A PEG Access Channel in the high definition display format for digital television transmissions with video transmitted in a 16:9 aspect ratio with a resolution of 720p or such higher resolution as Licensee determines in its sole discretion.

1.20. *Information Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(24).

1.21. *Issuing Authority*: The Select Board of the Town of Needham, Massachusetts.

1.22. *Leased Access Channel*: A Channel that the Licensee designates for commercial use pursuant to Section 612 of the Communications Act.

1.23. *License Fee or Franchise Fee*: The payments to be made by the Licensee to the Town, which shall have the meaning as set forth in Section 622(g) of the Communications Act, 47 U.S.C. § 522(g), including payments made by the Licensee to the Town pursuant to Section 9 of the Massachusetts Cable Law (M.G.L. Chapter 166A).

1.24. *Licensee*: Verizon New England Inc., and its lawful and permitted successors, assigns and transferees.

1.25. *M.G.L. Chapter 166A*: Chapter 166A of the General Laws of the Commonwealth of Massachusetts.

1.26. *Non-Cable Services*: Any service that does not constitute Cable Service(s) as defined herein over the FTTP Network in the Town, including, but not limited to, Information Services and Telecommunications Services.

1.27. *Normal Business Hours*: Those hours during which Licensee's retail locations in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

1.28. *Normal Operating Conditions*: Those service conditions which are within the control of the Licensee. Those conditions which are not within the control of the Licensee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Licensee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

1.29. *PEG*: Public, educational, and governmental.

1.30. *PEG Access Channel*: An Access Channel made available to the Town and/or the PEG Access Designee for PEG Access Programming pursuant to the terms of this License, and managed by the Issuing Authority and/or its PEG Access Designee as determined by the Issuing Authority.

1.31. *PEG Access Designee*: Any entity designated by the Issuing Authority for the purpose of owning and/or operating the equipment and facilities used in the production and/or broadcast of PEG Access Channel programming for the Issuing Authority, including but not limited to, any Access Corporation.

1.32. *PEG Access Programming*: Non-commercial Video Programming transmitted on the PEG Access Channel(s) pursuant to the terms of this License and applicable laws.

1.33. *Person*: Any corporation, partnership, limited partnership, association, trust, organization, joint stock company, other business entity, individual, or governmental entity.

1.34. *Prime Rate*: The prime rate of interest as published in the Wall Street Journal.

1.35. *Public Access Channel*: An Access Channel made available by the Licensee for the non-commercial use by the residents in the Town and/or its PEG Access Designee.

1.36. *Public Rights-of-Way*: The surface of, as well as the spaces above and below, any and all public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, bulkheads, piers, dedicated public utility easements, public grounds and all other publicly owned real property within or belonging to the Town , now or hereafter existing..

1.37. *Service Area*: The entire existing territorial limits of the Town.

1.38. *Standard Definition ("SD") PEG Access Channel*: A PEG Access Channel in the standard definition display format for digital television transmissions with video transmitted in a 4:3 aspect ratio with a resolution of 480i or such higher resolution as determined by the Licensee in its sole discretion.

1.39. *State*: The Commonwealth of Massachusetts.

1.40. *Subscriber*: Any Person who lawfully receives Cable Service distributed over the Cable System with the Licensee's express permission.

1.41. *Telecommunications Facilities*: The Licensee's existing Telecommunications Services and Information Services facilities, including the FTTP Network.

1.42. *Telecommunication Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(53).

1.43. *Title II*: Title II of the Communications Act.

1.44. *Title VI*: Title VI of the Communications Act.

1.45. *Town*: The Town of Needham, Massachusetts.

1.46. *Video Programming or Programming*: Shall be defined herein as it is defined under Section 602(20) of the Communications Act, 47 U.S.C. § 522(20), meaning programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

1.47. *Video Service Provider or VSP:* Any entity using any portion of the Public Rights-of-Way to provide Video Programming services to multiple subscribers within the territorial boundaries of the Town, for purchase, barter, or free of charge, regardless of the transmission method, facilities or technologies used. A VSP shall include, but is not limited to, any entity using any portion of the Public Rights-of-Way that provides Cable Services, multi-channel multipoint distribution services, broadcast satellite services, satellite delivered services, wireless services, and internet-protocol based services within the territorial boundaries of the Town.

2. GRANT OF LICENSE AUTHORITY

2.1. *Grant of Authority*: Subject to the terms and conditions of this License and pursuant to M.G.L. Chapter 166A, the Issuing Authority hereby grants the Licensee the right to own, operate and maintain a Cable System in, under, over, above and along the Public Rights-of-Way within the Town and subsequent additions thereto, in order to provide Cable Service. This License grants no authority for the Licensee to use the Public Rights-of-Way within the Town for any other purpose(s) unless otherwise provided herein. The Licensee's FTTP Network is subject to M.G.L. c. 166 and as such is subject to regulation by the Town consistent with that law. The Licensee shall adhere to all applicable local bylaws and lawful regulations of the Town regarding Public Rights-of-Way and public works matters, including rights-of-way management requirements with regard to public safety, aesthetics, pole attachments and other legitimate municipal concerns. Nothing in this Section 2.1 shall be deemed to prohibit the right of the Licensee to challenge the legality of such local bylaws, regulations and requirements, or the right of the Issuing Authority to oppose any such challenge. Consistent with and subject to the Licensee's existing authority to operate in the Public Rights-of-Way, grant of this License does not establish priority for use over other present or future permit holders or the Town's own use of

Public Rights-of-Way. Any disputes between the Licensee and other parties regarding use of the Public Rights-of-Way shall be resolved in accordance with applicable law and regulations.

2.2. *Issuing Authority Does Not Regulate Telecommunications*: The parties recognize that the Licensee's FTTP Network is constructed, operated and maintained as an upgrade to and/or an extension of the Licensee's existing Telecommunications Facilities under Title II and M.G.L. c. 166. In accordance with applicable law(s), the Issuing Authority's regulatory authority under Title VI does not extend to the construction, installation, maintenance or operation of the FTTP Network to the extent the FTTP Network is and/or was constructed, installed, maintained or operated for the purpose of upgrading and/or extending Verizon's existing Telecommunications Facilities for the provision of Non-Cable Services. The Town does not and will not assert jurisdiction over the Licensee's FTTP Network in contravention of applicable federal or State law(s). The Cable System shall be limited to the optical spectrum wavelength(s), bandwidth or future technological capacity that is used for the transmission of Cable Services to Subscribers within the Town and shall not include the Telecommunications Facilities of the Licensee. Nothing in this License shall be construed to prohibit the Licensee from offering any service over the Cable System that is not prohibited by federal or State law provided that any requirements for Town authorization or permitting not inconsistent with federal and State law are satisfied.

2.3. *Term*: The term of this License shall be for a period of five (5) years, commencing on August 15, 2022 (the "Effective Date"), and shall expire at midnight on August 14, 2027, unless sooner revoked or terminated as provided herein.

2.4. *Termination Generally*: Notwithstanding any provision herein to the contrary, following the thirtieth (30) month after the Effective Date, Licensee may terminate this License upon one hundred and eighty (180) days' written notice to the Issuing Authority.

2.5. *Modification/Termination Based on VSP Requirements*:

2.5.1. If the Issuing Authority enters into any cable franchise, cable license or similar agreement with a VSP to provide Video Programming services to residential subscribers in the Town with terms or conditions materially less burdensome than those imposed by this License, Licensee and the Issuing Authority shall, within sixty (60) days of the Issuing Authority's receipt of Licensee's written notice thereof, commence negotiations to modify this License to provide that this License is not on terms or conditions materially more burdensome than the terms in any such cable franchise, cable license or similar agreement. Any modification of this License pursuant to the terms of this Section shall not trigger the requirements of 207 CMR 3.07. The PEG Grant and PEG Access Support, as respectively provided in Sections 5.3 and 5.4, will not be subject to modification under this Section 2.5.1, 2.5.2 or 2.5.3.

2.5.2. Licensee's notice pursuant to Section 2.5.1 shall specify the cable franchise, cable license or similar agreement and the materially less burdensome terms or conditions as set out in Section 2.5.1 above. Licensee shall respond to reasonable information requests from the Town, as may be necessary to review the same.

2.5.3. In the event the parties do not, subject to the procedure and criteria above, reach mutually acceptable agreement on a modification as set out above, Licensee shall in its sole discretion, have the option of exercising any of the following actions:

(a) Commencing License renewal proceedings in accordance with 47 U.S.C. 546 with the License term being accelerated, thus being deemed to expire thirty-six (36) months from the date of Licensee's written notice to seek relief hereunder;

(b) Terminating the License in no less than thirty-six (36) months from written notice to the Issuing Authority;

(c) If agreed by both parties, submitting the matter to commercial arbitration by a mutually-selected arbitrator in accordance with the rules of the American Arbitration Association; or

(d) If agreed by both parties, submitting the matter to mediation by a mutually acceptable mediator.

2.5.4. Modification of the PEG Grant and PEG Access Support under this License shall, as applicable, be in accordance with the terms and conditions set forth in Sections 5.3 and 5.4 hereunder. As stated above, the PEG Grant and PEG Access Support are not subject to modification under Sections 2.5.1, 2.5.2 or 2.5.3.

2.6. *Grant Not Exclusive*: This License and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and the Issuing Authority reserves the right to grant other licenses for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use itself, at any time during the term of this License. The issuance of additional cable license(s) shall be subject to applicable federal laws, M.G.L. Chapter 166A and applicable regulations promulgated thereunder.

2.7. *License Subject to Applicable Federal and State Law*: This License is subject to and shall be governed by all applicable provisions of federal and State law(s) and regulations as they may be amended, including but not limited to Title VI and M.G.L. Chapter 166A.

2.8. *No Waiver*:

2.8.1. The failure of the Issuing Authority on one or more occasions to exercise a right or to require compliance or performance under this License, M.G.L. Chapter 166A or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the Issuing Authority, nor to excuse the Licensee from complying or performing, unless such right or such compliance or performance has been specifically waived in writing.

2.8.2. The failure of the Licensee on one or more occasions to exercise a right under this License or applicable law, or to require performance under this License, shall not

be deemed to constitute a waiver of such right or of performance of this License, nor shall it excuse the Issuing Authority from performance, unless such right or performance has been specifically waived in writing.

2.9. *Construction of License*:

2.9.1. The provisions of this License shall be liberally construed to effectuate their objectives.

2.9.2. Nothing herein shall be construed to limit the scope or applicability of Section 625 of the Communications Act, 47 U.S.C. § 545.

2.10. *Police Powers*: Nothing in this License shall be construed to prohibit the reasonable, necessary and lawful exercise of the Town's police powers, provided that the Town shall not exercise its police powers in a manner that would result in a material alteration of the terms and conditions of this License. Any such police powers exercised by the Town in contravention of the preceding sentence shall be of no effect with respect to this License.

2.11. *Compliance with Federal and State Privacy Laws*: Licensee shall comply with the privacy provisions of Section 631 of the Communications Act and all other applicable federal and State privacy laws and regulations. The parties agree that, during the term hereof, Licensee shall not be subject to any local laws or bylaws which conflict with such applicable federal and/or State privacy laws, or which would impose additional or distinct requirements upon Licensee with respect to Subscriber privacy other than those which are expressly set forth in applicable federal and/or State privacy laws.

2.12. *Transfer of the License*:

2.12.1. Subject to Section 617 of the Communications Act, M.G.L. Chapter 166A and Section 2.12.2 below, the Licensee shall not transfer this License without the prior consent of the Issuing Authority, provided that such consent shall not be arbitrarily or unreasonably withheld, delayed or conditioned. Such consent shall be given only after a public hearing upon a written application therefore on forms prescribed by the Cable Division and/or the FCC. Subject to applicable law, the Licensee shall submit to the Issuing Authority an original and one (1) copy of the application on FCC Form 394 requesting such transfer request. The Issuing Authority shall have one hundred twenty (120) days, or such other time frame that may be established by applicable law, from the filing of the completed Form 394 to take final action on it. If the Issuing Authority has not taken final action within such 120 day period, then the application shall be deemed approved, unless said 120 day period is extended by mutual consent of the parties.

2.12.2. The Licensee shall not be required to obtain the Issuing Authority's consent to transfer this License in connection with any transaction that does not constitute a transfer of control under applicable State laws and regulations, including, without limitation, the following: (i) (A) a transfer of an ownership or other interest in the Licensee to the parent of the Licensee or to another Affiliate of the Licensee; (B) transfer or assignment of this License or control thereof to the parent of the Licensee or to another Affiliate of the Licensee; (C) any action

which is the result of a merger of the parent of the Licensee; or (D) any action which is the result of a merger of another Affiliate of the Licensee; or (ii) in connection with a transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Licensee in this License or the Cable System in order to secure indebtedness; provided, however, that to the extent that any of the foregoing transactions are determined to constitute a transfer of control pursuant to 207 CMR 4.01, then such transaction shall be subject to the Cable Division's transfer regulations (207 CMR 4.00, et. seq.).

2.12.3. Pursuant to 207 CMR 4.04, as may be amended, and applicable federal law, in considering a request to transfer control of this License, the Issuing Authority may consider only the transferee's management experience, technical expertise, financial capability and legal ability to operate the Cable System under this License, and any other criteria allowable under applicable law and/or regulation.

2.12.4. The consent or approval of the Issuing Authority to a transfer of this License shall not constitute a waiver or release of the rights of the Town under this License.

2.12.5. In the event that this License is transferred, the transferee shall be subject to all of the terms and conditions contained in this License.

3. PROVISION OF CABLE SERVICE

3.1. *Service Area*: Subject to the issuance of all necessary permits by the Town, the Licensee shall continue to offer Cable Service to all residential households in the Service Area, except: (A) for periods of Force Majeure; (B) for periods of delay caused by the Town; (C) for periods of delay resulting from Licensee's inability to obtain authority to access rights-of-way in the Town; (D) in areas where developments or buildings are subject to claimed exclusive arrangements with other providers; (E) in areas, developments, buildings or other residential dwelling units that Licensee cannot obtain permission to access under reasonable terms and conditions after good faith negotiation, as reasonably determined by Licensee; (F) in areas, developments, buildings or other residential dwelling units where Licensee is unable to provide Cable Service for technical reasons or which require non-standard facilities which are not available on a commercially reasonable basis, including, but not limited to, circumstances where Licensee cannot access the area, development, buildings or other residential dwelling units; (G) in areas, developments, buildings or other residential dwelling units that are not habitable or where the Licensee determines, in good faith, that providing such service is not commercially reasonable; and (H) to Subscribers who fail to abide by Licensee's terms and conditions of service.

3.2. *Availability of Cable Service*: The Licensee shall make Cable Service available to all residential dwelling units, and may make Cable Service available to businesses, within the Town in conformance with Section 3.1. In the areas in which the Licensee shall provide Cable Service, the Licensee shall be required to connect, at the Licensee's expense, all residential dwelling units that are within one hundred twenty five (125) feet of the Licensee's FTTP Network. The Licensee shall be allowed to recover, from a Subscriber who requests such connection, actual costs incurred for residential dwelling unit connections that exceed one hundred twenty five (125) feet, and actual costs incurred to connect any non-residential dwelling unit Subscriber Such costs

shall be submitted to said Subscriber in writing, and the Licensee shall obtain the Subscriber's consent before installation.

3.3. *Cable Service to Public Buildings*: In accordance with applicable provisions of the FCC's 2019 Third Report and Order In the Matter of Implementation of Section 621 of the Cable Act (the "621 Order"), within a reasonable period of time following the Effective Date, the Licensee shall provide not less than one hundred twenty (120) days prior written notice to the Issuing Authority regarding the manner and process by which the Licensee shall implement the 621 Order's requirements regarding the provision of free or discounted Cable Service to public buildings under a cable license If there is a final determination or ruling of any agency or court having jurisdiction, after exhaustion of all appeals related thereto, reversing the 621 Order such that the provision of free or discounted Cable Service to public buildings pursuant to a cable franchise should no longer be included in the calculation of franchise fees subject to the five percent (5%) statutory cap under the Communications Act, then, subject to Section 3.1, if requested in writing by the Issuing Authority within sixty (60) days following such ruling, Licensee shall provide, without charge, one Cable Service drop, outlet and monthly Basic Service along its activated Cable System route in the Town to public schools, police and fire stations, public libraries and other municipal public buildings designated in writing by the Issuing Authority and set forth in **Exhibit** A. The Licensee shall coordinate the location of each outlet with representatives for each of the buildings receiving service pursuant to this Section 3.3. The parties hereto agree that the exercise of any conditional obligations set forth in this Section 3.3 shall not constitute a modification or amendment of the License within the meaning of 207 CMR 3.07.

4. SYSTEM FACILITIES

4.1. *System Characteristics*: The Licensee's Cable System shall meet or exceed the following requirements:

4.1.1. The Cable System shall be operated with an initial digital carrier passband of between 50 and 860 MHz.

4.1.2. The Cable System shall be operated to be an active two-way plant for subscriber interaction, if any, required for the selection or use of Cable Service.

4.1.3. The Cable System shall comply with applicable FCC technical standards, as such standards may be amended from time to time.

4.1.4. The Cable System shall conform in all material respects to the following standards to the extent applicable: Occupational Safety and Health Administration regulations, the National Electrical Code and the National Electrical Safety Code.

4.1.5. The Cable System shall be capable of passing through stereo signals to Subscribers.

4.2. *Emergency Alert System*: The Licensee shall comply with the Emergency Alert System ("EAS") requirements of the FCC and applicable State and local EAS Plans in order that emergency messages may be distributed over the Cable System.

4.3. *Parental Control Capability*: The Licensee shall comply with all applicable requirements of federal law governing Subscribers' capability to control the reception of any channels being received on their television sets.

5. PEG ACCESS SERVICES AND SUPPORT

5.1. *PEG Access Channels*:

5.1.1. The Licensee shall continue to make available to the Issuing Authority and/or the PEG Access Designee, as designated in writing by the Issuing Authority, capacity for three (3) SD PEG Access Channels on its Basic Service Tier and one (1) HD PEG Access Channel for a total of four (4) PEG Access Channels. The Issuing Authority or the PEG Access Designee, as determined by the Issuing Authority, may change the programming on the HD PEG Access Channel from an SD PEG Access Channel simulcast in HD to distinct programming, or from distinct programming to an HD simulcast of an existing SD PEG Access Channel, upon one hundred eighty (180) days prior written notice from the Issuing Authority to the Licensee which change shall not occur more than once during the License term. To the extent permitted by law, the Licensee shall be allowed to recover from Subscribers applicable costs incurred to transmit HD PEG Access Channel programming of any type. All programming content for the HD PEG Access Channel shall be transmitted to Licensee in HD-SDI format with a resolution of 720p. The HD PEG Access Channel may not be available at all times during the term of this License on Licensee's Basic Service Tier, and in order to view the HD PEG Access Channel, a Subscriber may be required to upgrade equipment at an additional charge.

5.1.2. The Licensee may carry PEG Access Programming within and outside the Town's jurisdictional boundaries, provided that PEG Access Programming from outside the Town which is carried in the Town shall not be cablecast on the PEG Access Channels made available to the Issuing Authority and/or the PEG Access Designee. Licensee reserves the right to reassign channel number and location for any or all of the PEG Access Channels at any time during the term of this License. If a PEG Access Channel provided under this Article is not being utilized by the Town and/or the PEG Access Designee, the Licensee may utilize such PEG Access Channel by providing at least sixty (60) days advance written notice to the Issuing Authority. In the event that the Issuing Authority and/or the PEG Access Designee determines to use such PEG Access capacity for PEG Access purposes, the Issuing Authority shall have the right to utilize such PEG Access Channel by providing at least sixty (60) days advance written notice to the Licensee.

5.2. *PEG Access Interconnection*:

5.2.1. The Licensee shall continue to connect its Cable System to equipment owned by the Town and/or the PEG Access Designee at 257 Chestnut Street, Needham, Massachusetts 02492 (the "PEG Interconnection Site"). The Issuing Authority or, if designated

by the Issuing Authority in writing to Licensee, the Town's PEG Access Designee, shall be required to pay Licensee for all costs associated with: (i) any equipment upgrade where the need for the upgrade is initiated by the Issuing Authority or PEG Access Designee; (ii) relocating any connection where the need for relocation is initiated by the Issuing Authority or its PEG Access Designee; (iii) re-installing and/or replacing any connection at an existing location where the need for such re-installation and/or replacement is caused by the Town and initiated by the Issuing Authority or its PEG Access Designee; or (iv) installing any new connection if initiated by the Issuing Authority or its PEG Access Designee; provided, however, that Issuing Authority and/or PEG Access Designee responsibility for the foregoing costs is subject to the Issuing Authority's express written consent, and subject further to Licensee's prior disclosure of such costs and prior consent to same by the Issuing Authority or its PEG Access Designee. Any upgrade or change referenced in subsections (i) through (iv) above required in order for PEG Access Channel cablecasting or PEG Access Channel programming as provided to Subscribers to meet a requirement of applicable law or regulation, or in order to remedy a defect in equipment or facilities Licensee is responsible for pursuant to this License, including with respect to video or audio quality, shall not be deemed to be "initiated" by the Issuing Authority or its PEG Access Designee.

5.2.2. The demarcation point between the Licensee's signal processing equipment (which the Licensee shall own, install and maintain) and the Town's and/or its PEG Access Designee's PEG equipment shall be at the output of the Town's and/or its PEG Access Designee's signal processing equipment at the PEG Interconnection Site. The Town and/or the PEG Access Designee shall be solely responsible for operating its switching equipment and the picture and audio quality of all PEG Access Programming up to the demarcation point and for ensuring all PEG Access Programming is inserted on the appropriate upstream PEG Access Channel. All PEG Access Programming shall be transmitted to the Licensee in baseband, SD-SDI or HD-SDI format with either mono or stereo audio signals, and with signals received by Licensee in stereo cablecast by Licensee in stereo. Notwithstanding the foregoing, the Licensee shall not be obligated to provide the Town or PEG Access Designee with either cablecast equipment and facilities or the personnel responsible for maintaining and operating equipment and facilities on the Town's or PEG Access Designee's side of the demarcation point and used to generate or administer any PEG access signals, except as necessary to implement the Licensee's responsibilities specified herein. The Issuing Authority and the Licensee shall work together in good faith to resolve any connection issues. If the Issuing Authority issues a license to, or renews a license with, a competing VSP, the competing VSP may not connect its system to Licensee's System for the purposes of obtaining PEG access programming from the PEG Access Channels transmitted on Licensee's System without Licensee's prior written consent.

5.3. *PEG Grant*:

5.3.1. Licensee shall pay to the Issuing Authority, or to its PEG Access Designee if requested in writing by the Issuing Authority, a PEG Grant to be used for PEG Access Channel capital funding purposes in the total amount of Ninety-Five Thousand One Dollars ($95,001.00) (the "PEG Grant"), payable in three equal installments as follows: Within forty-five days of the Effective Date, Licensee shall pay to the Issuing Authority the sum of Thirty-One

Thousand Six Hundred Sixty-Seven Dollars ($31,667.00). Two (2) additional payments in the amount of Thirty-One Thousand Six Hundred Sixty-Seven Dollars ($31,667.00) each shall be paid by the Licensee to the Issuing Authority on the first (1st) and third (3rd) anniversaries of the Effective Date, respectively. The Issuing Authority and/or PEG Access Designee, as determined by the Issuing Authority, shall own all facilities and equipment purchased with the PEG Grant.

5.3.2. If the Issuing Authority enters into any new or renewed cable license agreement with any other VSP which contains obligations associated with a PEG Grant or other comparable program that are lesser than the obligations set forth above, the Licensee's obligations under this Section shall be reduced, on an annual basis and upon the effective date of said agreement, to an amount equal to the lowest total payment required to be made by any such VSP to the Town. The relief available in the event of the foregoing is equitable relief going forward, and the Licensee shall not recover amounts already paid to the Town. Notwithstanding the foregoing, if at any time during the term of this License, any other such VSP ceases to provide cash grants to the Town in support of the production of local PEG programming in accordance with the terms of its respective cable license agreement, then Licensee's PEG Grant obligation shall also cease for so long as such other VSP's cash payments have ceased. The Issuing Authority shall provide notification to Licensee within thirty (30) days of such other VSP's failure to provide a cash grant in accordance with the schedule set forth in such VSP's license agreement with the Issuing Authority. Equipment, services and other in kind, non-monetary contributions to the Town by such VSP shall not count towards the cash grants referenced in this paragraph.

5.4. *PEG Access Support*:

5.4.1. The Licensee shall provide annual funding to the Issuing Authority, or to its PEG Access Designee if requested in writing by the Issuing Authority, for PEG Access Channel operating support or other PEG Access Channel costs and expenses ("PEG Access Support") in the amount equal to five percent (5%) of annual Gross Revenues as defined in Section 1.18 above, subject to the limitation in Section 6.2; however, if the Town issues or renews any cable license on or after the Effective Date that provides for a lower percentage of PEG Access Support, then the percentage of the Licensee's PEG Access Support payments shall be reduced to match such lower percentage over that same time period with any increase subject to the limitation in Section 6.2. The Issuing Authority shall place Licensee's PEG Access Support payments in a restricted account for PEG Access purposes in the nature of a grant account or other lawful restricted special cable account and not into the general fund, which account will be under the Issuing Authority's control subject to applicable law.

5.4.2. The PEG Access Support payments (Section 5.4.1) shall be made no later than forty-five (45) days following the end of each calendar quarter. Each such payment shall be accompanied by a Gross Revenue reporting form substantially in the form of **Exhibit B**. The Licensee shall be allowed to provide an extra payment if needed to correct any payments that were incorrectly omitted, and shall have the right to offset against future payments any payments that were incorrectly submitted, in connection with the quarterly remittances, within ninety (90) days following the close of the calendar quarter for which such payments were applicable. For purposes

of the PEG Access Support payment, the period for determining Gross Revenues shall be the preceding calendar quarter.

5.4.3. *Bundled Services*: If Cable Services are provided to Subscribers in conjunction with Non-Cable Services, then the calculation of Gross Revenues shall be adjusted, if needed, to include only the value of the Cable Services billed to Subscribers, as reflected on the books and records of the Licensee in accordance with FCC rules, regulations, standards or orders.

5.4.4. *Third-Party Financial Disclosure Forms:* If requested by the Licensee, the Issuing Authority shall provide copies of financial disclosure forms required by the Massachusetts Attorney General's Public Charities Division of any entity designated by the Issuing Authority to receive payment pursuant to Sections 5.3.1 and 5.4.1.

5.4.5. *Recovery of Costs*: To the extent permitted by applicable federal law, the Licensee shall be allowed to recover the costs of the PEG Grant, the PEG Access Support and any other costs, including interconnection costs arising from the provision of PEG Access services from Subscribers and to include such costs as separately billed line items on each Subscriber's bill.

5.4.6. *Late Payments*: In the event that any of the PEG Grant (Section 5.3.1), the PEG Access Support (Section 5.4.1) or the License Fee payments (Section 6.1 below) is or are not paid on or before the due date set forth in this License for such payments, then interest shall accrue from the due date until the date paid at the rate of two percent (2%) per annum above the Prime Rate, compounded annually.

5.5. *PEG Access Channel Maintenance/Technical Standards/Performance Tests*: The Licensee shall monitor the PEG Access Channels for technical quality consistent with applicable FCC technical standards, as such standards may be amended from time to time, and shall ensure that they are maintained at standards the same as those which apply to the Cable System's commercial channels of similar format and resolution; provided that the Licensee is not responsible for the production quality of PEG Access Programming productions, nor for any deficiencies in the signal that it receives from the Town and/or the PEG Access Designee. Upon the written request of the Issuing Authority, the Licensee shall make available to the Town a copy of the Licensee's most recent annual performance tests.

5.6. *Censorship*: The Licensee, the Issuing Authority and any PEG Access Designee shall comply with applicable laws regarding program censorship or any other applicable laws regarding the control of the content of the PEG Access Programming on the Cable System.

5.7. *PEG Operational Rules*. The Issuing Authority and/or its PEG Access Designee shall establish rules and regulations that require all local producers and users of any of the PEG facilities or Channels to assume individual responsibility for any program-based liability including but not limited to liability for copyright infringement or defamation, and to hold the Issuing Authority, the Town and the Licensee harmless for same, subject to applicable Title VI and FCC requirements. The Issuing Authority and/or the PEG Access Designee shall establish

rules and regulations for use of PEG facilities consistent with, and as required by, Section 611 of the Communications Act (47 U.S.C. § 531) and this License.

5.8. *Listing of PEG Access Channels On Licensee's Electronic Program Guide*: If the Licensee lists PEG Access Channel program content titles on its electronic program guide in any other municipality in the State (other than on a test or trial basis), then it shall, upon written request of the Issuing Authority, discuss in good faith with the Issuing Authority or its PEG Access Designee, the technical feasibility and commercial reasonability of listing the Town's PEG Access Channel program content titles on the Licensee's electronic program guide; however, the Licensee shall not be required to list the Town's PEG Access Channel program content titles on its electronic program guide.

5.9. *PEG Access Channel Video-On-Demand*: If the Licensee provides any other municipality in the State with PEG Access Channel programming "video-on-demand" (VOD) (other than on a test or trial basis), then it shall, upon written request of the Issuing Authority, discuss in good faith with the Issuing Authority, the technical feasibility and commercial reasonability of providing PEG Access Channel programming VOD in the Town; however, the Licensee shall not be required to provide PEG Access Channel programming VOD in the Town.

5.10. *Non-Commercial Programming*: The Issuing Authority and PEG Access Designee shall not use the PEG Access Channels to provide for-profit commercial programming. Nothing in this Section 5.10 shall prohibit the Issuing Authority or its PEG Access Designee from having memberships, sponsorships, underwriting or acknowledgements (such as underwriting and acknowledgements accepted by PBS), to the extent not otherwise prohibited by applicable law and regulation.

5.11. *No PEG Access Designee Rights:* The Issuing Authority and the Licensee herein acknowledge and agree that any PEG Access Designee is not a party to this License and that any provisions herein that may affect a PEG Access Designee are not intended to create any rights on behalf of any PEG Access Designee. In particular, the Issuing Authority's written designation of the PEG Access Designee as the entity to receive payments under Sections 5.3 and 5.4 does not vest in the PEG Access Designee any right, title or privilege to receive payments under the License. The Licensee may in its sole discretion upon seventy-five (75) days written notice to the Issuing Authority cease making such payments to the PEG Access Designee and instead make payments directly to the Issuing Authority if the Issuing Authority is in non-compliance with Section 5.4.4 of this License.

6. LICENSE FEES

6.1. *License Fee*: Pursuant to Section 9 of M.G.L. Chapter 166A, the Licensee shall pay to the Town, throughout the term of this License, a license fee equal to fifty cents ($.50) per Subscriber per year.

6.2. *Maximum Franchise Fee Obligation*: The Licensee shall not be liable for a total Franchise Fee, pursuant to this License and applicable law in excess of five percent (5%) of

annual Gross Revenues in accordance with the definition of the term Franchise Fee and the five percent (5%) cap on Franchise Fee(s) as set forth in Section 622 of the Communications Act, 47 U.S.C. 542 and FCC regulations and orders pursuant thereto.

6.3. *Payment Information*: In determining the License Fee, the number of Subscribers shall be measured as of December 31st of the preceding calendar year. The License Fee shall be paid no later than March 15th of each year during the term of this License.

6.4. *Limitation on Actions*: The period of limitation for recovery of any payment obligation under this License shall be three (3) years from the date on which payment by the Licensee is due.

6.5. *Recomputation*:

6.5.1. Tender or acceptance of any payment made pursuant to Article 5 and/or 6 herein shall not be construed as an accord that the amount paid is correct, nor shall such acceptance of payment be construed as a release of any claim that the Issuing Authority may have for additional sums, including interest payable under Section 5.4.5 above and/or pursuant to this Section 6.5. All amounts shall be subject to audit and re-computation by the Issuing Authority pursuant to this Section 6.5.

6.5.2. If the Issuing Authority has reason to believe that any such payment is incorrect, it shall notify the Licensee thereof in writing within ninety (90) business days after receiving such payment. The Licensee shall then have ninety (90) business days after receipt of such notice to provide the Town with additional information documenting the accuracy of such payment. In the event that the Issuing Authority does not reasonably believe that such documentation supports the accuracy of such payment, then the Issuing Authority may conduct an audit of such payment, provided that the Issuing Authority shall be limited to one audit every three years during the term of this License, which audit shall be applicable to the previous three (3) year period in accordance with Section 6.4 above. If, after such audit and re-computation, the Issuing Authority determines that an additional fee is owed to the Town, then the Licensee shall be provided with a reasonable opportunity to review the results of such audit and to dispute any audit results, and shall pay any such undisputed amounts within thirty (30) business days after completion of such review, together with any applicable late charges calculated pursuant to Section 5.4.5 above.

6.6. *Method of Payment*: All License Fee payments by the Licensee to the Town pursuant to this License shall be made payable to the Town and deposited with the Town Treasurer.

6.7. *Other Payment Obligations and Exclusion*s: Subject to Section 622(g)(1) of the Communications Act, the License Fee payments shall be in addition to and shall not constitute an offset or credit against any and all taxes or other fees or charges of general applicability which the Licensee or any Affiliate shall be required to pay to the Town, or to any State or federal agency or authority, as required herein or by law; the payment of said taxes, fees or charges shall not constitute a credit or offset against the License Fee payments herein.

6.8. *Affiliates Use of System*: Use of the Cable System by any Affiliates of the Licensee shall be in compliance with applicable State and/or federal laws.

7. CUSTOMER SERVICE

7.1. *Standards:* The Licensee shall comply with the FCC's cable television customer service and notice regulations codified at 47 C.F.R. § 76.309(c), 47 C.F.R. § 76.1602, and 47 C.F.R. § 76.1603, as amended, and the billing and termination of service provisions contained in 207 CMR 10.00, as amended; provided, however, that Licensee may satisfy the requirements of 47 C.F.R. § 76.309(c)(1)(v) through its website. Measurement of the telephone availability standards in 47 C.F.R. § 76.309(c)(1)(ii) shall include all calls received by the Licensee at all call centers receiving calls from Subscribers, whether they are answered by a live representative, by an automated attendant, or abandoned after 30 seconds of call waiting.

7.2. *Outage Credits:* In the event that all Cable Service is interrupted for twenty-four (24) or more hours, Licensee will grant affected Subscribers a pro rata credit or rebate.

8. REPORTS AND RECORDS

8.1. *Open Books and Records*: Upon at least thirty (30) business days written notice to the Licensee, the Issuing Authority or its designee shall have the right to inspect at an office of Licensee the Licensee's books and records pertaining to the Licensee's provision of Cable Service in the Town during Licensee's regular business hours and on a reasonable and non-disruptive basis, as is reasonably necessary to ensure compliance with the terms of this License. Such notice shall specifically reference the section or subsection of this License which is under review, so that the Licensee may organize the necessary books and records for appropriate access by the Issuing Authority. The Licensee shall not be required to maintain any books and records for License compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Licensee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Town. If the Licensee believes that the requested information is proprietary or confidential, the Licensee shall provide the following information to the Issuing Authority: (i) specific identification of the information; (ii) a statement attesting to the reason(s) the Licensee believes the information is confidential; and (iii) a statement that the documents are available at the Licensee's designated offices for inspection by the Issuing Authority. The Issuing Authority shall take reasonable steps consistent with applicable law, including public records law if applicable, to protect the proprietary and confidential nature of any books, records, maps, plans or other documents requested by the Issuing Authority that are provided pursuant to this License to the extent they are designated as such by the Licensee. The Licensee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. § 551.

8.2. *Records Required*: The Licensee shall at all times maintain:

8.2.1. Records of all written Complaints for a period of three (3) years after receipt by the Licensee.

8.2.2. Records of outages for a period of three (3) years after occurrence, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

8.2.3. Records of service calls for repair and maintenance for a period of three (3) years after resolution by the Licensee, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved;

8.2.4. Records of installation/reconnection and requests for service extension for a period of three (3) years after the request was fulfilled by the Licensee, indicating the date of request, date of acknowledgment, and the date and time service was extended; and

8.2.5. A map showing the area of coverage for the provisioning of Cable Services.

8.3. *Dual Filings*: Upon written request of the Issuing Authority, the Licensee shall provide a copy of any documents or forms filed by the Licensee with the FCC and/or the DTC that materially pertain to the Licensee's Cable System in the Town.

8.4. *Proof of Performance Tests*: Upon written request of the Issuing Authority, the Licensee shall provide a copy of proof of performance tests required by applicable law.

8.5. *Annual Performance Review*: The Issuing Authority or its designee may, at its discretion but not more than once per twelve-month period, hold a performance evaluation session. The purpose of such evaluation session shall be to review the Licensee's compliance with the terms and conditions of this License. The Issuing Authority shall provide the Licensee with thirty (30) days advance written notice of such evaluation session. The Issuing Authority shall provide the Licensee with a written report with respect to the Licensee's compliance within sixty (60) days after the conclusion of such evaluation session.

8.6. *Quality of Service*: If there exists credible evidence which, in the reasonable judgment of the Issuing Authority, casts doubt upon the reliability or technical quality of the Licensee's Cable Services in the Town, then, after notice to the Licensee and an opportunity to cure, the Issuing Authority shall have the right to require the Licensee to test, analyze and report in writing on the performance of the Cable System.

9. INSURANCE AND INDEMNIFICATION

9.1. *Insurance*:

9.1.1. The Licensee shall maintain in full force and effect, at its own cost and expense, during the term of this License, the following insurance coverage:

9.1.1.1. Commercial General Liability Insurance in the amount of six million dollars ($6,000,000) per occurrence for property damage and bodily injury and six

million dollars ($6,000,000) general aggregate. Such insurance shall cover the construction, operation and maintenance of the Cable System, and the conduct of the Licensee's Cable Service business in the Town.

9.1.1.2. Automobile Liability Insurance in the amount of six million dollars ($6,000,000) combined single limit for bodily injury and property damage coverage.

9.1.1.3. Workers' Compensation Insurance meeting all legal requirements of the Commonwealth of Massachusetts and Employers' Liability Insurance in the following amounts: (A) Bodily Injury by Accident: $100,000; and (B) Bodily Injury by Disease – each employee: $100,000; $500,000 disease-policy limit.

9.1.2. The Town shall be included as an additional insured as their interests may appear under this License on the Commercial General Liability Insurance and Automobile Liability Insurance required herein.

9.1.3. Upon receipt of notice from its insurer(s) the Licensee shall provide the Issuing Authority with thirty (30) days' prior written notice of cancellation of any required coverage.

9.1.4. Each of the required insurance policies shall be with insurers qualified to do business in the State of Massachusetts, with an A.M. Best Financial Strength rating of A- or better.

9.1.5. Upon written request, the Licensee shall deliver to the Issuing Authority Certificates of Insurance showing evidence of the required coverage.

9.2. *Indemnification*:

9.2.1. The Licensee shall, at its sole cost and expense, indemnify and hold harmless the Issuing Authority, the Town, its officials, boards, commissions, committees, agents and/or employees against all claims for damage, including without limitation damage to Persons or property, real and personal, due to the actions of the Licensee, its employees, officers or agents arising out of the installation, maintenance and/or operation of the Cable System under this License. Indemnified expenses shall include all reasonable attorneys' fees and costs incurred by the Town up to such time that the Licensee assumes defense of any action hereunder. The Issuing Authority shall give the Licensee written notice of its obligation to indemnify and defend the Issuing Authority within a period of time reasonably sufficient to allow Licensee to timely move to dismiss or answer the claim provided that such time of notice does not otherwise prejudice the Licensee's ability to defend the claim or action.

9.2.2. With respect to the Licensee's indemnification obligations set forth in Section 9.2.1, the Licensee shall, at its own expense, provide the defense of any claims brought against the Town by selecting counsel of the Licensee's choice to defend the claim, subject to the consent of the Issuing Authority, which shall not unreasonably be withheld. Nothing herein shall

be deemed to prevent the Issuing Authority from cooperating with the Licensee and participating in the defense of any litigation by its own counsel at its own cost and expense, provided however, that after consultation with the Issuing Authority, the Licensee shall have the right to defend, settle or compromise any claim or action arising hereunder, and the Licensee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such settlement includes the release of the Town and the Issuing Authority does not consent to the terms of any such settlement or compromise, the Licensee shall not settle the claim or action but its obligation to indemnify the Town shall in no event exceed the amount of such settlement.

9.3. *Performance Bond*. The Licensee shall maintain, without charge to the Town, throughout the term of the License a faithful performance bond running to the Town, with good and sufficient surety licensed to do business in the State in the sum of one hundred fifty thousand dollars ($150,000). Said bond shall be conditioned upon the faithful performance and discharge of all of the obligations imposed by this License. The performance bond shall be effective throughout the term of this License and shall be conditioned that in the event that the Licensee shall fail to comply with any one or more provisions of this License, or to comply with any order, permit or direction of any department, agency, commission, board, division or office of the Town having jurisdiction over its acts, or to pay any claims, liens or taxes due the Town which arise by reason of the construction, upgrade, maintenance and/or operation of the Cable System, the Town shall recover from the surety of such bond all damages suffered by the Town as a result thereof, pursuant to Article 11 below. Said bond shall be a continuing obligation of this License, and thereafter until the Licensee has satisfied all of its obligations to the Town that may have arisen from the grant of the License or from the exercise of any privilege herein granted. In the event that a performance bond provided pursuant to this License is not renewed or cancelled, the Licensee shall provide a new performance bond pursuant to this Section 9.3 within thirty (30) days of such failure to renew or cancellation. Neither cancellation, nor termination nor refusal by the surety to extend the bond, nor the inability of the Licensee to file a replacement bond or replacement security for its obligations under this License, shall constitute a loss to the Town recoverable under the bond. Neither this section, any bond accepted pursuant thereto, nor any damages recovered thereunder shall limit the liability of the Licensee under the License. Recourse by the Town of remedies available under this Section 9.3 shall not be exclusive of other lawful remedies available to the Town at law and equity. Said bond shall be substantially in the form of **Exhibit C** attached hereto. Neither this Section 9.3, any bond accepted pursuant hereto, nor any damages recovered thereunder shall limit the liability of the Licensee under this License. Recourse by the Town of remedies available under this Section 9 shall not be exclusive of other lawful remedies available to the Town at law and equity. Neither this Section 9.3, any bond accepted pursuant hereto, nor any damages recovered thereunder shall limit the liability of the Licensee under this License.

10. RENEWAL OF LICENSE

The Issuing Authority and the Licensee agree that any proceedings undertaken by the Town that relate to the renewal of this License shall be governed by and comply with the provisions of Section 626 of the Communications Act, 47 U.S.C. § 546, and M.G.L. Chapter 166A. The Issuing Authority shall notify the Licensee of any ascertainment proceedings conducted pertaining to the

Licensee pursuant to Section 626 of the Communications Act, and shall provide the Licensee with a copy of the record of such proceeding.

11. ENFORCEMENT AND TERMINATION OF LICENSE

11.1. *Notice of Violation*: If at any time the Issuing Authority believes that the Licensee has not complied with the terms of this License, the Issuing Authority shall informally discuss the matter with the Licensee, however the Issuing Authority reserves the right to inform the Licensee of such non-compliance in writing prior to informal discussions. If such informal discussions do not lead to resolution of the problem in a reasonable time, the Issuing Authority shall then notify Licensee in writing of the exact nature of the alleged noncompliance (for purposes of this Article, the "Noncompliance Notice").

11.2. *The Licensee's Right to Cure or Respond*: The Licensee shall have thirty (30) days from receipt of the Noncompliance Notice to: (i) respond in writing to the Issuing Authority, if the Licensee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within such thirty (30) day period, initiate reasonable steps to remedy such noncompliance, continue such efforts until said noncompliance is cured, and notify the Issuing Authority at no more than twenty-one (21) day intervals as to the Licensee's efforts and progress to remedy such noncompliance. Upon a jointly agreed upon cure of any noncompliance by the Issuing Authority and the Licensee, the Issuing Authority shall provide the Licensee with written confirmation that such cure has been effected.

11.3. *Public Hearing*: In the event that the Licensee fails to respond to the Noncompliance Notice pursuant to the procedures set forth in Section 11.2 above, and if the Issuing Authority seeks to continue its investigation into the alleged noncompliance, then the Issuing Authority shall schedule a public hearing. The Issuing Authority shall provide the Licensee at least thirty (30) days prior written notice of such public hearing, which will specify the time, place and purpose of such public hearing and whether revocation of this License is a possible consequence. At any designated public hearing where revocation of this License is not a possible consequence, the Licensee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel and to introduce relevant evidence. At any designated public hearing where revocation of this License is a possible consequence, the Licensee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel and to introduce relevant evidence, and shall also have the right to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Issuing Authority, to compel the testimony of other persons as permitted by law, and to question and/or cross examine witnesses. A complete record shall be made of such hearing. Within thirty (30) days of the close of the hearing, the Issuing Authority shall issue a written determination of its findings.

11.4. *Enforcement*: In the event the Issuing Authority, after the public hearing set forth in Section 11.3 above, determines that the Licensee is in default of any provision of this License, the Issuing Authority may:

11.4.1. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages;

11.4.2. Commence an action at law for monetary damages or seek other equitable relief;

11.4.3. Submit a claim against an appropriate part of the performance bond pursuant to Section 9.3 above;

11.4.4. In the case of a substantial noncompliance of a material provision of this License, seek to revoke this License in accordance with Section 11.5; or

11.4.5. Invoke any other lawful remedy available to the Town.

11.5. *Revocation*: In the event that the Issuing Authority determines that it will revoke this License pursuant to Section 11.4 above, the Licensee may appeal such written determination of the Issuing Authority to an appropriate court or to the Cable Division, which shall have the power to review the decision of the Issuing Authority consistent with applicable law and regulation. The Licensee shall be entitled to such relief as the court or Cable Division finds appropriate. Such appeal must be taken within sixty (60) days of the Licensee's receipt of the written determination of the Issuing Authority. The Issuing Authority may, at its sole discretion, take any lawful action that it deems appropriate to enforce the Issuing Authority's rights under this License in lieu of revocation of this License.

12. MISCELLANEOUS PROVISIONS

12.1. *Actions of Parties*: In any action by the Town or the Licensee that is taken pursuant to the terms of this License, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required by either party under the terms hereof, such approval or consent shall not be unreasonably withheld, delayed or conditioned.

12.2. *Jurisdiction*: Jurisdiction and venue over any dispute, action or suit arising out of this License shall be in a federal or State court of appropriate venue and subject matter jurisdiction located in the State, and the parties hereby agree to be subject to the personal jurisdiction of said court for the resolution of any such dispute.

12.3. *Binding Acceptance*: This License shall bind and benefit the parties hereto and their respective receivers, trustees, successors and assigns.

12.4. *Preemption*: In the event that federal or State law, rules, or regulations preempt a provision or limit the enforceability of a provision of this License, such provision shall be read to be preempted to the extent and for the time, but only to the extent and for the time, required by law. In the event such federal or State law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall

thereafter be binding on the parties hereto, without the requirement of further action on the part of the Issuing Authority.

12.5. *Force Majeure*: If by reason of Force Majeure, either party is unable in whole or in part to carry out its obligations hereunder, said party shall not be held in violation or default during the continuance of such inability.

12.6. *Acts or Omissions of Affiliates*: During the term of this License, the Licensee shall be liable for the acts or omissions of its Affiliates to the extent arising out of any such Affiliate's operation of the Cable System to provide Cable Services in the Town.

12.7. *Warranties*: Each party hereto warrants, represents and acknowledges to the other party that, as of the Effective Date, such party has the requisite power and authority under applicable law and its organizational documents, if any, and is authorized and has secured all consents which are required to be obtained as of the Effective Date, to enter into and be legally bound by the terms of this License.

12.8. *Delivery of Payments:* Licensee may use electronic funds transfer to make any payments to the Town or Issuing Authority required under this License. Said electronic transfer must be in the form, including necessary explanatory information and documentation, and to the account, all as reasonably required by the Town or Issuing Authority.

12.9. *Notices*: Unless otherwise expressly stated herein, notices required under this License shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party.

Notices to the Licensee shall be mailed to:

Verizon New England Inc.
6 Bowdoin Square
10th Floor
Boston, MA 02114
Attention: Niall Connors, Franchise Service Manager

with a copy to:

Verizon
1300 I St. NW
Suite 500 East
Washington, DC 20005
Attention: Tonya Rutherford, VP and Deputy General Counsel

Notices to the Issuing Authority shall be mailed to:

Town of Needham
Town Hall
1471 Highland Avenue
Needham, MA 02492
Attention: Select Board

with a copy to Town Counsel:

Town Counsel
Town Hall
1471 Highland Avenue
Needham, MA 02492

12.10. *Entire Agreement*: This License and the Exhibits hereto constitute the entire agreement between the Licensee and the Issuing Authority and supersede all prior or contemporaneous agreements, representations or understandings (written or oral) of the parties regarding the subject matter hereof and can be amended or modified only by a written instrument executed by both parties.

12.11. *Captions*: The captions and headings of articles and sections throughout this License are intended solely to facilitate reading and reference to the sections and provisions of this License. Such captions shall not affect the meaning or interpretation of this License.

12.12. *Severability*: If any section, subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any State or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of this License.

12.13. *Recitals*: The recitals set forth in this License are incorporated into the body of this License as if they had been originally set forth herein.

12.14. *No Recourse Against Issuing Authority*: Pursuant to Section 635A(a) of the Communications Act (47 U.S.C. § 555a(a)), the Licensee shall have no recourse against the Issuing Authority, the Town and/or its officials, members, employees or agents other than injunctive relief or declaratory relief, arising from the regulation of Cable Service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this License.

12.15. *FTTP Network Transfer Prohibition*: Under no circumstance including, without limitation, upon expiration, revocation, termination, denial of renewal of this License or any other action to forbid or disallow the Licensee from providing Cable Services, shall the Licensee or its assignees be required to sell any right, title, interest, use or control of any portion

of the Licensee's FTTP Network including, without limitation, the Cable System and any capacity used for Cable Service or otherwise, to the Town or any third party. The Licensee shall not be required to remove the FTTP Network or to relocate the FTTP Network or any portion thereof as a result of revocation, expiration, termination, denial of renewal or any other action to forbid or disallow the Licensee from providing Cable Services. This provision is not intended to contravene leased access requirements under Title VI or the PEG requirements set out in this License.

12.16. *Interpretation*: The Issuing Authority and the Licensee each acknowledge that it has received independent legal advice in entering into this License. In the event that a dispute arises over the meaning or application of any term(s) of this License, such term(s) shall not be construed by the reference to any doctrine calling for ambiguities to be construed against the drafter of the License.

12.17. *No Third Party Beneficiaries*: The provisions of this License are for the benefit of the Licensee and the Issuing Authority and not for any other Person.

12.18. *Counterparts*: This License may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Further, this License may be executed by facsimile, email, electronic signature or other electronic means, and so executed shall have the full force and legal effect as an executed original of this License.

SIGNATURE PAGE FOLLOWS

AGREED TO THIS 14th DAY OF JUNE, 2022.

TOWN OF NEEDHAM
By its Select Board:

_____
Marianne B. Cooley, Chair

_____
Marcus A. Nelson, Vice Chair

_____
Kevin Keane

_____
Heidi Frail

_____
Matthew Borrelli

Approved as to Form:

_____
William August, Esq.
Epstein & August, LLP
Counsel to the Town of Needham

VERIZON NEW ENGLAND INC.

By: _____
Kevin M. Service, Senior Vice President of Operations – Consumer and Mass Business Markets

Approved as to Form:

_____
Verizon Law Department

EXHIBITS

EXHIBIT A – PUBLIC BUILDINGS TO BE PROVIDED CABLE SERVICE (SUBJECT TO SECTION 3.3)

EXHIBIT B – GROSS REVENUES REPORTING FORM

EXHIBIT C – FORM OF PERFORMANCE BOND

EXHIBIT A

PUBLIC BUILDINGS TO BE PROVIDED CABLE SERVICE

SUBJECT TO SECTION 3.3

(1) Town Hall: 1471 Highland Avenue

(2) Public Safety Building, Police and Fire Department Headquarters: 88 Chestnut Street

(3) Fire Station 2: 707 Highland Avenue

(4) Public Services Administration Building, 500 Dedham Avenue

(5) Public Works: 470 Dedham Avenue

(6) Senior Center (Center at the Heights): 300 Hillside Avenue

(7) Rosemary Recreation Complex: 178 Rosemary Street

(8) Memorial Park Building: 92 Rosemary Street

(9) Water Treatment Facility: Charles River Street

(10) Needham Public Library: 1139 Highland Avenue

(11) Ridge Hill Reservation: 463 Charles River Street

(12) PEG Access Studio: 257 Chestnut Street

(13) Needham History Center and Museum: 1147 Central Avenue

(14) Broadmeadow Elementary: 120 Broadmeadow Road

(15) Pollard Middle School: 200 Harris Avenue

(16) Eliot Elementary: 135 Wellesley Avenue

(17) Needham High School: 609 Webster Street

(18) Hillside Elementary: 28 Glen Gary Road

(19) High Rock School: 77 Ferndale Road

(20) Mitchell Elementary: 187 Brockline Street

(21) Newman Elementary: 1155 Central Avenue

(22) School Administration Building: 1330 Highland Avenue

(23) St. Josephs School: 90 Pickering Street

(24) St. Sebastian Country Day School: 1191 Greendale Avenue

(25) The Walker School: 1968 Central Avenue

(26) Olin College: 1735 Great Plain Avenue

(27) Sunita Williams Elementary School: 585 Central Avenue

Exhibit A

EXHIBIT B

GROSS REVENUES REPORTING FORM

PEG Report 1st Quarter [YEAR]

Town of Needham

Verizon – Fba

MA

PEG Fee Rate: %

	MONTH	MONTH	MONTH	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)				
Usage Based Charges (e.g. Pay Per View, Installation)				
Advertising				
Home Shopping				
Late Payment				
Other Misc. (Leased Access & Other Misc.)				
License Fee Billed				
PEG Fee Billed				
Less:				
Bad Debt				
Total Receipts subject to PEG Fee Calculation				
PEG Grant Before Adjustment				
Adjustment				
PEG Grant				

Verizon New England Inc. is hereby requesting that this information be treated as confidential and proprietary business information in accordance with the terms of the Cable Television Renewal License granted to Verizon New England Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

EXHIBIT C
FORM OF PERFORMANCE BOND

Franchise Bond
Bond No. _____

KNOW ALL MEN BY THESE PRESENTS: That (name & address) (hereinafter called the Principal), and (name and address) (hereinafter called the Surety), a corporation duly organized under the laws of the State of (state), are held and firmly bound unto (name & address) (hereinafter called the Obligee), in the full and just sum of _____ Thousand Dollars ($__,000), the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, their heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal and Obligee have entered into a License Agreement dated_____ which is hereby referred to and made a part hereof.

WHEREAS, said Principal is required to perform certain obligations under said Agreement.

WHEREAS, the Obligee has agreed to accept this bond as security against default by Principal of performance of its obligations under said Agreement during the time period this bond is in effect.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall perform its obligations under said Agreement, then this obligation shall be void, otherwise to remain in full force and effect, unless otherwise terminated, cancelled or expired as hereinafter provided.

PROVIDED HOWEVER, that this bond is executed subject to the following express provisions and conditions:

1. In the event of default by the Principal, Obligee shall deliver to Surety a written statement of the details of such default within 30 days after the Obligee shall learn of the same, such notice to be delivered by certified mail to address of said Surety as stated herein.

2. This Bond shall be effective _____, 20___, and shall remain in full force and effect thereafter for a period of one year and will automatically extend for additional one year periods from the expiry date hereof, or any future expiration date, unless the Surety provides to the Obligee not less than sixty (60) days advance written notice of its intent not to renew this Bond or unless the Bond is earlier canceled pursuant to the following. This Bond may be canceled at any time upon sixty (60) days advance written notice from the Surety to the Obligee.

DRAFT

3. Neither cancellation, termination nor refusal by Surety to extend this bond, nor inability of Principal to file a replacement bond or replacement security for its obligations under said Agreement, shall constitute a loss to the Obligee recoverable under this bond.

4. No claim, action, suit or proceeding shall be instituted against this bond unless same be brought or instituted and process served within one year after termination or cancellation of this bond.

5. No right of action shall accrue on this bond for the use of any person, corporation or entity other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.

6. The aggregate liability of the surety is limited to the penal sum stated herein regardless of the number of years this bond remains in force or the amount or number of claims brought against this bond.

7. This bond is and shall be construed to be strictly one of suretyship only. If any conflict or inconsistency exists between the Surety's obligations as described in this bond and as may be described in any underlying agreement, permit, document or contract to which this bond is related, then the terms of this bond shall supersede and prevail in all respects.

This bond shall not bind the Surety unless it is accepted by the Obligee by signing below.

IN WITNESS WHEREOF, the above bounded Principal and Surety have hereunto signed and sealed this bond effective this _____ day of _____, 20__.

Principal	**Surety**
By: _____	By: _____ , Attorney-in-Fact

Accepted by Obligee: _____
(Signature & date above - Print Name, Title below)

DRAFT

...day, May 26 at 1:00 p.m.

LEGAL NOTICE

Town of Needham
CABLE TELEVISION
License Renewal Proceeding

The Town of Needham Select Board, as cable television licensing authority under MGL 166A, s. 1, will hold a public cable license renewal hearing on June 14, 2022, 6:00 p.m. at Town Hall, 1471 Highland Avenue, Needham as part of the Town's cable television license renewal process concerning the proposed cable television renewal license for Verizon New England. The purpose of the proceeding is to accept public comment on, formally consider, and possibly take final action, including possible approval of the proposed renewal license. Public comment on Town renewal needs and the proposed renewal is invited. Copies of renewal documents and records are available for public inspection and copying via the Town Clerk or Office of the Town Manager. Interested persons may also attend and participate remotely through an electronic platform by desktop, laptop, tablet, or phone at:

Web Link: https://us02web.zoom.us/j/86036308232?pwd=a3NSSW4rQ1lEdHZWV2cvWHR5cDFBdz09

Phone Number:(312) 626 6799 or (646) 558 8656

Webinar ID: 860 3630 8232 Passcode: 823699

By order of the Select Board as License Issuing Authority.

5/26/2022 HTW

APPLE

Emilia Jones starred in "CODA," which won Best Picture at the Academy Awards this year. The coming-of-age movie received tax credits for filming on Cape Ann and the North Shore.

Film tax credits neared $100m

▶FILM TAX CREDIT
Continued from Page A1

phen King, which got nearly $16.1 million. The drama "CODA," which was filmed in Gloucester, among other communities, and won Best Picture at this year's Academy Awards, received $2.2 million.

The new data come less than a year after the Legislature voted to reshape the film tax credit program, including to make it permanent. The decision, advocates say, injected stability into the growing industry within Massachusetts and made the state — already among those spending the most on film tax credits nationwide — a more attractive destination for films and scripted series.

The Massachusetts Film Office identified at least 33 projects that were filmed in Massachusetts in 2021, including the sequel to 2018's "Black Panther" and an adaptation of "Salem's Lot." That's compared to 17 in pandemic-hampered 2020, and 28 the previous year, according to data the office maintains on its website.

"We've suddenly hit the accelerator on projects coming to Massachusetts," said Ryan Cook, a location manager, who said he and his wife often discussed possibly moving before purchasing their first home here last year. "We would not have done that if it wasn't for the tax incentive becoming permanent. . . . We're going to see more work coming in. Frankly, I'm having a hard time finding staff to fill the positions."

The decision to extend the program in perpetuity wasn't without controversy. Governor Charlie Baker, who repeatedly sought to kill or scale back the credit, has argued it is an inefficient use of taxpayer money. A state commission agreed in 2021, finding that the film tax credit program costs the state $100,000 per job created and concluding it was "not the best use of the state's money."

Since 2011, the Massachusetts has issued $618.7 million in subsidies through the program to more than 1,300 projects, including films, commercials, and television shows, according to a Globe analysis of state data.

But supporters claim the program has spurred the creation of hundreds, if not thousands, of jobs for local tradespeople while supporting businesses in ways not captured in state data. The program also has had an ardent supporter in House Speaker Ronald Mariano, a Quincy Democrat who watched a studio spring up in his own city, one of a growing number of soundstages that have been, or are being, built in the state.

"The economic benefits that this program brings to Massachusetts are immense, creating local jobs, additional economic opportunities, and award-winning films right here in the Commonwealth," Mariano said in a statement Friday.

> 'You can see industry-wide in this state, there are more features and more streaming series being shot here.'
>
> GARY CROSSEN, *general manager of New England Studios, in Devens*

While the new state data include some credits issued in 2020, it appears to largely cover films and series that were filmed before the onset of the pandemic. Other projects that received taxpayer money include the film "I Care A Lot," for which actor Rosamund Pike won a Golden Globe and that got more than $2.4 million in tax credits, and the TV series "The Wrong Mans," which received $1.3 million but whose pilot wasn't picked up by Showtime.

The tax credit to "Castle Rock" in 2020 is the highest incentive issued to a scripted series, topping the previous record of $13.8 million — which went to the same series for its first season.

The show was the first episodic series to be filmed in Massachusetts in nearly three decades when production began in 2017 at New England Studios in Devens.

Gary Crossen, the studio's general manager, said he and others have since considered adding to the compound of four soundstages but have yet to make any decision.

"We can't be any busier than we are," Crossen said. "You can see industry-wide in this state, there are more features and more streaming series being shot here. I would expect some modest increases [in tax credits issued] in the upcoming years."

Launched in 2006, the state's film tax program includes a 25 percent payroll credit for any project that spends more than $50,000 within Massachusetts. Under other changes that legislators passed last year, productions that spend more than 75 percent of their total budget in Massachusetts, or film more than 75 percent of the time in the state, are also eligible for a production credit and a sales tax exemption. The state previously had set a threshold of 50 percent.

There's no annual cap on the credit, and it's transferable, allowing a production company to sell it to insurance companies, corporations, or even individuals.

The 2016 version of "Ghostbusters," which received $26.7 million in film tax credits, owns the record for the largest subsidy issued through the program while another Reynolds project, 2013 s "R.I.P.D.," got $26.6 million.

Projects involving Wahlberg, a Dorchester native, have also regularly been among the largest recipients of taxpayer-funded help. Of the projects that received the 10 highest tax credits in state history, he's been involved in three: "Spenser Confidential," the 2017 film "Daddy's Home 2," which received $17.9 million, and "Patriots Day," the 2016 film about the Boston Marathon bombings, which collected $15.7 million.

Matt Stout can be reached at matt.stout@globe.com. Follow him on Twitter @mattpstout.

This day in history

Today is Monday, June 6, the 157th day of 2022. There are 208 days left in the year.

Birthdays: Singer-songwriter Gary "U.S." Bonds is 82. Country

cano on the Alaska peninsula, began a three-day eruption, sending ash as high as 100,000 feet; it was the most powerful

tine Liberation Organization fighters out of the country. (The Israelis withdrew in June 1985.)

►In 2001, Democrats formal-

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notices & more

Visit boston.com/monster today and get help from the experts.

Advance your Career.
Chat live with career experts, get advice on your next career move or learn more about continuing your education.

Broadcast your Resume.
Make your resume available to hundreds of recruiters at once.

Check your Salary.
Find out how much you're worth—and how to ask for more

Ace your Interview.
Learn to master the interview process with tips and advice from specialists and experts.

Recharge your Resume.

LEGAL NOTICES LEGAL NOTICES LEGAL NOTICES LEGAL NOTICES

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Ingeborg H. Tolentino to Mortgage Electronic Registration Systems, Inc., as nominee for Reverse Mortgage Funding LLC, dated December 30, 2014 and recorded in the Middlesex County (Southern District) Registry of Deeds in Book 64754, Page 256 of which mortgage the undersigned is the present holder, by assignment from:

Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Reverse Mortgage Funding LLC, its successors and assigns to Reverse Mortgage Funding, LLC recorded on March 3, 2022, in Book No. 79768, at Page 57

for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 5:00 PM on June 22, 2022, on the mortgaged premises located at 31 Randall Road, Maynard, Middlesex County, Massachusetts, all and singular the premises described in said mortgage,

TO WIT:
The Property is located in the county of MIDDLESEX, state of Massachusetts, described as follows: The land with the buildings thereon, situated on the easterly side of Randall Road, Maynard, Massachusetts, bounded and described as follows:
BEGINNING at a stake in the easterly side of said Road, the southwesterly corner of the lot at corner of Lot #9;
THENCE N 18°30' W by the easterly side of said Road, eighty-five (85) feet to a stake at Lot #11;
THENCE N 71°30' E by Lot #11, one hundred thirty-two (132) feet to land now or formerly of Olval Warila;
THENCE S 18°30' W by land of said Warila, eighty-five (85) feet to Lot #9;
THENCE S 71°30' W by Lot #9, one hundred thirty-two (132) feet to the point of beginning.
Subject to and with the benefit of a certain right of way as noted and shown on the plan hereinafter referred to.
Containing 11,220 square feet and being Lot #10 on Plan of Brandtwood Land in Maynard, Massachusetts surveyed for Housing Developments, Inc. Jul 1955 by Charles A. Perkins Co., C.E., said Plan being recorded in Middlesex South District Deeds, Book 8673, Page 536.
Together with the right to use Randall Road and Brooks Street for all purposes for which streets and ways are, or may hereafter be, used in the Town of Maynard in common with others thereto.

For mortgagor's(s') title see deed recorded with Middlesex County (Southern District) Registry of Deeds in Book 30804, Page 246.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand ($5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California St., Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the sale.

REVERSE MORTGAGE FUNDING, LLC
Present holder of said mortgage

By its Attorneys,
HARMON LAW OFFICES, P.C.
150 California St.
Newton, MA 02458
(617)558-0500
20870

ADVERTISEMENT
CITY OF BOSTON

PUBLIC FACILITIES DEPARTMENT (PFD)
Public Facilities Department (PFD)
M.G.L. c. 149, sections 44A-44J
Invitation for Sub-Bids Only

Project Name: Engine 17
Project No. 7150

For information specific to this particular bid, please contact PFD's Bid Counter at 617-635-4809 or Bid.info@boston.gov

The City of Boston acting by its Public Facilities Commission, through its Director of the Public Facilities Department (PFD), Bid Counter, 22 Drydock Avenue, Suite 304, Boston, MA 02210 hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project. Bids shall be on a form supplied by PFD, be clearly identified as a bid, and signed by the bidder. All bids for this project are subject to sections 26-27, 29 and 44A-44J, inclusive of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled: **Engine 17** project.

Scope of work for this procurement is for construction of a new fire house adjacent to existing Engine 17 and all associated work as detailed in the plans and specifications.

All filed sub-bids shall be filed with the Awarding Authority **at the Bid Counter, 22 Drydock Avenue, Suite 304, Boston, MA 02210 on or before twelve o'clock (noon) June 23, 2022** at which time and place respective sub-bids will be opened forthwith and read aloud.
LATE SUB-BIDS WILL NOT BE ACCEPTED.

The deadline for **filed sub-bid questions is June 15, 2022 at 12:00 pm** and such will be answered by addendum on or about **June 20, 2022.**

Filed Sub-bids will be valid only when accompanied by: (1) a Certificate of Eligibility issued by DCAMM, showing that the sub-contractor has been approved in the trade(s) identified below and further detailed in the specifications; and, (2) an Update Statement summarizing the sub-contractor's record for the period between the latest DCAMM certification and the date the sub-contractor submits its sub-bid.

Filed Sub-bid trade(s): Miscellaneous Ornamental Iron, Tile, Acoustical Tile, Resilient Floors and Elevators.

Please Note: This advertisement is for filed sub-bid trades ONLY.

Plans and specifications will be available on or about **June 6, 2022.** Plans and specifications are ONLY available electronically and by requesting access for such through bid.info@boston.gov.

The attention of all bidders is directed to the Boston Residents Jobs Policy section of the specifications and the obligation of the contractor in the performance of this contract.

A performance bond and labor and materials payment bond satisfactory to the Awarding Authority, of a surety company licensed to do business under the laws of the Commonwealth and included on the U.S. Treasury current list of approved sureties (See Circular 570), in the sum of 100% of the contract price will be required of the successful bidder.

The Awarding Authority reserves the right to waive any informalities in or to reject any and all bids if it is in the public interest to do so.

June 6, 2022
Kerrie Griffin
Director

LEGAL NOTICE
TOWN OF NEEDHAM CABLE TELEVISION
LICENSE RENEWAL PROCEEDING

The Town of Needham Select Board, as cable television licensing authority under MGL 166A, s. 1, will hold a public cable license renewal hearing on **June 14, 2022, 6:00 p.m.** at Town Hall, 1471 Highland Avenue, Needham as part of the Town's cable television license renewal process concerning the proposed cable television renewal license for Verizon New England. The purpose of the proceeding is to accept public comment on, formally consider, and possibly take final action, including possible approval of the proposed renewal license. Public comment on Town renewal needs and the proposed renewal is invited. Copies of renewal documents and records are available for public inspection and copying via the Town Clerk or Office of the Town Manager. Interested persons may also attend and participate remotely through an electronic platform by desktop, laptop, tablet, or phone at:

Web Link:
https://us02web.zoom.us/j/86036308232?pwd=a3NSSW4rQ1lEdHZWV2cvWHR5cDBdz09
Phone Number:(312) 626 6799 or (646) 558 8656
Webinar ID: 860 3630 8232
Passcode: 823699

By order of the Select Board as License Issuing Authority.

LEGAL NOTICE
(SEAL)

ADVERTISEMENT
CITY OF BOSTON

PUBLIC FACILITIES DEPARTMENT (PFD)
M.G.L. c. 149, sections 44A-44J
Invitation for GC Bids

PFD – Josiah Quincy Elementary School Envelope

Project No. 7192
PFD Bid Counter
Bid.info@boston.gov
(617)-635-4809

The City of Boston acting by its Public Facilities Commission, through its Director of the Public Facilities Department (PFD), 22 Drydock Avenue, Suite 304, Boston, MA 02210 hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project. Bids shall be on a form supplied by PFD, be clearly identified as a bid, and signed by the bidder. All bids for this project are subject to sections 26-27, 29 and 44A-44J, inclusive of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled: PFD - Josiah Quincy Elementary School Envelope.

The scope of work is further detailed in the drawings and specifications and includes, Masonry, Waterproofing, Damproofing and Caulking, Metal Windows, Roofing & Flashing, Miscellaneous & Ornamental Iron, Painting, Acoustic Ceiling Tile, Plumbing & Electrical work associated with the renovation of an existing elementary school located at 885 Washington Street.

Site Viewing: At this time there will not be a pre-bid conference/site visit because school is currently in session. The majority of the work will take place on the exterior areas of the building which is largely open to the public and visible from the street. All interested bidders are welcome to view the publicly accessible exterior areas of the building at their convenience. Please note that the property is an occupied elementary school and be respectful to the occupants.

Deadline for questions: June 8, 2022, all questions must be submitted in writing directly to bid.info@boston.gov no later than 12 p.m. noon.

Pre-qualified General Contractors pursuant to MGL c. 149 s. 44D1/2 were invited to submit bids on May 18, 2022, but no bids were received. In accordance with MGL c. 149 s. 44J(8), the City is conducting a second opening of general bids open to all Contractors who are DCAMM certified in General Building Construction. Please take notice of the original sub-bid results available online; access to all project documents and sub-bid results may be requested by emailing bid.info@boston.gov.

All general bids shall be filed with the Awarding Authority at **22 Drydock Avenue, Suite 304, Boston, MA 02210 before 12 p.m. (twelve o'clock)** on **June 15, 2022** at which time and place respective bids will be opened forthwith and read aloud. LATE BIDS WILL NOT BE ACCEPTED.

General Bids will be valid only when accompanied by (1) a Certificate of Eligibility issued by DCAMM, showing that the general contractor has been approved to bid on projects the size and nature of that advertised, and (2) an Update Statement summarizing the general contractor's record for the period between the latest DCAMM certification and the date the general contractor submits its bid.

Plans and specifications will be available on or about June 6, 2022. Plans and specifications are only available electronically and by requesting access for such through bid.info@boston.gov.

The attention of all bidders is directed to the Boston Residents Jobs Policy section of the specifications and the obligation of the contractor in the performance of this contract.

A performance bond and labor and materials payment bond satisfactory to the Awarding Authority, of a surety company licensed to do business under the laws of the Commonwealth and
included on the U.S. Treasury current list of approved sureties (See Circular 570), in the sum of 100% of the contract price will be required of the successful bidder.

Expected contract duration for this project is 594 calendar days.

Prevailing wage rates shall apply.

The Awarding Authority reserves the right to waive any informalities in or to reject any and all bids if it is in the public interest to do so.

Kerrie Griffin, Director

INVITATION FOR BIDS (IFB) TO PREQUALIFIED CONTRACTORS
M.G.L. c.149, sections 44D1/2(h) and 44D¾(h)

Engine 17; Project #7150

Project description: The new Engine 17 Firehouse will be located on historic Meeting House Hill in Dorchester. The building site slopes steeply on the south boundary and has an extensive ledge. The design uses massing elements, window louvers, brick, and stone to integrating a civic building in a historic district within a residential setting. Consideration was given to the heights, massing, and materiality of the First Parish Church as well as Engine 17. The building massing employs a pitched standing seam metal roof to mitigate scale and reflect the residential setting. Prominent canopy overhangs provide shading and a distinctive civic presence. Brick cladding with distinctive banding and corbeling provides an energy-efficient assembly with opportunities for patterning and scale, a contemporary interpretation of decorative brickwork at the Mather School. The building features two apparatus bays facing Winter St and one chief's apparatus bay on Parish street. Due to the grading and apron elevations, the ground floor has 2 slab elevations, connected by an ADA compliant ramp. The public entrance is on the NW corner of the site and there is a staff and storage access on the SE corner with access to parking. Ground Floor features a public entrance area, patrol desk, primary and chief's apparatus bay with necessary adjacent technical spaces and is served by three fire poles, two stairs, and an elevator. Second-floor spaces include an open concept kitchen and dayroom, fitness area, lockers, changing rooms, and sleeping and office spaces for the staff. A third-floor penthouse contains mechanical spaces and storage. The design of the building has addressed the City's Red, Neutral, and Green containment and air quality fire station work zone requirements to better improve the health of firefighters and staff.

ALL FILED SUB-BIDS shall be filed with the Awarding Authority at the Bid Counter, 22 Drydock Avenue, Suite 304, Boston, MA 02210, **before twelve o'clock noon on June 23, 2022** at which time and place respective sub-bids will be opened forthwith and read aloud. **LATE SUB-BIDS WILL NOT BE ACCEPTED.**

ALL GENERAL BIDS shall be filed with the Awarding Authority at the Bid Counter, 22 Drydock Avenue, Suite 304, Boston, MA 02210, **before twelve o'clock noon July 6, 2022** at which time and place respective bids will be opened forthwith and read aloud. **LATE BIDS WILL NOT BE ACCEPTED.**

The deadline for **filed sub-bid questions is June 15, 2022 at 12:00 pm** and such will be answered by addendum on or about **June 20, 2022.** The deadline for **general bid questions** is **June 28, 2022 at 12:00 pm** and such will be answered by addendum on or about **June 30, 2022.**

FILED SUB-BIDS REQUIRED: Masonry, Waterproofing, Damp-proofing & Caulking, Roofing and Flashing, Glass & Glazing, Painting, Fire Protection, Plumbing, HVAC and Electrical

Electronic copies of copies of the Bid Package, including Plans and Specifications are also being made available to prequalified contractors for viewing and downloading on a FTP site. Separate notification providing access to the FTP site will be issued to prequalified contractors by PFD's Bid Counter.

The attention of all bidders is directed to the Boston Residents Job policy section of the specifications and the obligation of the contractor to take affirmative action in connection with employment practices in the performance of this contract.

A performance bond and labor and materials payment bond satisfactory to the Awarding Authority, of a surety company licensed to do business under the laws of the Commonwealth and included on the U.S. Treasury current list of approved sureties (See Circular 570), in the sum of 100% of the contract price will be required of the successful filed sub-bidders and general bidder.

The Awarding Authority reserves the right to waive any informality in or to reject any and all bids if it is in the public interest to do so.

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Leitta Brooks to Mortgage Electronic Registration Systems, Inc., as nominee for First National Bank of Arizona, dated May 11, 2007 and recorded in the Suffolk County Registry of Deeds in Book 41790, Page 118 of which mortgage the undersigned is the present holder, by assignment from:

Mortgage Electronic Registration Systems, Inc., as nominee for First National Bank of Arizona to J.P. Morgan Mortgage Acquisition Corp., recorded on September 22, 2014, in Book No. 53504, at Page 72

for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 AM on June 20, 2022, on the mortgaged

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022)
Presenter(s)	Diana Rasoul-Agha, Dog Owner

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Chief Schlittler has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog by the name of "Axel" residing at 233 West Street in Needham.

2.	**VOTE REQUIRD BY SELECT BOARD**

Suggested Motion: "Move that the Board take the following action _____."

3.	**BACK UP INFORMATION ATTACHED**

a. Email update from Animal Control Officer Parsons, dated June 8, 2022
b. Email update with insurance from Diana Rasoul-Agha, dated June 3, 2022
c. Select Board Hearing Order, Dated April 20, 2022
d. Select Board Hearing Order, Dated January 13, 2022

Myles Tucker

From: Myles Tucker
Sent: Thursday, June 9, 2022 2:37 PM
To: Myles Tucker
Subject: FW: 233 west st

From: David Parsons <[redacted]>
Sent: Wednesday, June 8, 2022 4:50 PM
To: John Schlittler <[redacted]>; John McGrath <[redacted]>
Subject: 233 west st

Hi Chief Schlittler,

Once again at 233 West St. For dog barking for 4 hours no stop. Upon my arrival Axel was once again tethered on the back porch without enclosed area and no supervision and was barking non stop. I was able to make contact with Diana's father and I explained the tethering law once again and told him that there was no proper shelter either which is required by law and that they were in violation of the dangerous dog order that was issued. I was let in the house to bring in Axel and I gave have him some water as he was panting Excessively due to the heat. I tried once again to explain to the father that the keeping of Axel is not acceptable per Massachusetts law and the dangerous dog order that was issued to his daughter. I also called Diana and let her a voice mail as well. Not sure what else I can do at this point.

Respectfully,

David

Get Outlook for iOS

Myles Tucker

From: Myles Tucker
Sent: Monday, June 6, 2022 6:45 PM
To: Myles Tucker
Subject: FW: Update
Attachments: WEST STREET CONDOMINIUM TRUST.pdf; Gate.heic

From: Diana Rasoul-Agha <[redacted]>
Date: June 3, 2022 at 4:30:08 PM EDT
To: John Schlittler [redacted]
Subject: Update

Hi Chief,
Sorry for the delay in the update, I was waiting for my Insurance company to send my whole policy.
Please see attached below is the policy and a photo of the front door gate.
Also the distance in between the rebar is 10.5" , Axel is over 110 lb.

Axel Orders

1. That Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and
Completed

2. That a fence sufficient to prevent escape be erected around the premises; and

Completed

3. That when removed from said premises, Axel shall be securely and humanely muzzled and restrained by an adult (18-years old or older) with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; and

Completed

4. That Axel be neutered, unless the owner provides the Select Board with written evidence that a veterinarian is of the opinion that Axel is unfit for alterations because of a medical condition; and

Consult appointment with Dr. Fish on Monday Jun 19th

5. That a behavioral analysis be conducted on Axel by a certified animal behaviorist, and a copy of the written report be submitted to the Select Board; and

On Dr. Bright's wait list

6. That Axel's owner, Ms. Diana Rasoul-Agha, provide proof of insurance in an amount of not less than $100,000 insuring her against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of Axel, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; and further that Ms. Rasoul-Agha,

shall upon request of the Select Board, produce such policy or proof of efforts to obtain such insurance; and

Still working on it.

7. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street pay all veterinary bills resulting from the March 14, 2022 incident, or reimburse the victim dog's owner for bills previously paid, as applicable, within fourteen (14) days of receipt of this Order; and

Completed.

8. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street, provide the Chief of Police a weekly update in writing on the status relating to Axel and with each specific condition included in this Decision; and

On going

9. That all other orders included in the Select Board's Decision dated January 13, 2022 shall remain in full force and effect, namely:

a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and

Completed

b. That the owner take steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.

Completed, Front door is secured with self-closing hinges, and with an additional gate on the front door itself as a second barrier when the front door gets opened.

Thanks

Diana

QUINCY MUTUAL GROUP
57 Washington Street
Quincy, MA 02169

ACCESS CODE: 8WL89Y
BILL TO: CUSTOMER
Nine Pay

BUSINESSOWNERS RENEWAL

POLICY NUMBER	POLICY PERIOD	COVERAGE IS PROVIDED IN THE	AGENCY
BO 111596	02/15/2022 02/15/2023	QUINCY MUTUAL FIRE INSURANCE COMPANY	00694

NAMED INSURED AND ADDRESS	AGENT
WEST STREET CONDOMINIUM TRUST 231-233 WEST STREET NEEDHAM, MA 02494	ROBERT E.MALONEY INS AGCY INC 1504 PROVIDENCE HIGHWAY UNIT 15 NORWOOD, MA 02062 (781) 329-1650

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

POLICY PERIOD 12:01 A.M. STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

BUSINESS DESCRIPTION
Form of Business : TRUST
Insured's Business: RESIDENTIAL CONDOMINIUM

DESCRIBED PREMISES

PREM	BLDG	
001	001	231-233 WEST ST, NEEDHAM, MA 02494

Terrorism Premium (Certified Acts)	$32	
QMFI Presidential Security Endorsement	$100,000	
Equipment Breakdown Enhancement Endorsement		

LIABILITY AND MEDICAL EXPENSES
Each paid claim for the following coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to Section II - Liability in the Businessowners Coverage Form and any attached endorsements.

	Limit	
Liability and Medical Expenses	$2,000,000	Per Occurrence
Including:		
Non-Owned Auto		
Medical Expense	$10,000	Per Person
Damage to Premises Rented to You	$300,000	Any One Prem.
Other Than Products/Completed Operations Aggregate	$4,000,000	
Products/Completed Operations Aggregate	$4,000,000	
Employment Practices Liability Cov.	$50,000	
-- Deductible $ 2,500 Retroactive Date: 02/15/14		

Continued on Next Page

QUINCY MUTUAL GROUP
57 Washington Street
Quincy, MA 02169

ACCESS CODE: 8WL89Y
BILL TO: CUSTOMER
Nine Pay

BUSINESSOWNERS RENEWAL

POLICY NUMBER	POLICY PERIOD	COVERAGE IS PROVIDED IN THE	AGENCY
BO 111596	02/15/2022 02/15/2023	QUINCY MUTUAL FIRE INSURANCE COMPANY	00694

NAMED INSURED AND ADDRESS	AGENT
WEST STREET CONDOMINIUM TRUST 231-233 WEST STREET NEEDHAM, MA 02494	ROBERT E.MALONEY INS AGCY INC 1504 PROVIDENCE HIGHWAY UNIT 15 NORWOOD, MA 02062 (781) 329-1650

Cyber Liability Insurance Retroactive Date: 02/15/18	
Multimedia Liability Coverage	$50,000 each claim/aggregate
Security and Privacy Liability Coverage	$50,000 each claim/aggregate
Privacy Regulatory Defense and Penalties Coverage	$50,000 each claim/aggregate
PCI DSS Assessment Coverage	$50,000 each claim/aggregate
Privacy Breach Response Costs, Notification Expenses and Breach Support and Credit Monitoring Expenses Coverage	$50,000 each claim/aggregate
Proactive Privacy Breach Responses Costs Sublimit	$50,000 each claim/aggregate
Voluntary Notification Expenses Sublimit	$50,000 each claim/aggregate
Network Asset Protection Coverage	$50,000 each claim/aggregate
Cyber Extortion Coverage	$50,000 each claim/aggregate
Cyber Terrorism Coverage	$50,000 each claim/aggregate
Brand Guard Coverage	$50,000 each claim/aggregate
Business Owner ID Theft Recovery Coverage	$50,000 each claim/aggregate
Annual Aggregate Limit	$50,000

PROPERTY COVERAGE BY LOCATION

PREMISES:001 BUILDING:001 231-233 WEST ST, NEEDHAM, MA 02494
Occupancy of Premises: Condominium
Deductibles:
Property Deductible : $1,000 Optional Coverage/Glass Deductible : $500
Per Unit Water Damage Deductible : $2,500
Building - Automatic Increase: 6%, Replacement Cost $1,434,459

LIABILITY COVERAGE BY LOCATION

PREMISES:001 BUILDING:001 231-233 WEST ST, NEEDHAM, MA 02494
Occupancy of Premises: Condominium

TOTAL ANNUAL PREMIUM FOR POLICY: $2,585.00

Continued on Next Page

QUINCY MUTUAL GROUP
57 Washington Street
Quincy, MA 02169

ACCESS CODE: 8WL89Y
BILL TO: CUSTOMER
Nine Pay

BUSINESSOWNERS RENEWAL

POLICY NUMBER	POLICY PERIOD	COVERAGE IS PROVIDED IN THE	AGENCY
BO 111596	02/15/2022 02/15/2023	QUINCY MUTUAL FIRE INSURANCE COMPANY	00694

NAMED INSURED AND ADDRESS

WEST STREET CONDOMINIUM TRUST
231-233 WEST STREET
NEEDHAM, MA 02494

AGENT

ROBERT E.MALONEY INS AGCY INC
1504 PROVIDENCE HIGHWAY
UNIT 15
NORWOOD, MA 02062
(781) 329-1650

FORMS AND ENDORSEMENTS

Forms and endorsements made part of this policy at time of issue:

BP0003 0106	BP0108 1008	BP0143 0106	BP0159 0808	BP0404 0106
BP0417 0702	BP0419 0106	BP0439 0702	BP0446 0106	BP0492 0702
BP0501 0702	BP0515 0115	BP0517 0106	BP0523 0115	BP0542 0108
BP0577 0106	BP0606 0107	BP0698 0906	BP0777 0806	BP1005 0702
BP1006 0702	BP1707 0106	BP8028 1215	BP8099 0317	BP8110 0518
BP8120 0310	BP8190 0106	BP8211 1117	BP8256 0917	BP9018 0106
TDESFPA 0115				

_____ _____ 01/06/2022

Countersigned Authorized Representative

7021 0950 0000 5162 6110

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

Office of the
Town Manager

Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov

DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Axel, Alaskan Malamute

DATES OF HEARING: 4/13/2022

MEMBERS PRESENT: Marianne Cooley, Chair; Marcus Nelson, Vice Chair; Kevin Keane, Clerk; Heidi Frail, Member; Matthew Borrelli, Member.

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On March 14, 2022, the complaint was presented to the Board.

II. NOTICE

On March 14, 2022, notice was sent by Myles Tucker, Town of Needham Support Services Manager, to the above-named owner of the dog in question, with a follow-up notice stating a minor correction to the notice on April 7, 2022.

III. HEARING

On April 13, 2022, the Select Board held a hearing pursuant to M.G.L. c.140, §157 at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police

2. Public testimony by Counsel for Dog Owner, Jeremy Cohen

3. Public testimony by Dog Owner, Diana Rasoul Agha

4. Public testimony by resident, Susan Risner, of 243 Warren Street

5. Public testimony by resident, Lauren Roth, 41 Bobsled Drive

6. Notice of public hearing sent to Diana Rasoul-Agha, dated March 22, 2022

7. Correction to notice of public hearing sent to Diana Rasoul-Agha dated April 7, 2022

8. Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/15/2022

9. Update to Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/18/2022

10. Email from Diana Rasoul Agha to Needham Police Officer Matthew Palmer dated March 30, 2022

11. Written description of March 14, 2022 incident provided by Kimberly Andrews, with attached pictures of her dog Lucy following said incident

12. Email to the Select Board from resident Christina Mathews, 12 Bobsled Drive

13. Dangerous Dog Hearing Decision, Findings of Fact, and Record of Proceedings, dated January 13, 2022 (and the evidence itemized in that decision, including public testimony by Complainant John Schlittler, Chief of Police; public testimony by Dog Owner, Diana Rasoul-Agha, and her minor daughter; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins; public testimony by resident Maureen Walsh; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jeserum; Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021; Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021; and Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021).

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing and finds that on multiple occasions and without justification Axel has (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Axel is a DANGEROUS DOG.[1]

V. ORDERS

The Board suspends the hearing until its May 10, 2022 regularly scheduled meeting (or an alternative date to be scheduled thereafter), and **ORDERS** the following, effective immediately:

1. That Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and

2. That a fence sufficient to prevent escape be erected around the premises; and

3. That when removed from said premises, Axel shall be securely and humanely muzzled and restrained by an adult (18-years old or older) with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; and

4. That Axel be neutered, unless the owner provides the Select Board with written evidence that a veterinarian is of the opinion that Axel is unfit for alterations because of a medical condition; and

5. That a behavioral analysis be conducted on Axel by a certified animal behaviorist, and a copy of the written report be submitted to the Select Board; and

6. That Axel's owner, Diana Rasoul-Agha, provide proof of insurance in an amount of not less than $100,000 insuring her against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of Axel, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; and further that Ms. Rasoul-Agha, shall upon request of the Select Board, produce such policy or proof of efforts to obtain such insurance; and

[1] The term "dangerous dog" is defined by M.G.L. c.140, §36A as "a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal."

7. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street pay all veterinary bills resulting from the March 14, 2022 incident, or reimburse the victim dog's owner for bills previously paid, as applicable, within fourteen (14) days of receipt of this Order; and

8. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street, provide the Chief of Police a weekly update in writing on the status relating to Axel and with each specific condition included in this Decision; and

9. That all other orders included in the Select Board's Decision dated January 13, 2022 shall remain in full force and effect, namely:

    a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and

    b. That the owner take steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 20th day of April 2022 by the Town Manager on behalf of the Select Board of the Town of Needham.

Kate Fitzpatrick, Town Manager

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

Office of the
Town Manager

Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov

DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Maya and Axel, both Alaskan Malamutes

DATES OF HEARING: 1/11/2022

MEMBERS PRESENT: Matthew Borrelli, Chair; Marianne Cooley, Vice Chair; Marcus Nelson, Clerk (via Zoom); Daniel Matthews; and Kevin Keane

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On December 21st, 2021 the complaint was presented to the Board.

II. NOTICE

On January 4th, 2022, notice was sent by Kristin Scoble, Administrative Specialist, to the above-named owner of the dogs in question.

III. HEARING

On January 11th, 2022, the Select Board held a hearing at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police.
2. Public testimony by Dog Owner, Diana Rasoul Agha, and her minor daughter.
3. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins.

4. Public testimony by resident, Maureen Walsh.
5. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jesurum.
6. Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021.
7. Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021.
8. Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021.

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing, and finds that on multiple occasions and without justification Maya and Axel have (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Maya and Axel are DANGEROUS DOGS.[1]

V. ORDERS

The Board makes the following orders:

1. The Board orders that when removed from the premises of the owner or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device;

2. The Board orders that the owner or keeper of the dogs provide proof of additional skilled training to rectify the violent tendencies of the dogs; and

3. The Board orders that the owner or keeper of the dog take steps to secure the home in which the dogs reside to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 13th day of January 2021 by the Town Manager on behalf of the Select Board of the Town of Needham.

Kate Fitzpatrick, Town Manager

[1] The term "dangerous dog" is defined by M.G.L. c.140, §36A as "a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal."

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	Needham Community Revitalization Trust Fund (NCRTF) Project Updates
Presenter(s)	Amy Haelsen, Economic Development Manager Paul Good, Chair, NCRTF

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Paul Good will provide an update on the three major projects being coordinated and funded by the NCRTF including the Needham to the World mural, the rotating art gallery at Eaton Plaza, and the Ridge Hill mural.

2.	**VOTE REQUIRED BY SELECT BOARD**

Discussion only.

3.	**BACK UP INFORMATION ATTACHED**

a. Visual examples of upcoming projects

PHOTO: ALAMY

PHOTO: WICKED LOCAL

PHOTO: ALAMY

Sunita Williams

U.S. Navy - Scientist - NASA Astronaut

FROM NEEDHAM TO THE WORLD

This Needham profile is sponsored by:
Heffernan Associates
THE REVITALIZATION TRUST FUND
WWW.NEEDHAMMA.GOV/NCRTF

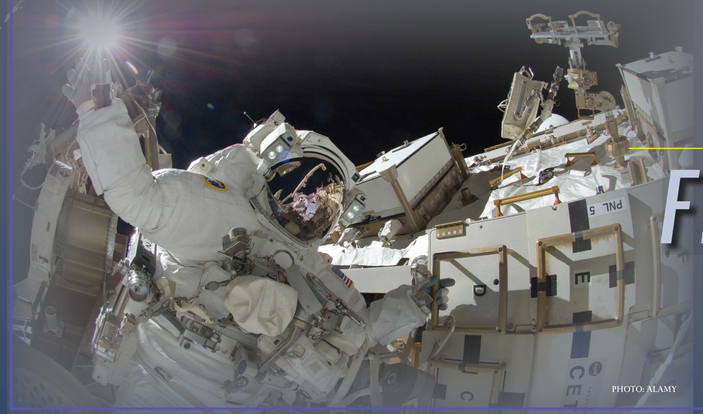


PHOTO: ALAMY

PHOTO: ALAMY

SUNITA'S STORY

Sunita Williams is an American astronaut and navy officer, and proud 1983 graduate of Needham High School. Born in Euclid, Ohio, Sunita, her parents, and two older siblings moved to Needham, where Sunita spent most of her childhood.

Upon graduation from Needham High School, Sunita attended the United States Naval Academy in Annapolis, where she received a Bachelor of Science in Physical Science. Following her early career as a commissioned ensign in the U.S. Navy, Sunita trained at the Naval Test Pilot School, eventually becoming an instructor. Over the course of her career, she flew 30 different types of aircraft and logged 3,000 hours. She was deployed as a helicopter pilot in Operation Desert Shield and Operation Provide Comfort.

Because of her experience and qualifications as a pilot, NASA selected Sunita for its astronaut program. Sunita spent a total of 322 days at the International Space Station over the course of four expeditions and served as commander of the ISS on her fourth, and final expedition, only the second woman to serve as commander of the Space Station. Over the course of her career in space, Sunita held the record for longest single spaceflight by a woman (195 days), total number of spacewalks by a woman (7), and most spacewalk time for a woman (50 hours, 40 minutes). In 2007 Sunita also became the first person to run a marathon in space – she completed the Boston Marathon on April 16, 2007 in just 4 hours, 24 minutes, and later became the first person to complete a triathlon in space. (Sunita was no stranger to the Boston Marathon – while a senior at Needham High School she unofficially entered the marathon, running from Hopkinton to Boston, completing the race barefoot when her shoes began to bother her).

In September 2007, Sunita was awarded the Sardar Vallabhbhai Patel Vishwa Pratibha Award, named for the Indian politician Sardar Patel who played a leading role in India's struggle for independence and helped it become a united, independent nation. Sunita became the first person of Indian descent who was not an Indian citizen to receive the prestigious award.

In 2019 the Needham School Committee voted unanimously to re-name the newly reconstructed Hillside Elementary, from which Sunita graduated, as the Sunita L. Williams Elementary School, Needham's first public building named after a woman. Sunita's flight suit, Navy uniform, service pictures, and 5th grade school photo, are proudly on display in the school lobby.

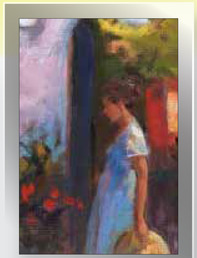
He lo f om Suni a!

STAND BACK

EATON SQUARE GALERIE

Ar stN me

A itN me



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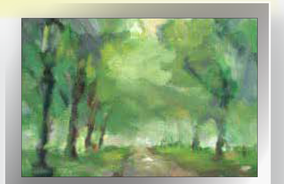

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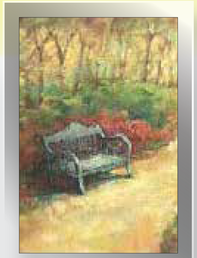


A ts Name

“Art enables us to find ourselves and lose ourselves at the same time.”
~THOMAS MERTON

ROCKLAND TRUST
RIDGE HILL RESERVATION

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	Rail Trail – Chestnut Street Extension
Presenter(s)	Alan Cloutier, WorldTech Richard Benevento, WorldTech Ed Olsen, Parks & Forestry Superintendent

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

In FY2020, the Town received State funding to investigate options for connecting the existing Rail Trail to Chestnut Street. WorldTech Engineering prepared a report and concept plans at the beginning of the Pandemic.

Representatives of WorldTech will provide the Board with a summary of the options. Extension of the Rail Trail to Chestnut Street (Southern end) and construction of a new shared use path from Needham Heights to Newton (Northern end) are both included for consideration on the Board's goals for FY2023-FY2024.

2.	**VOTE REQUIRED BY SELECT BOARD**

Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Memo to Needham Department of Public Works from Alan Cloutier dated July 17, 2020.
b. Needham Rail Trail Presentation PowerPoint 3.23.2022

Memorandum

To:	Robert Lewis, Anthony Delgazio, Richard Merson	
	Town of Needham	Date: July 17, 2020
From:	Alan T. Cloutier P.E., PTOE	
	William P. Mertz, PE	
	cc. Richard Benevento	
RE:	Concept Plans	
Project Name:	Needham Trail Concepts, Needham, MA	
Project No:	20-009	

WorldTech Engineering ("WorldTech") is pleased to submit this memorandum summarizing potential concepts for a Conceptual Trail layout for the Trail Connection from the existing terminus west of High Rock Street to Chestnut Street (Needham Junction) in Needham.

The new section of trail provides a key connection from the existing trail to Chestnut Street and the Needham Junction commuter rail station. The existing trail is approximately one (1) mile long and extends from Charles River Street to just west of High Rock Street. The connection to Chestnut Street opens up many recreational opportunities to the Chestnut Street area of Town, such as the trail itself, Needham Town Forest and the Charles River Peninsula.

The connection to the Needham Junction commuter rail station also provides a non-motorized alternative mode of transportation within town. Lastly, the trail is part of a future regional network. The ultimate plan is to connect the trail across the Charles River to the future Dover Greenway.

Coordination with MassDOT/MBTA

WorldTech arranged a coordination meeting with the Town, MassDOT and the MBTA. During the meeting, it was confirmed that the MBTA requires access to the entire length of track. The MBTA also stated that they would not be amendable to sharing the track area with bikers and pedestrians, as there would not be sufficient time to clear the track in the event the tracks needed to be used. . During the meeting the MBTA stated that their normal requirements, would require a 10-foot offset from the center of track to a fence between the tracks and path. They stated that they have occasionally allowed exceptions for an eight (8) foot to nine (9)-foot offset.

Survey

Limited drone-based survey data collection was collected in April 2020 for use in preparation of the conceptual design of the project. The drone-based survey provided contours within 0.5 feet accuracy, GIS parcel lines, ortho generated wetlands, railroad tracks, and edge of pavement. The survey was conducted between High Rock Street and Chestnut Street.

Electric poles, overhead power lines, and manholes were provided in the drone-based survey and included on the base plan. A sewer plan dated September 1951 and entitled "Interceptor Sewer Chestnut Street to Emerson Place." was used as a reference to trace in the sewer line and corresponding easement.

Conceptual Design Alternatives – Off Road Section

Off-Road Section - Existing Trail Terminus to High Rock Street

For the section between the terminus of the existing path and High Rock Street, only a single concept was developed. The MBTA requires retaining the existing rail line the entire length to the existing terminus. Based on the existing conditions there is sufficient room under the bridge to construct a trail on the east side of the tracks.

South of the bridge, there is a significant amount of ledge on the east side of the tracks that would require removal or regrading. Due to the extent of the ledge, only a narrow trail was sketched. The offset between the tracks and the fence was eight (8) feet, resulting in an eight (8) foot wide trail, including two (2) foot shoulders in this area.

Consideration was given to using the utility corridor. It should be noted however that this would require bicyclists climbing up a significant grade to High Rock Street and then have to navigate across High Rock Street to rejoin the trail. As a result, utilizing the utility corridor was deemed less desirable to bicyclists.

Off-Road Section High Rock Street to Chestnut Street

Four concept level plans were prepared to provide a connection between High Rock Street and Chestnut Street. The conceptual designs show a preliminary layout of the path, including potential impacts on abutting properties. The conceptual alternatives evaluated cross-sectional elements along the proposed trail route(s) to determine the feasibility of access as it pertains existing elevations. Profiles were developed to ensure that the trail meets ADA guidelines. For all four concepts, the trail intersects the Chestnut Street roadway at 90 degrees, south of the railroad bridge.

For all four concepts, the trail was laid out to minimize work on the railroad track side of the path. All impacts on the western side are minor grading that will meet grade prior to the tracks and will not require working on the existing rail tracks.

Concept 1

Concept 1 provides the requested 10-foot offset to the tracks in accordance with the MBTA recommendations and provides a 10-foot-wide trail for its entire length. Near Chestnut Street, the trail follows close to the railroad right of way. To limit potential environmental impacts a boardwalk is shown in proximity to the wetland resource area.

Pros/Cons
This concept provides a more direct route as compared to traveling around the wetland resource area.

Near High Rock Street, there are significant grading impacts , including ledge removal that would be necessary with the construction of the 10-foot wide path and a 10-foot offset from centerline of rail tracks.

In an effort to limit impact within and adjacent to the wetland resource area Concept 1 includes a boardwalk. The boardwalk offers less impacts on the wetlands since no structural fill is required. Overall, introduction of the boardwalk results in an increased project cost and therefore represent the highest cost of all concepts presented. Although the boardwalk presents an increased project cost this concept has less impact on existing utility poles and results in only one utility pole relocation.

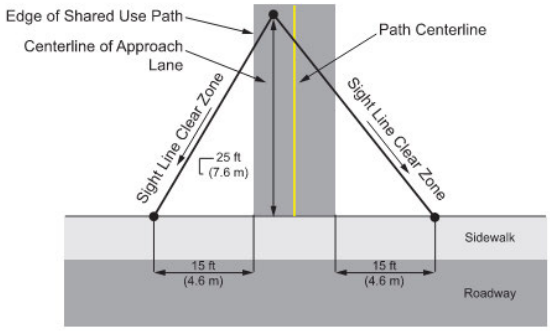


Figure 5-16. Minimum Path-Walkway Sight Triangle

Depending on the On-Road Chestnut Street Concept that is chosen, bicyclists may need to cross Chestnut Street. Alternative 1 provides a clear sight triangle when looking to the north extending at least 15 feet along the proposed sidewalk. The southern sight triangle will require clearing some trees in the wetland resource area.

Right of Way Impacts
Since the path extends along the eastern side of the rail tracks on MBTA right of way (ROW), only properties abutting the eastern side are impacted. This concept will require construction of the trail within the railroad ROW and temporary easements for grading on the Eversource properties.

Part of the impacted ledge just north of the bridge at High Rock Street is located at 0 High Rock Street, an Eversource property. There will be grading impacts to 0 Chestnut Street (another Eversource property) extending from the end of the ledge up to Chestnut Street. Closer to Chestnut Street (the boardwalk area) the trail diverges further away from the rail tracks in order to meet the roadway at grade. This layout still incurs the least impacts on 0 Chestnut Street.

The trail was laid out to minimize work on the railroad track side of the path. All impacts on the western side are minor grading that will meet grade prior to the tracks and will not require working on the existing rail tracks.

Cost Estimates
The major items of work such as edge excavation, installation of the boardwalk and pavement items for the path will have the most significant impact to the construction cost estimate. As discussed, the ledge removal is due to the configuration and (offset) location

of the layout around High Rock Street. Even though this concept provides a more direct route distance to Chestnut Street, of the estimated $300,000 for approximately 250-feet boardwalk is a significant expense. Cost of wetland modification is higher for Concepts 1 and 2 than Concepts 3 and 4.

The total cost estimate for Concept 1 is $1,650,000.

Concept 2

Concept 2 requires an MBTA exception to allow a reduced offset to the tracks from a 10-foot offset to an 8-foot offset and provides an 8-foot-wide trail to minimize impacts.

Near Chestnut Street, the trail follows close to the railroad right of way. To limit potential impacts to the wetland resource area a boardwalk may be considered as part of Concept 2 but is not included in the cost estimate for this concept.

Pros/cons

Similar to Concept 1, this concept provides a more direct path compared to traveling around the wetland resource area.

In the area of the wetland resource area, a boardwalk may be necessary. The graphic and cost estimate does not show a boardwalk; however, this will need to be determined during the next stage of design.

This concept results in only one utility pole relocation.

Similar to Concept 1, depending on the On-Road Chestnut Street Concept that is chosen, bicyclists may need to cross Chestnut Street. Concept 1 provides a clear sight triangle when looking to the north extending at least 15 feet along the proposed sidewalk. The southern sight triangle will require clearing some trees in the wetland resource area.

Impacts to the ledge is less for this concept due to the 8-foot path and its 8-foot offset from centerline of rail tracks.

Right of Way Impacts

There will be grading impacts to 0 Chestnut Street (Eversource property) from the end of the ledge up to Chestnut Street.

Compared to Concept 1, this concept requires less ledge removal north of High Rock Street and smaller impacts to 0 High Rock Street, the Eversource property. This concept will require construction of the trail within the railroad ROW and temporary easements for grading on the Eversource properties.

There will be grading impacts to 0 Chestnut Street (Eversource property) from the end of the ledge up to Chestnut Street. Opting for a boardwalk incurs minimal impacts on Chestnut Street. Otherwise the structural fill for grading will add to the impacts.

Cost Estimate
The major difference between the estimate of this concept and that of Concept 1 are the boardwalk and the pavement items for the path. This concept is almost as expensive as Concept 3 and 4 but has greater impact to the wetland resource area.

The estimated construction cost is approximately $1,270,000.

Concept 3
Concept 3 provides the requested 10-foot offset to the tracks in accordance with the MBTA recommendations and provides a 10-foot-wide trail for its entire length. Near Chestnut Street, the trail extends around the wetland resource area adjacent to the Eversource driveway.

Pros/cons
Concept 3 and Concept 4 have the longest length of trail because they both travel around the wetland resource area.

Near High Rock Street, there are significant impact of grading, including ledge removal with the construction of the 10-foot wide path and its 10-foot offset from centerline of rail tracks.

For Concept 3 and 4 the wetland resource area is avoided as much as possible by extending the path around it. To get around the wetland resource area, this concept will require significant easement area from the Eversource property and will involve a lot more tree clearing. Two utility poles will need to be relocated.

Vegetation clearing will be needed to improve the sight triangle on the northern side of the trail.

Additional drainage improvements may be necessary, since the path's layout cuts through the swale along the eastern side of rail tracks.

Right of Way Impacts
The right of way implications of this concept is similar to Concept 1 from High Rock Street up to just before the wetland resource area by Chestnut Street. Eversource properties, 0 and 461 Chestnut Street, will be significantly impacted because the layout of this concept travels through the two properties to get around the wetland resource area.

Cost Estimates
Extending the trail around the wetland resource area does not significantly increase the overall cost of the path. However, it does elongate the connection on Chestnut Street to Needham Junction. Relocation of an additional utility pole increases the total cost of the project. Impacts to the wetland resource area is reduced, thus the area of wetland replication is reduced.

The total construction cost is approximately $1,220,000.

Concept 4

Concept 4 requires an MBTA exception to allow a reduced offset to the tracks from a 10-foot offset to an 8-foot offset and provided an 8-foot-wide trail to minimize impacts. Near Chestnut Street, the trail extends around the wetland resource area adjacent to the Eversource driveway.

Pros/cons

The pros and cons of this concept are identical to that on Concept 3 except for the impacts on the ledge. There is less cutting of the ledge north of the bridge at High Rock Street for this concept.

Right of Way Impacts

Impacts of the right of way for this concept are similar to those of Concept 3. There is slightly less impacts to the ledge at 0 High Rock Street.

Cost Estimates

The concept came out to be the least expensive of all four concepts. The estimated cost of Concept 4 is approximately $1,180,000.

On-Road Chestnut Street - Connection to Commuter Rail Station

Four concepts were reviewed for the segment between the off-road terminus at Chestnut Street and the Needham Junction Commuter Rail Station. These concepts are described below.

Concept A - On Road Bike Lanes

One concept to connect pedestrians and cyclists to Needham Junction would include on-road bike lanes on Chestnut Street. This would require widening Chestnut Street by approximately 4 feet to provide the necessary width for the bike lanes.

To accommodate pedestrians, a sidewalk connection is necessary. The sidewalk connection can either consist of installing a crosswalk to the existing sidewalk on the east side of Chestnut Street or the construction of a new sidewalk segment on the west side of Chestnut Street.

Providing a new sidewalk segment on the west side of Chestnut Street is most compatible with the Off-Road Concept 1 and Concept 2, as they terminate north of the wetland resource area. Crossing to the existing sidewalk on the east side of Chestnut Street is recommended if connecting to Concepts 3 and 4, as it would avoid wetland impacts.

Cost Estimate

This concept as shown includes sidewalks on both sides of Chestnut Street. It impacts only one utility pole. The effects of other utilities impacted are assumed to be the same for all three concepts on Chestnut Street.

The estimated construction cost is approximately $640,000.

Concept B – Shared Use Path – West side of Chestnut Street

This concept consists of the construction of a shared use path along the western side of Chestnut Street. This concept would require roadway reconstruction to develop the width of the shared use path. The width of Chestnut Street would need to be reduced by 2 feet to provide enough width for a shared use path under the bridges. Under the bridges, the path would be 8 feet wide with a 3-foot landscaped buffered. North and south of the bridges, the buffer will be wider.

A crosswalk would be provided across Chestnut Street at Junction Street

This concept is compatible with Concept 1 and Concept 2. It does not coincide well with Concept 3 or Concept 4, since it would require construction of the shared use path within the wetland resource area.

Cost Estimate

For this concept, two utility poles will need to be relocated.

The estimated construction cost is approximately $650,000.

Concept C – Shared Use Path – East Side of Chestnut Street

This concept consists of the construction of a shared use path along the eastern side of Chestnut Street. A crosswalk would be provided across Chestnut Street at the off-road trail terminus.

This concept would require roadway reconstruction to develop the width for the shared use path. The width of Chestnut Street would need to be reduced by 2 feet to provide enough width for the shared use path under the bridges. Under the bridges, the path would be 8 feet wide with a 3-foot landscaped buffered. North and south of the bridges, the buffer will be wider.

This concept is consistent with all of the off-road concepts.

Cost Estimate

Concept 3 will require longer section of full depth roadway reconstruction than Concepts A and B. Two utility poles will need to be relocated along Chestnut Street.

The estimated construction cost is approximately $740,000.

Concept D – Following Rail Line

WorldTech reviewed the potential to follow the rail line directly to the station. The concept would keep the trail at the same level as the tracks the entire length. This would require the construction of an additional bridge over Chestnut Street. Concept drawings were not developed.

For the majority of this route, the trail can be constructed alongside the existing tracks. However, a new bridge would be required over Chestnut Street. Although the abutment walls do currently extend past the existing railroad bridge, they only extend approximately 6-7 feet, as shown in the adjacent photo. On the eastern abutment wall, there is 6 feet of room along the abutment to a fence on the top of a grade. There does not appear to be enough room to install a pedestrian/bicycle bridge onto the existing bridge abutments.

Existing Railroad Bridge Abutment

Further east, the available width is increased. The path could be constructed adjacent to the tracks. There is approximately 20 feet between the tracks and a chain link fence. There is a track switch that would need to be relocated. A photo of the switch is shown on the next page.

Lastly, an at grade pedestrian crossing of the track would be necessary to cross people to the train platform.

This concept connects to the train station but does not provide a connection to Chestnut Street.

Railroad Switch – Facing East

Attachments

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

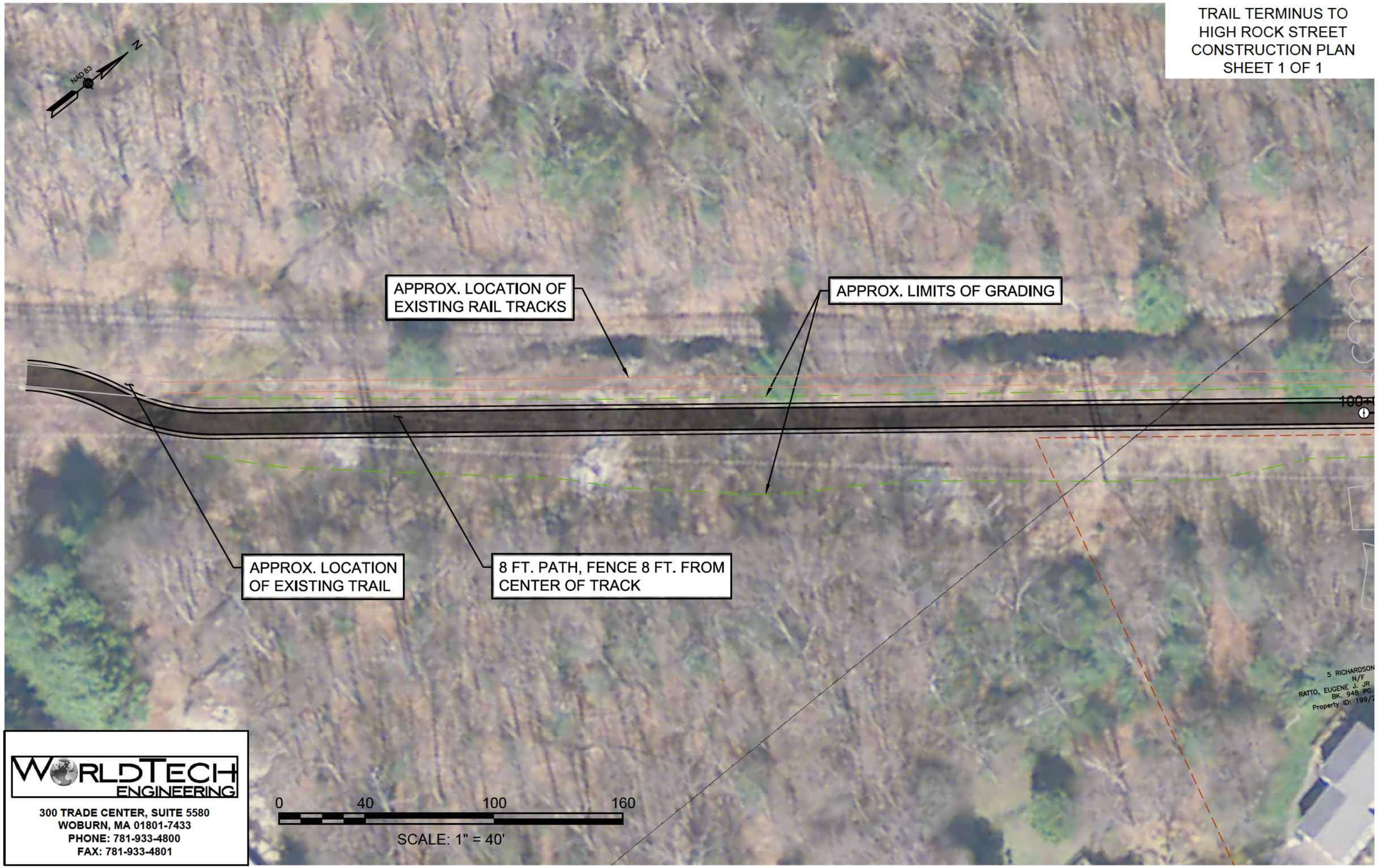
Memorandum

Off-Road Section

Trail Terminus to High Rock Concept

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

TRAIL TERMINUS TO
HIGH ROCK STREET
CONSTRUCTION PLAN
SHEET 1 OF 1



WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

Memorandum

Off-Road

Concept 1

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

CONCEPT 1
CONSTRUCTION PLAN
SHEET 1 OF 3

NAD 83

N

EXISTING RAIL TRACKS

LIMITS OF GRADING

100+00

101

102

103

104

105

HIGH ROCK STREET

10 FT. PATH, FENCE 10 FT. FROM CENTER OF TRACK

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 1
CONSTRUCTION PLAN
SHEET 2 OF 3

NAD 83

EXISTING RAIL TRACKS

LIMITS OF GRADING

106 107 108 109 110 111 112

10 FT. PATH

SEWER EASEMENT
(RECORD)

SEWER LINE
(RECORD)

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 1
CONSTRUCTION PLAN
SHEET 3 OF 3

N

NAD 83

EXISTING RAIL TRACKS

LIMITS OF GRADING

BOARDWALK

10 FT. PATH

SEWER LINE
(RECORD)

SEWER EASEMENT
(RECORD)

CHESTNUT STREET

112 113 114 115 116 117

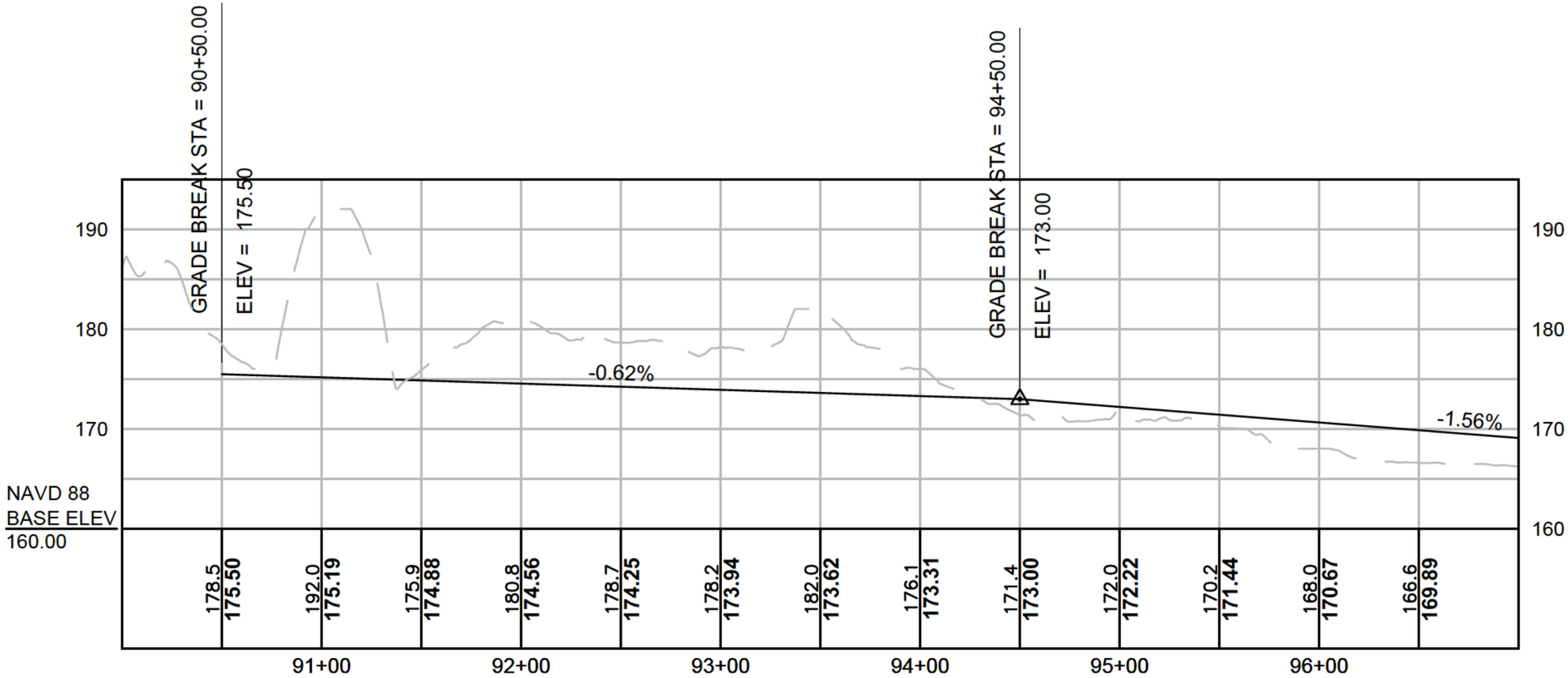
503 504 505 506

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 1



HOR. SCALE IN FEET
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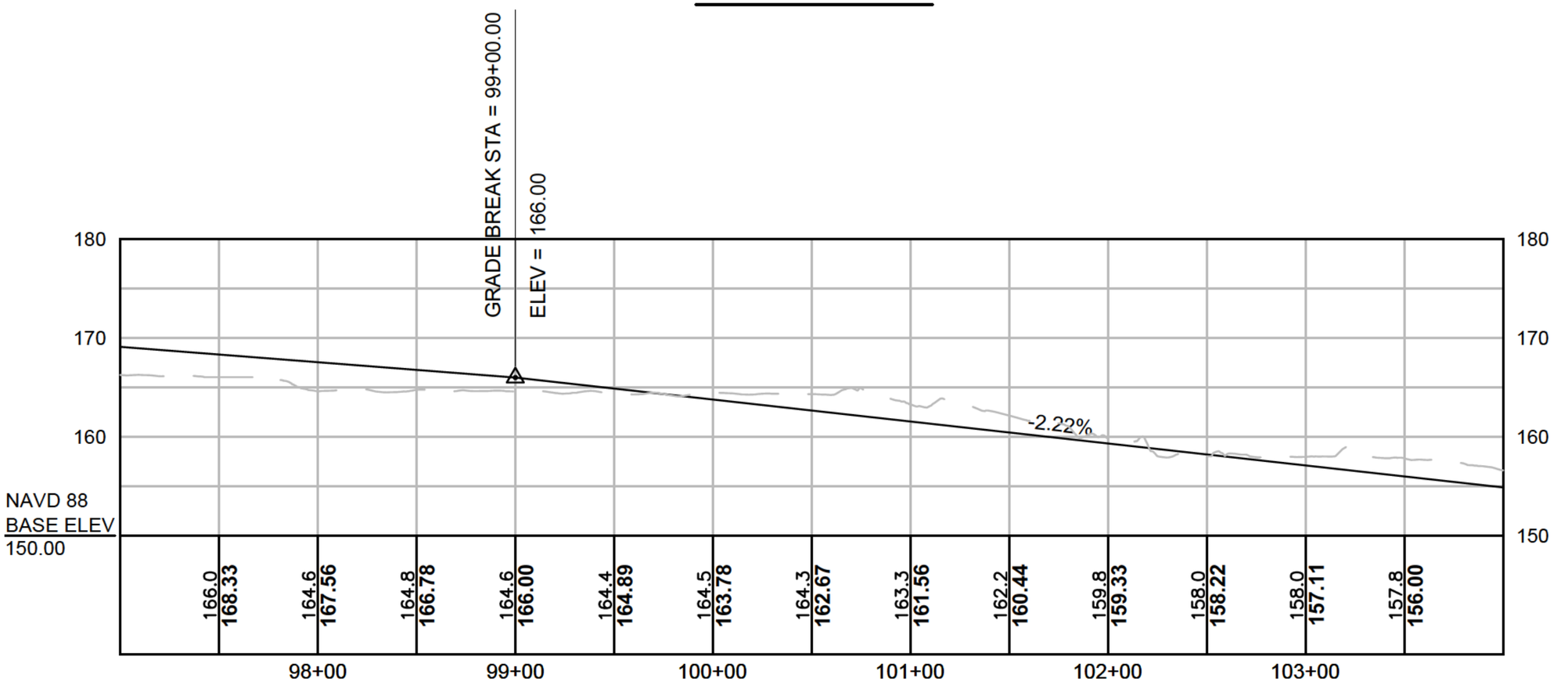
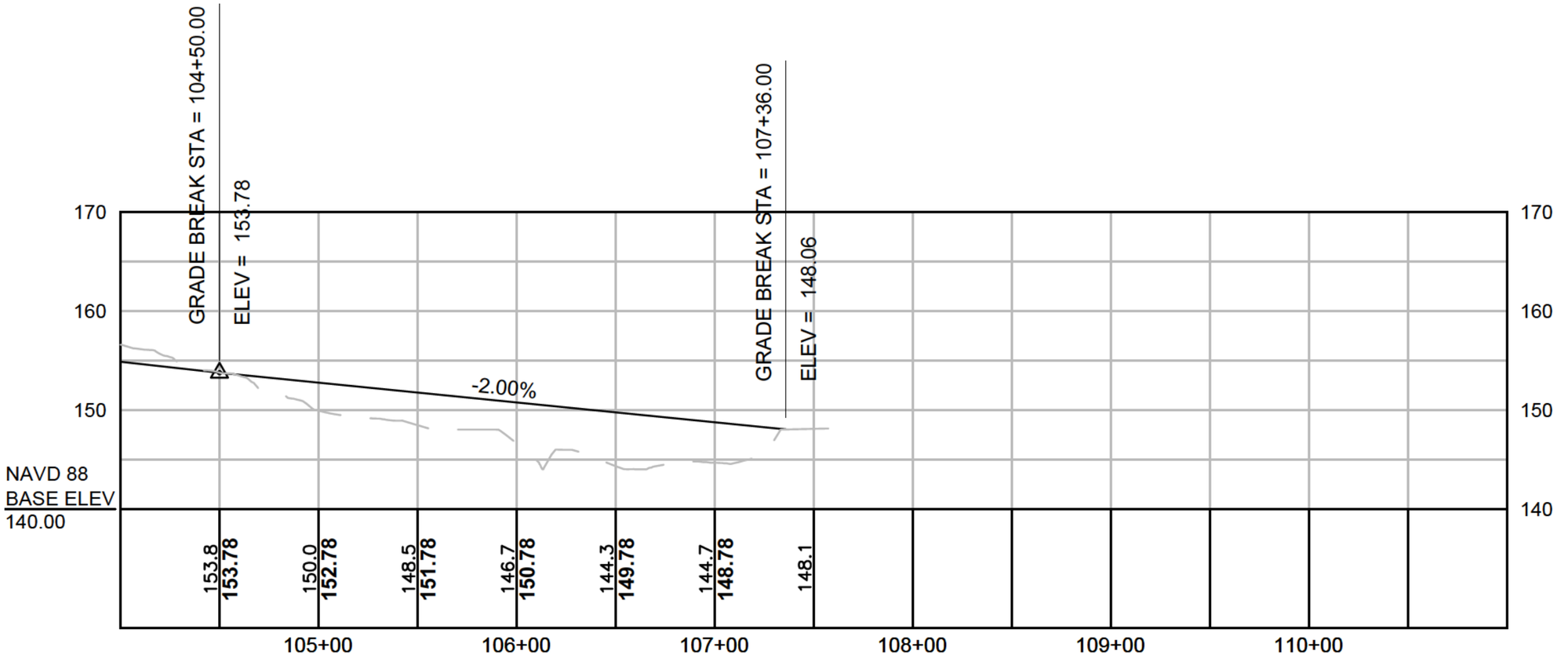
12 0 12 24
VER. SCALE IN FEET

CONCEPT 1



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 1



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

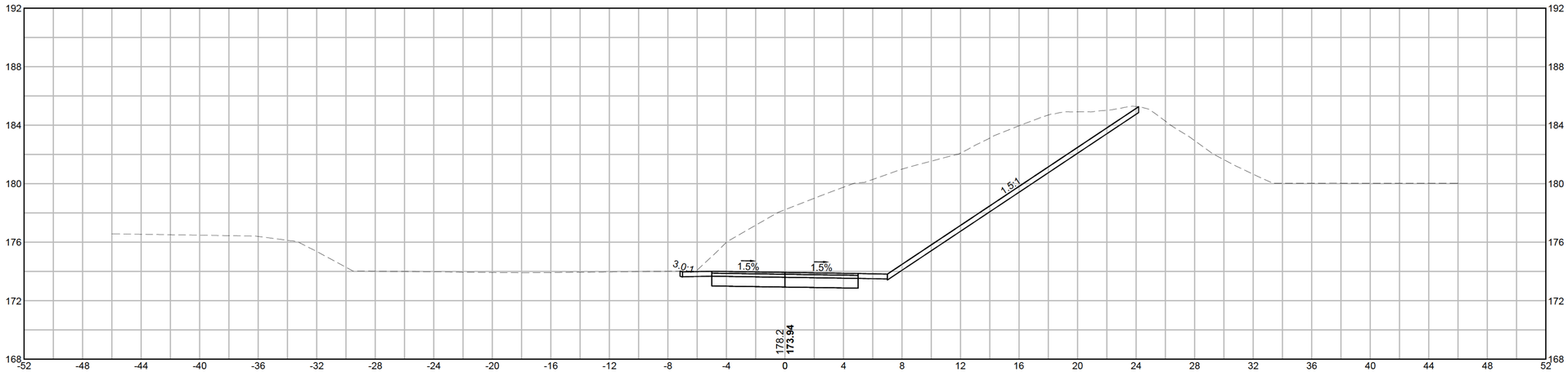
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	1	XX
PROJECT FILE NO.		-	

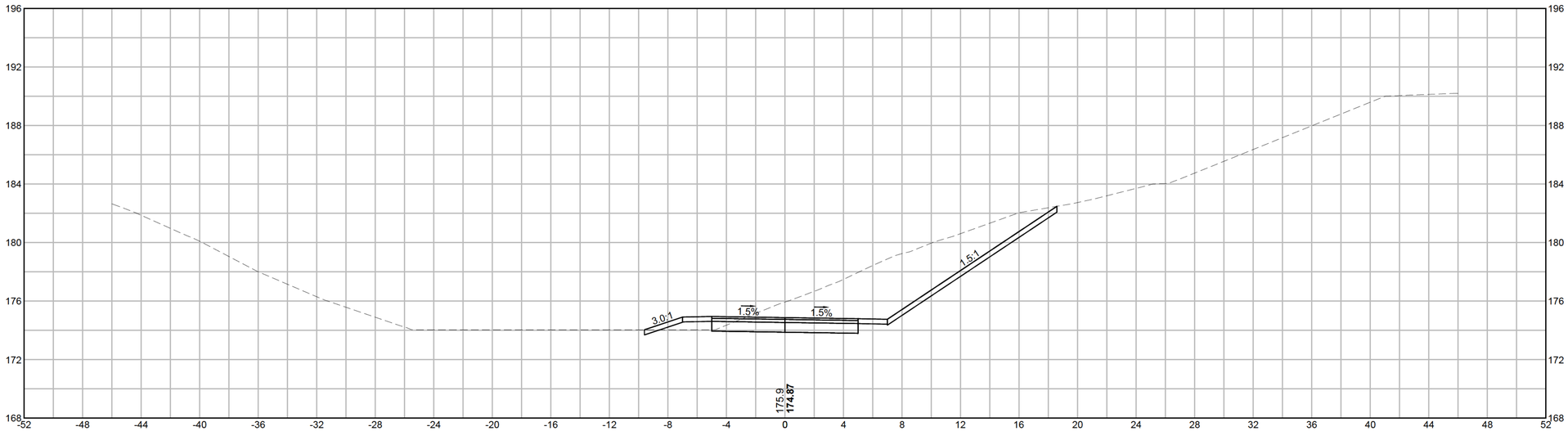
CROSS SECTIONS
CONCEPT 1

OPT 1_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 11:49 AM

93+00



91+50



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

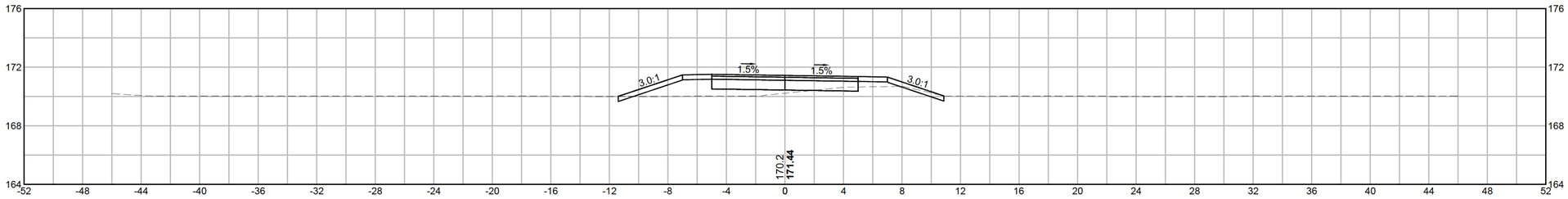
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	2	XX
PROJECT FILE NO.		-	

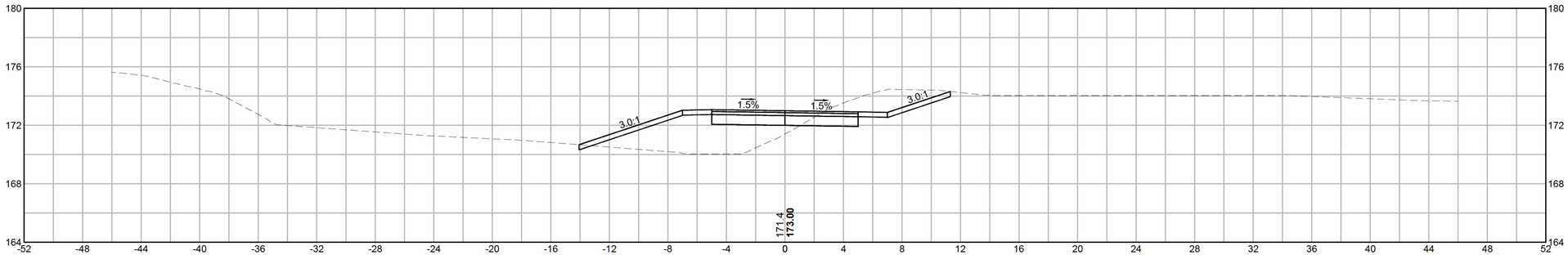
CROSS SECTIONS
CONCEPT 1

OPT 1_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 11:49 AM

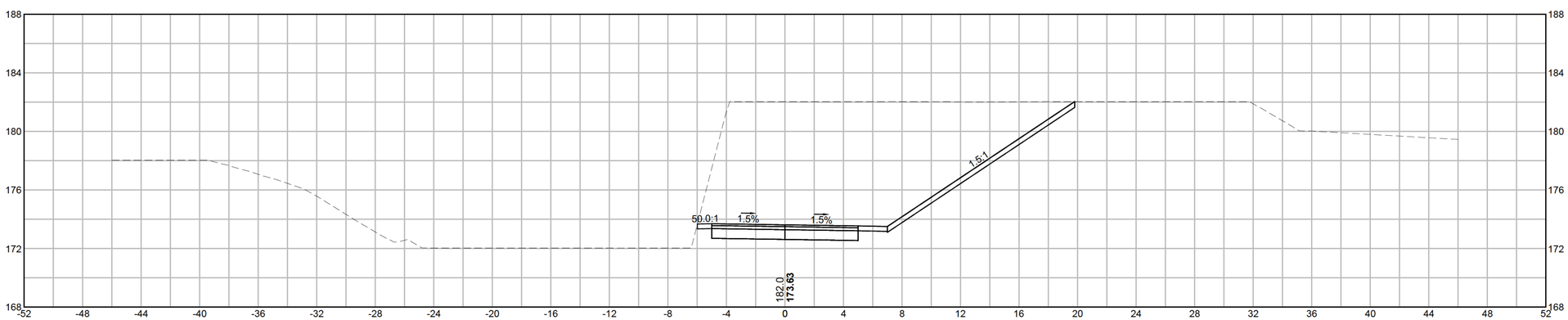
95+50



94+50



93+50



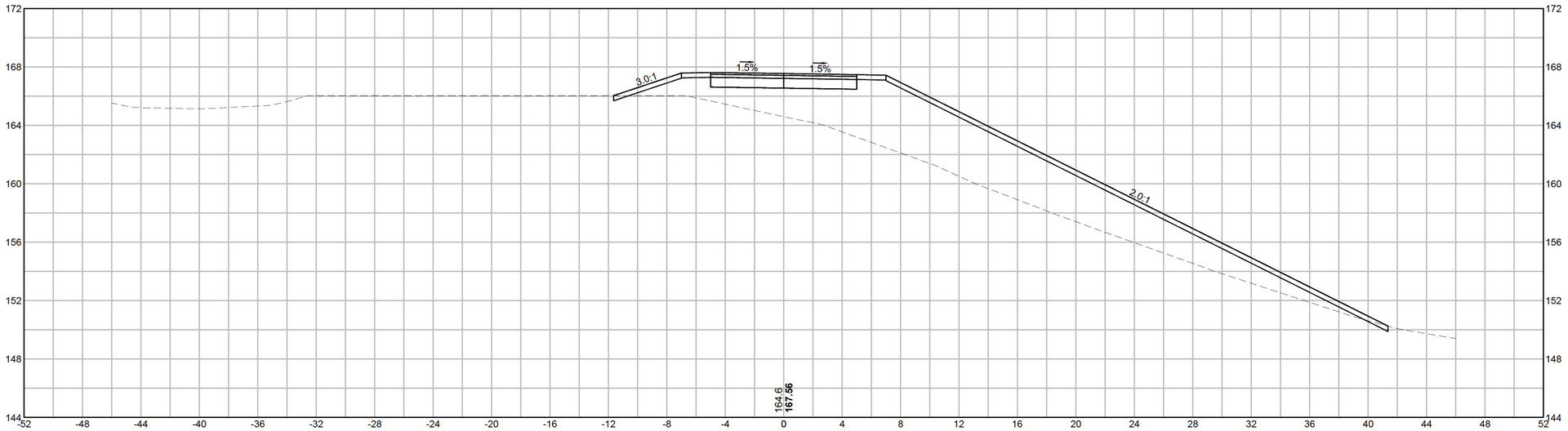
HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

NEEDHAM
RAIL TRAIL

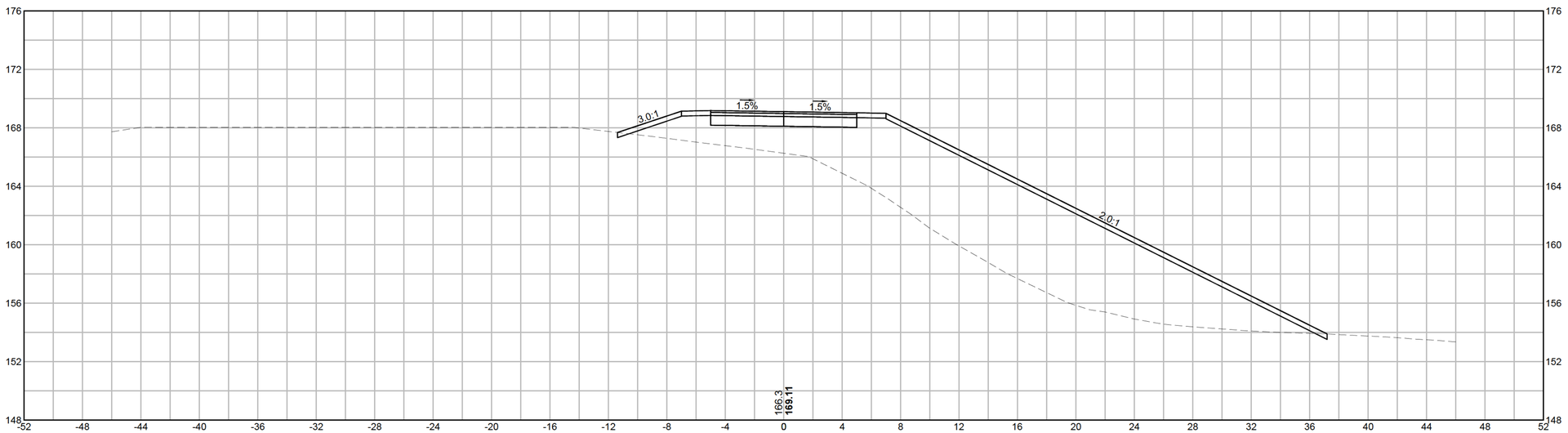
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	3	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 1

98+00



97+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

OPT 1_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 11:49 AM

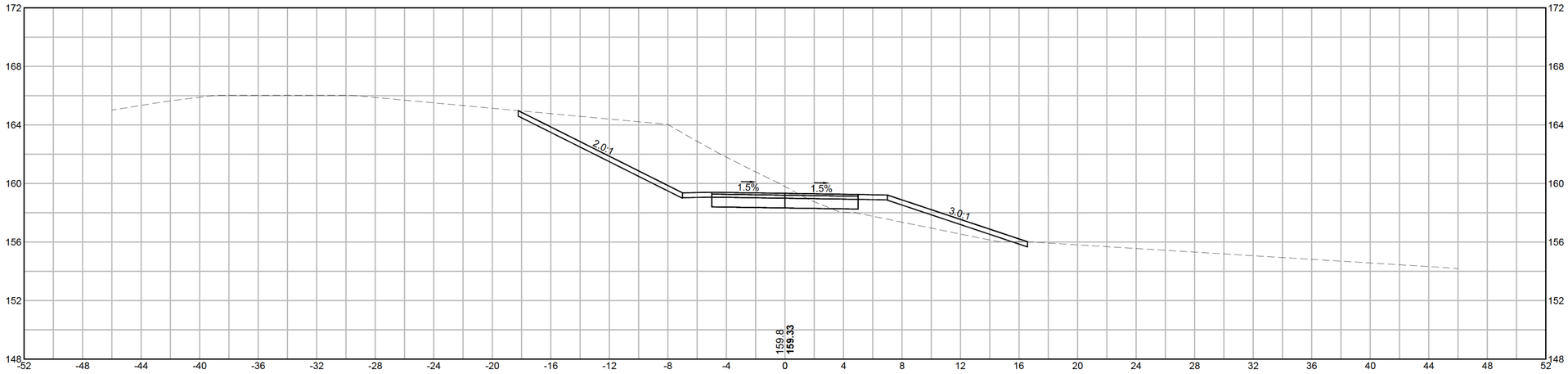
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	4	XX
PROJECT FILE NO.		-	

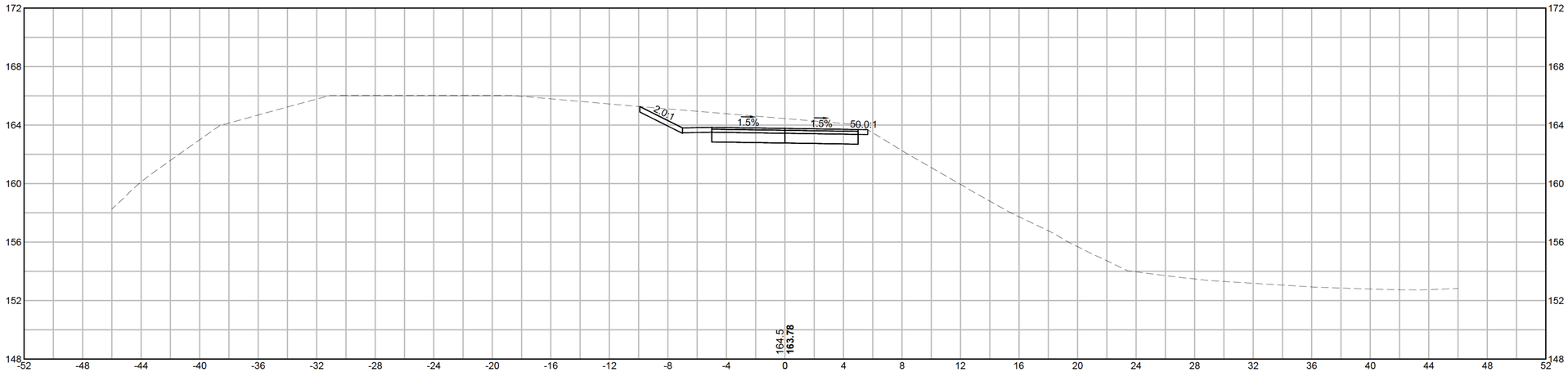
CROSS SECTIONS
CONCEPT 1

OPT 1_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 11:49 AM

102+00



100+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

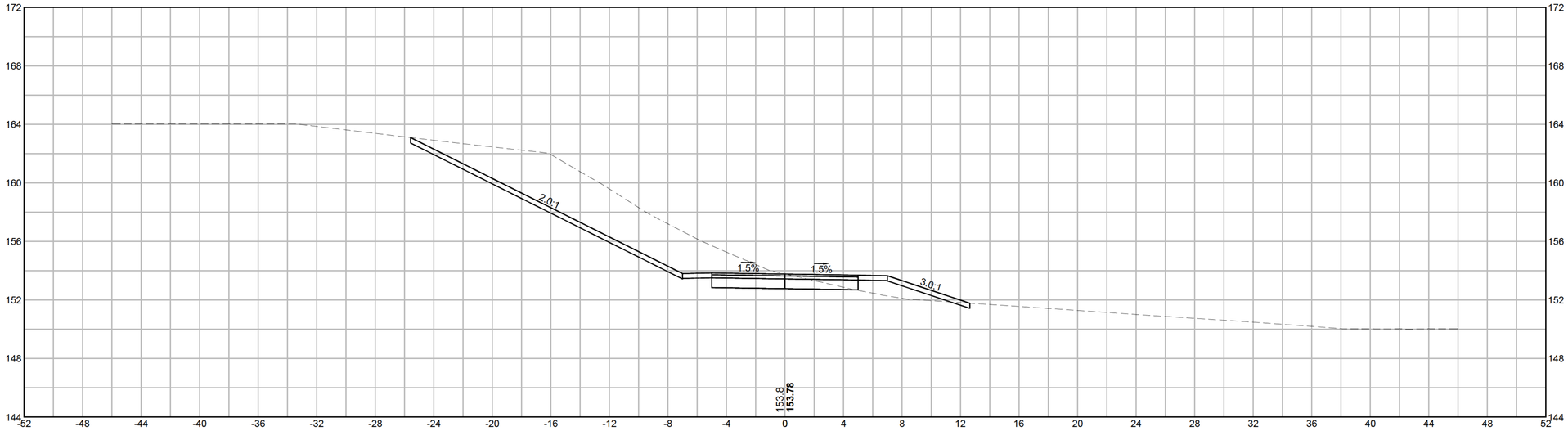
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	5	XX
PROJECT FILE NO.		-	

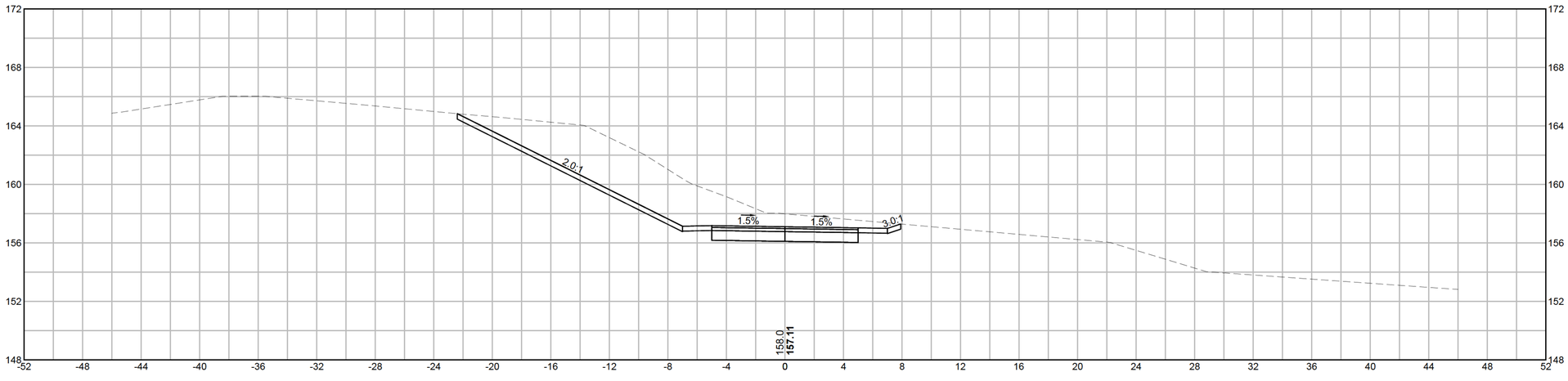
CROSS SECTIONS
CONCEPT 1

OPT 1_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 11:49 AM

104+50



103+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

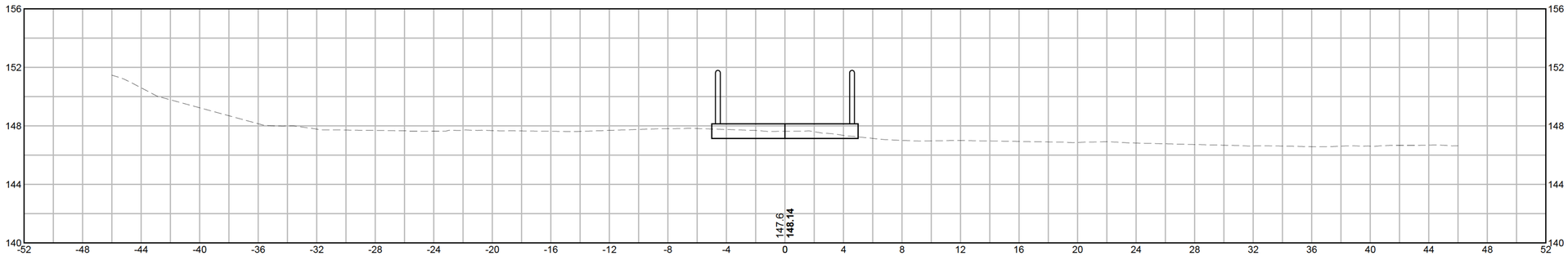
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	6	XX
PROJECT FILE NO.		-	

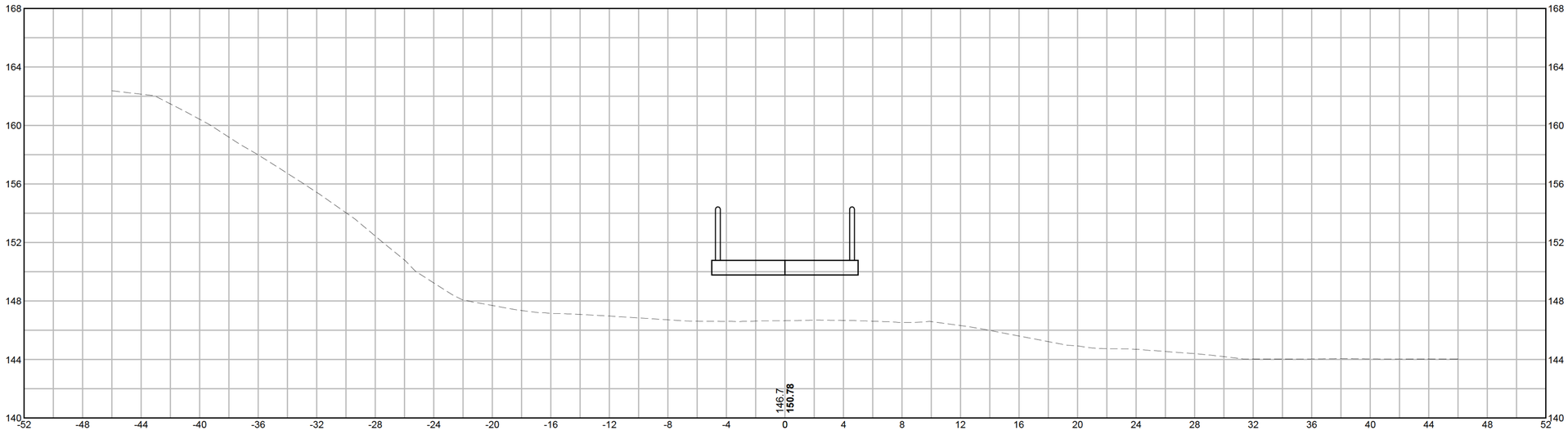
CROSS SECTIONS
CONCEPT 1

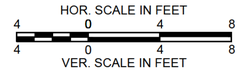
OPT 1_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 11:49 AM

107+32



106+00





Memorandum

Off-Road

Concept 2

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

CONCEPT 2
CONSTRUCTION PLAN
SHEET 1 OF 3

NAD 83

N

257 HIGH ROCK ST
N/F
CEYHAN , MEHMET E.
BK. 939 PG. 127
Property ID: 199/134.0-0001

5 CHAMBERS ST
N/F
NEEDHAM HOUSING AUTHORITY
BK. 190 PG. 181
Property ID:199/134.0-0041

EXISTING RAIL TRACKS

LIMITS OF GRADING

100+00 101 102 103 104 105

HIGH ROCK STREET

8 FT. PATH, FENCE 8 FT. FROM CENTER OF TRACK

0 HIGH ROCK ST
N/F
BOSTON EDISON COMPANY
BK. 299 PG. 161
Property ID: 199/044.0-0037

5 RICHARDSON DR
N/F
RATTO, EUGENE J. JR & FRANCES M
BK. 948 PG. 106
Property ID: 199/206.0-0046

239 HIGH ROCK ST
N/F
VOGT, JAMES C +
BK. 332 PG. 79
PID:199/044.0-0038

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 2
CONSTRUCTION PLAN
SHEET 2 OF 3

NAD 83

EXISTING RAIL TRACKS

LIMITS OF GRADING

106 107 108 109 110 111 112

10 FT. PATH

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3598 PG. 26
Property ID: 199/044.0-0001

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3533 PG. 365
Property ID:
199/044.0-0003-0000.0

SEWER EASEMENT
(RECORD)

SEWER LINE
(RECORD)

0 40 100 160
SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 2
CONSTRUCTION PLAN
SHEET 3 OF 3

N

NAD 83

0 GREAT PLAIN AVE
N/F
MBTA
BK. 51772, PG. 596
Property ID:
199/051.0-0084-0000.0

EXISTING RAIL TRACKS

LIMITS OF GRADING

10 FT. PATH

SEWER LINE
(RECORD)

SEWER EASEMENT
(RECORD)

461 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 1722 PG. 327
Property ID:
199/045.0-0009-0000.0

112
113
114
115
116
117
503
504
505
506
1+59.26

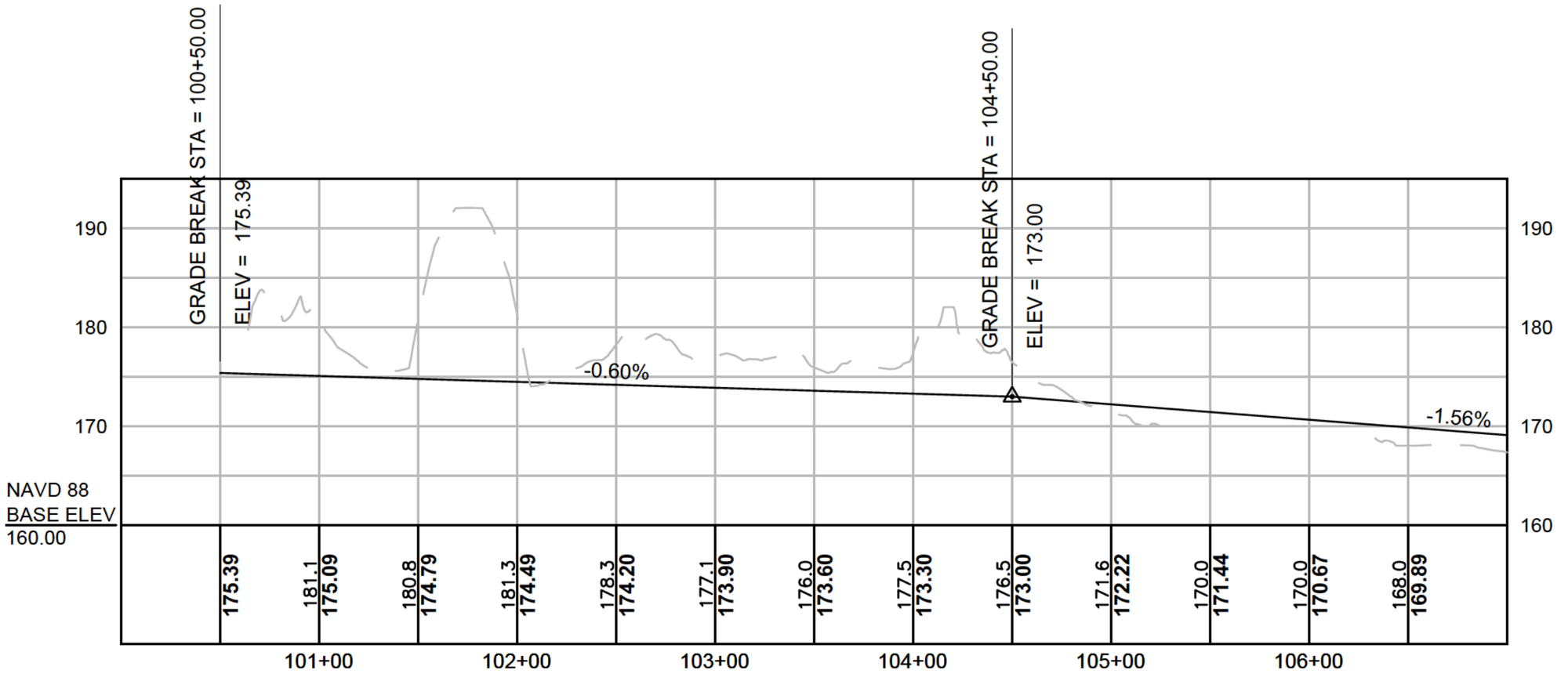
CHESTNUT STREET

0 40 100 160

SCALE: 1" = 40'

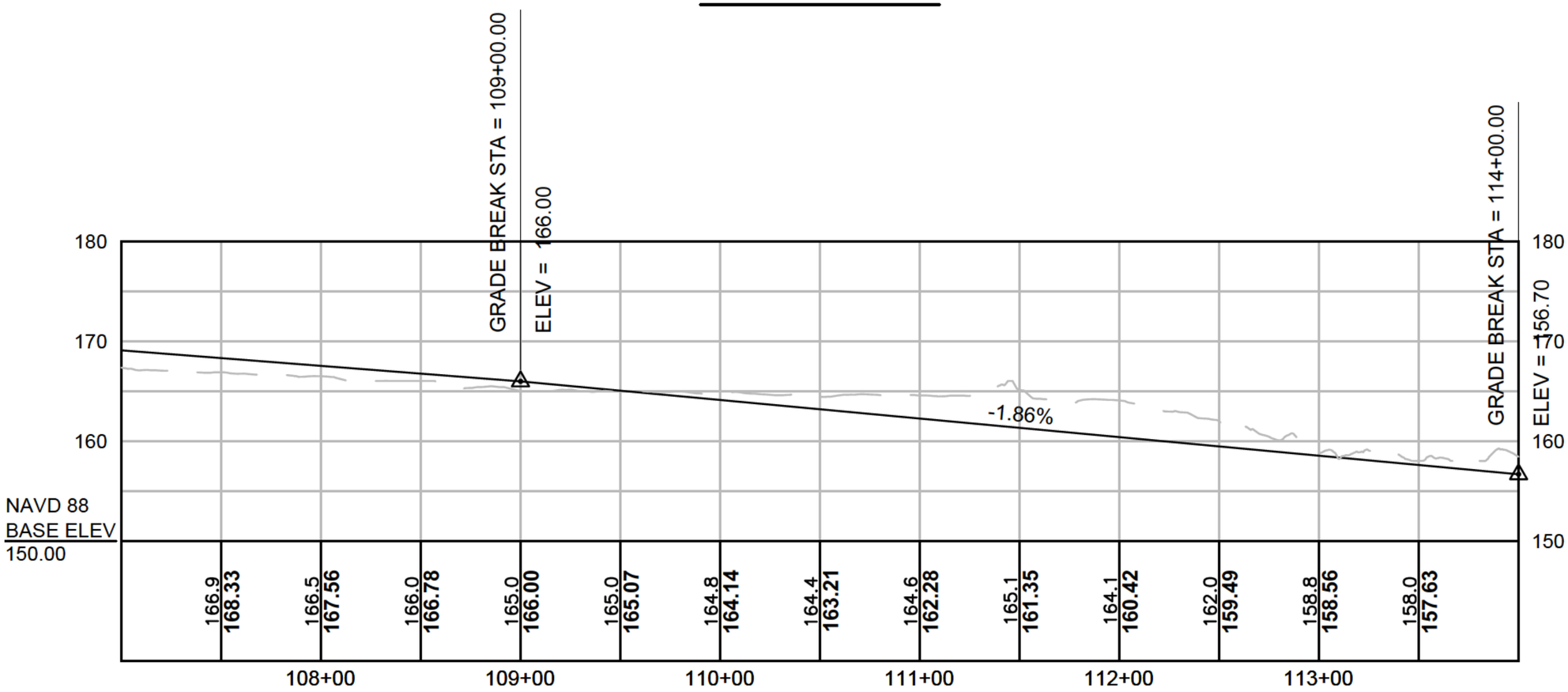
WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 2



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

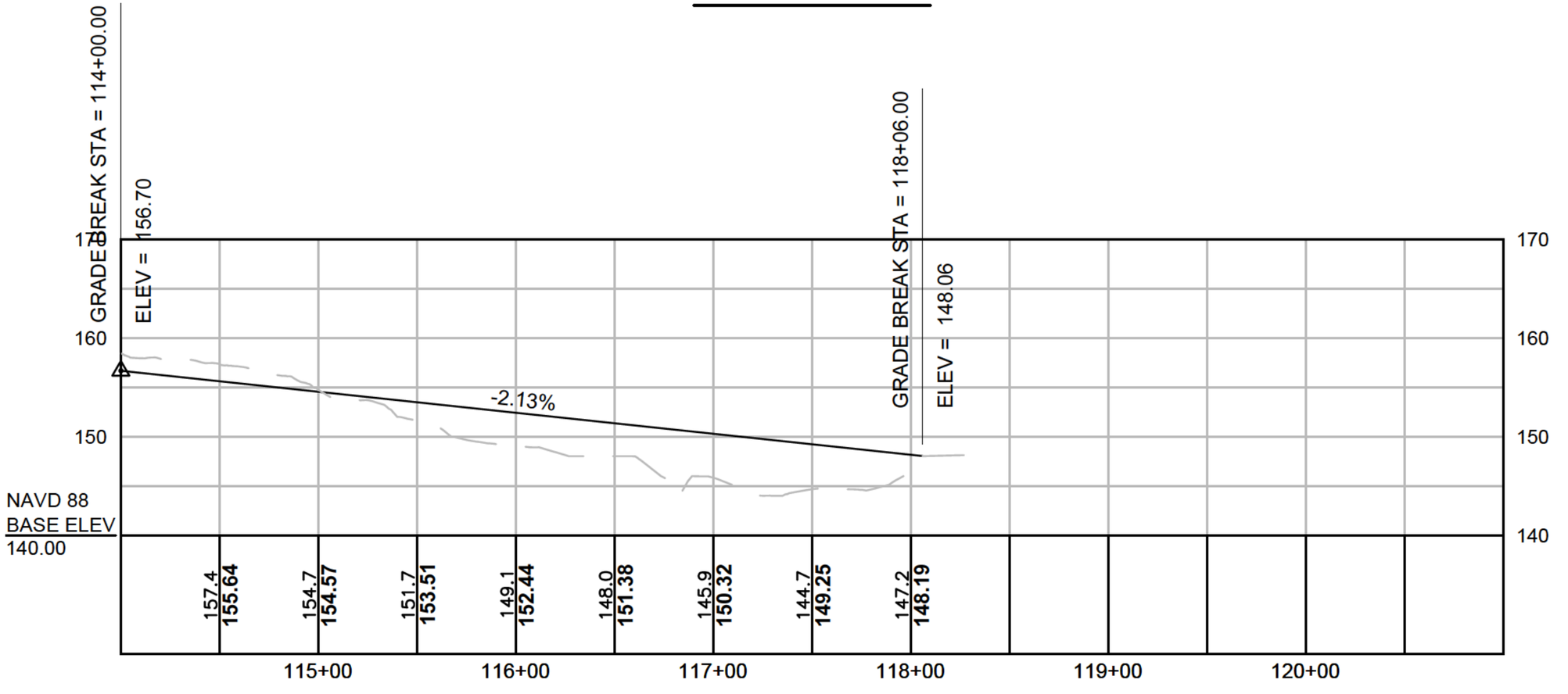
CONCEPT 2



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 2
PROFILE
SHEET 3 OF 3

CONCEPT 2



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

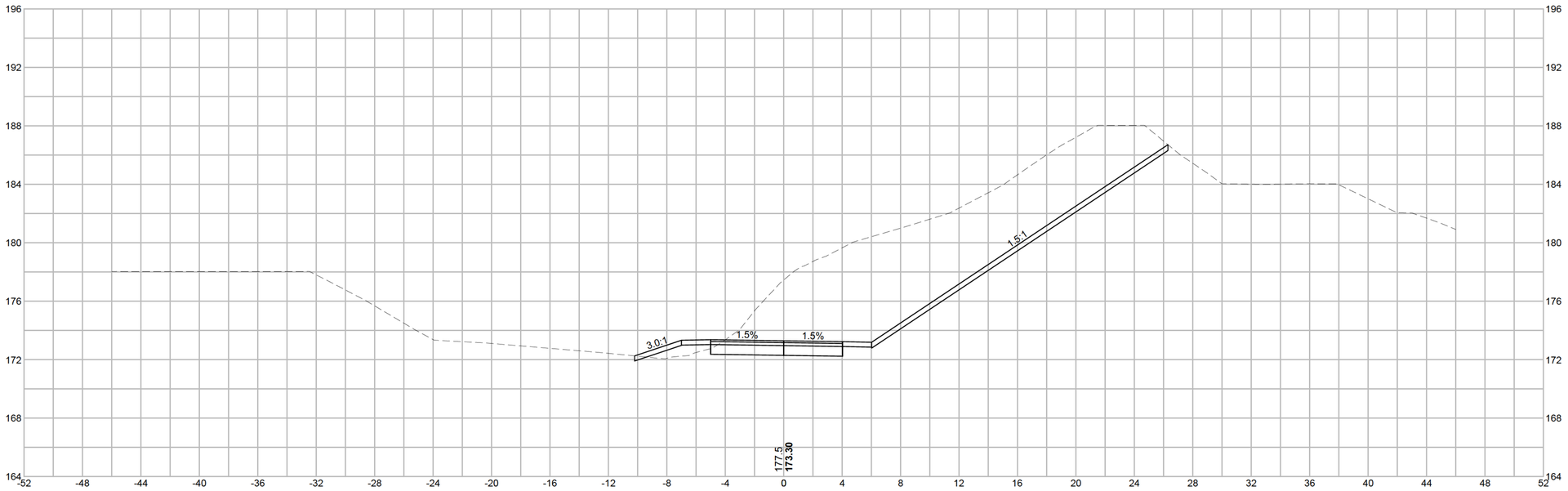
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	1	XX
PROJECT FILE NO.		-	

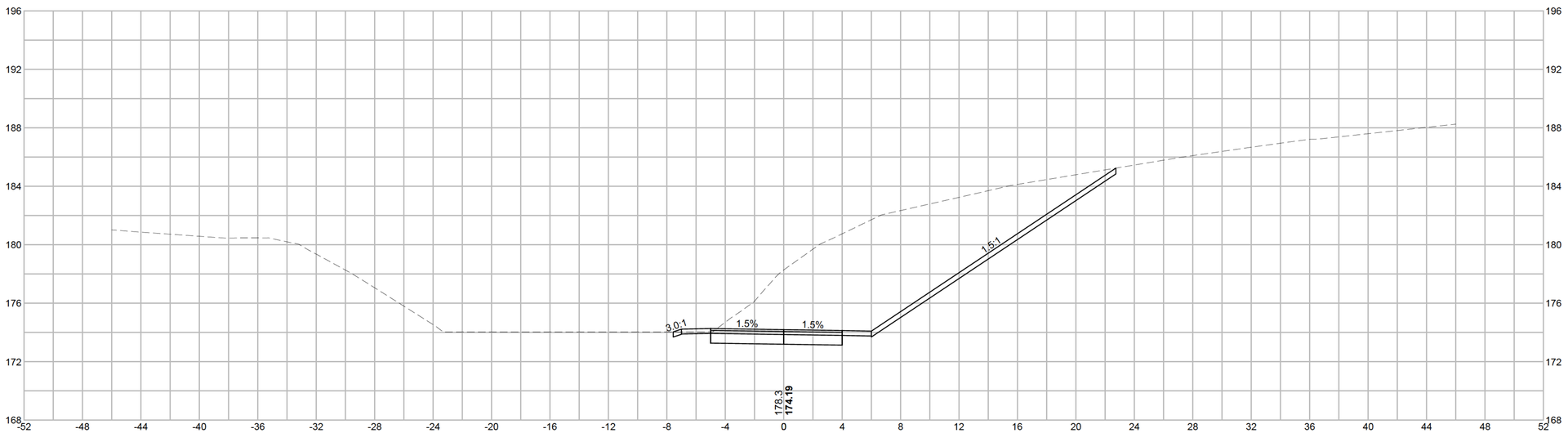
CROSS SECTIONS
CONCEPT 2

OPT 2_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:12 PM

104+00



102+50



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

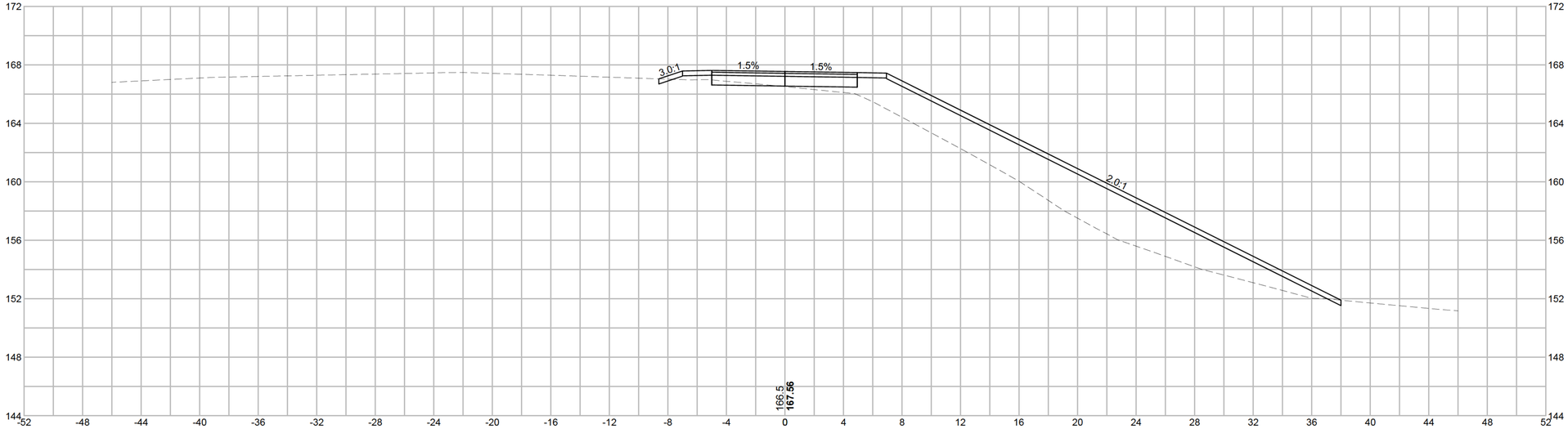
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	2	XX
PROJECT FILE NO.		-	

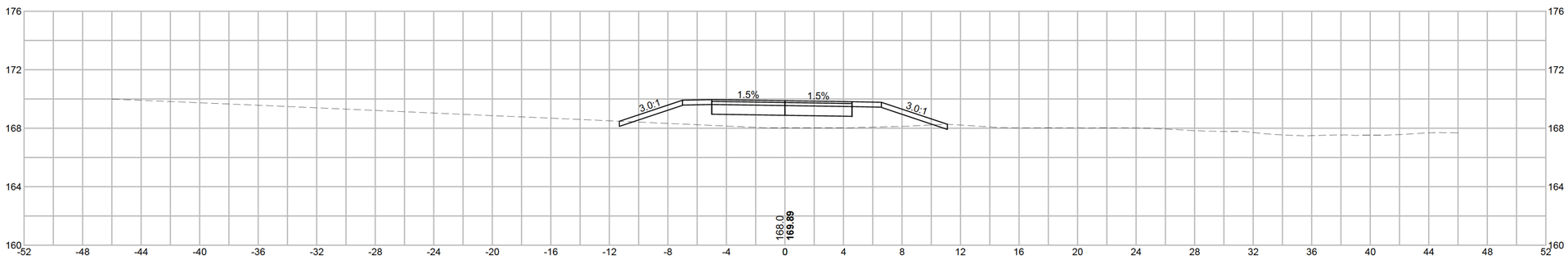
CROSS SECTIONS
CONCEPT 2

OPT 2_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:12 PM

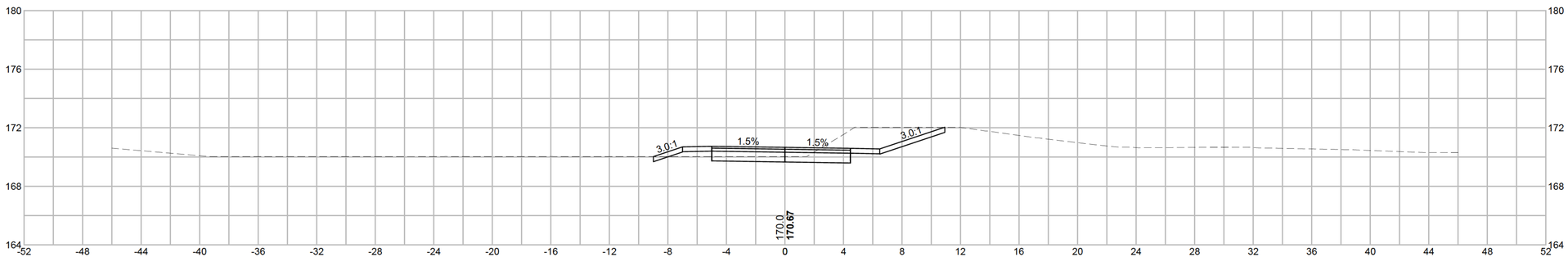
108+00



106+50



106+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

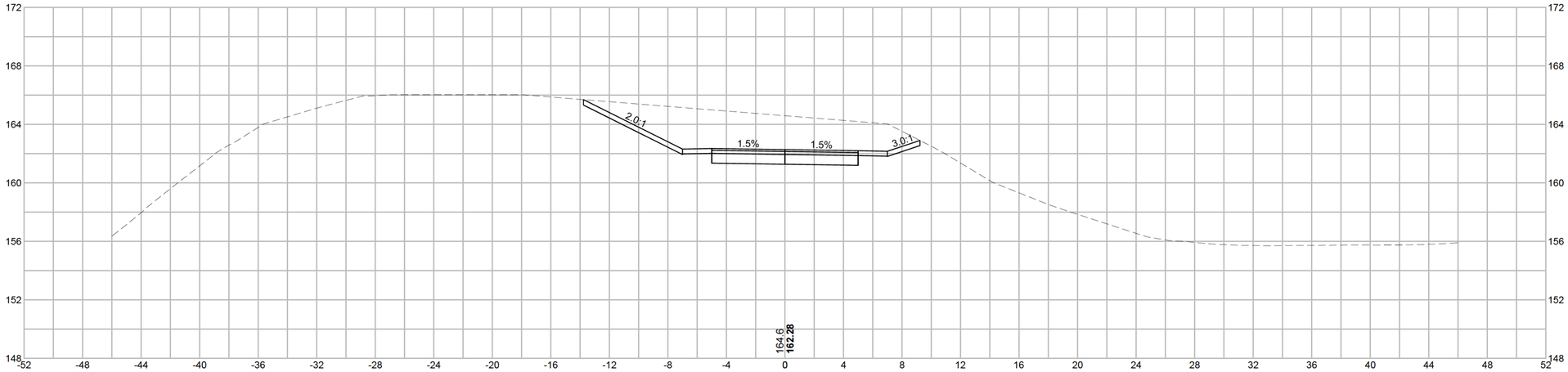
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	3	XX
PROJECT FILE NO.		-	

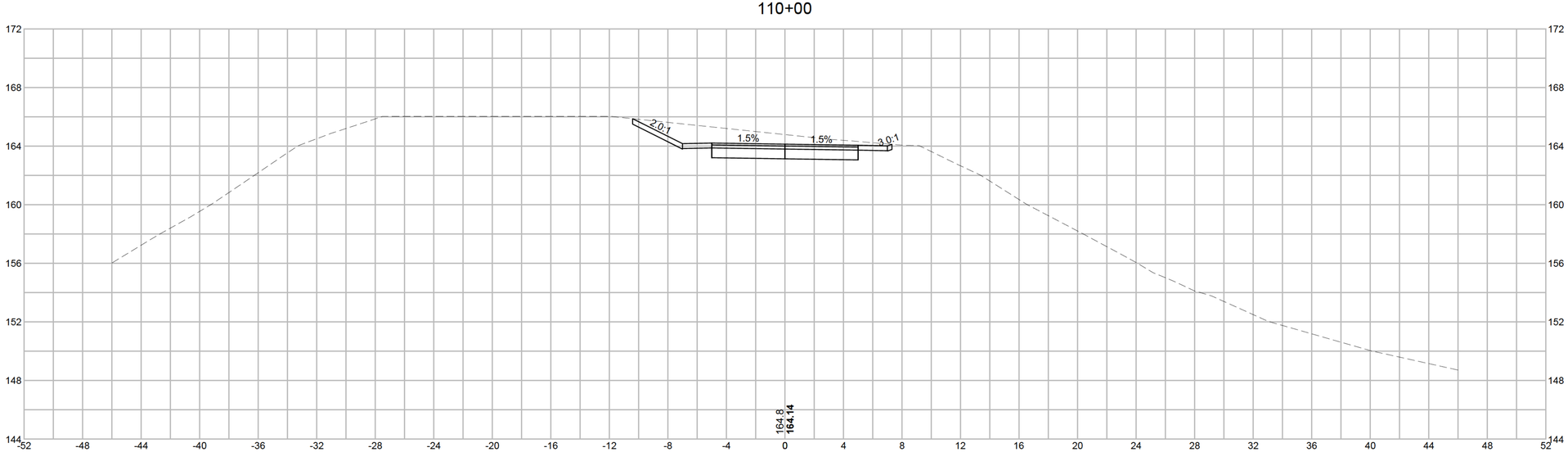
CROSS SECTIONS
CONCEPT 2

OPT 2_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 12:13 PM

111+00



110+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

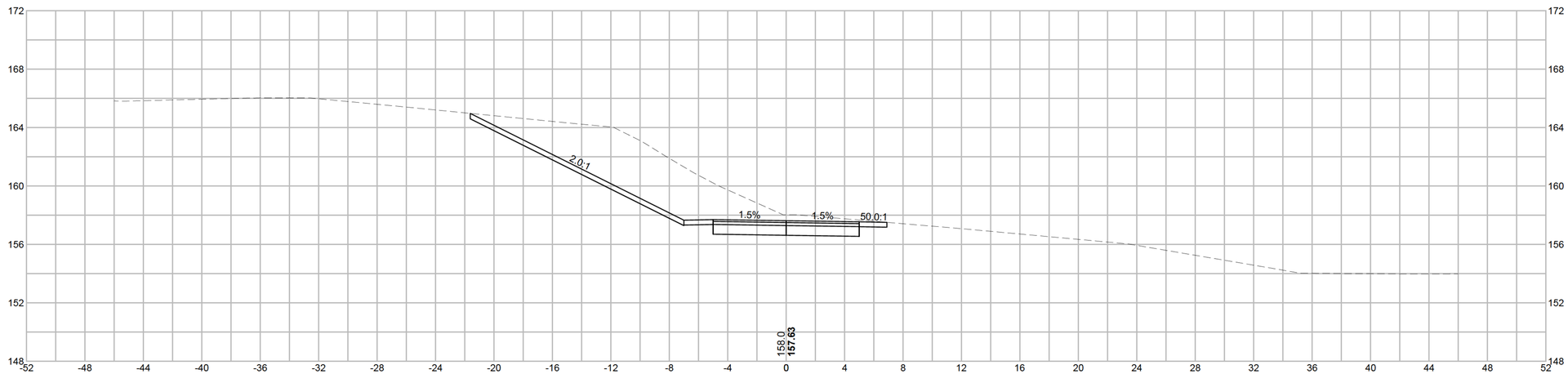
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	4	XX
PROJECT FILE NO.		-	

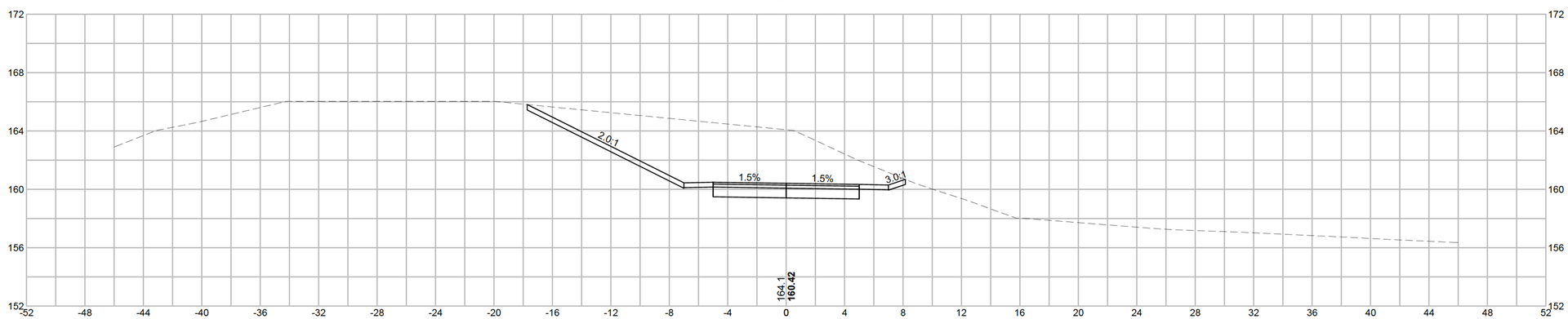
CROSS SECTIONS
CONCEPT 2

OPT 2_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 12:13 PM

113+50



112+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

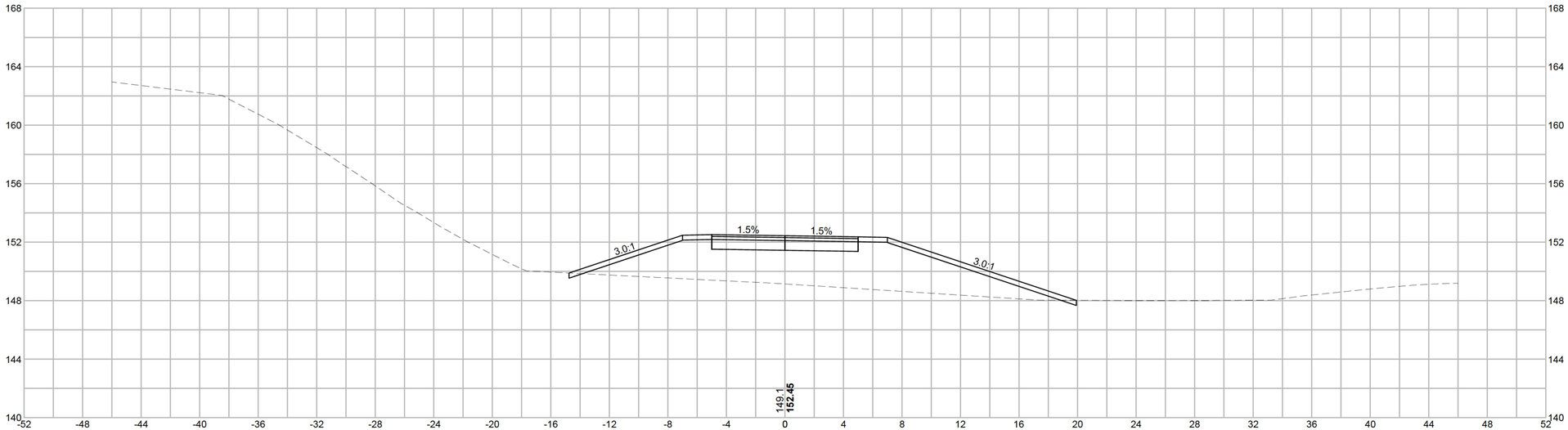
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	5	XX
PROJECT FILE NO.		-	

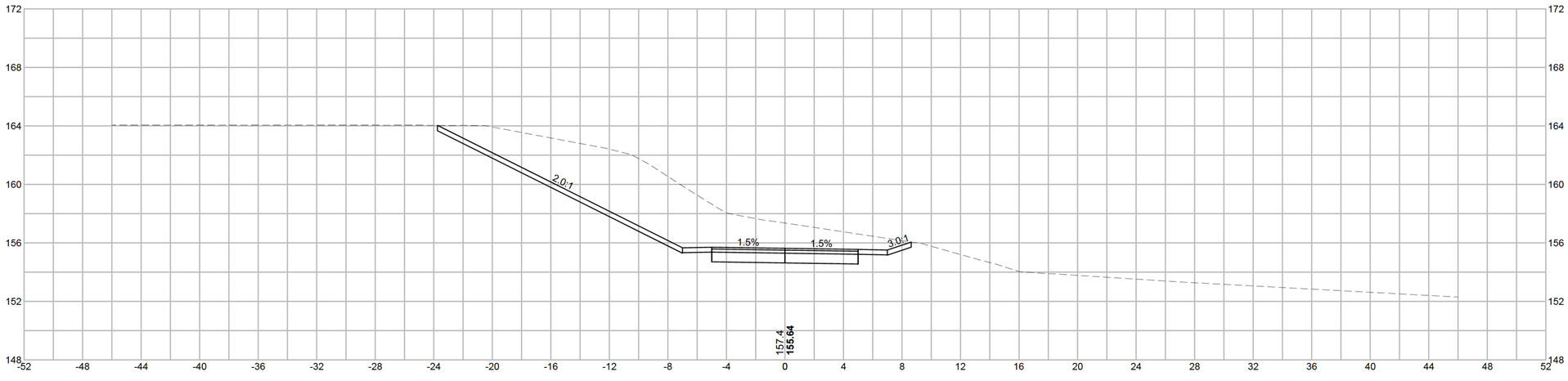
CROSS SECTIONS
CONCEPT 2

OPT 2_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:13 PM

116+00



114+50



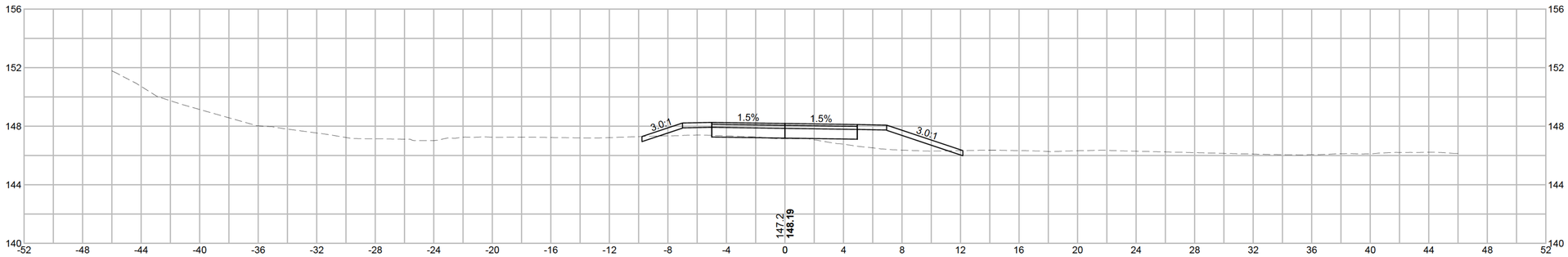
HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

NEEDHAM
RAIL TRAIL

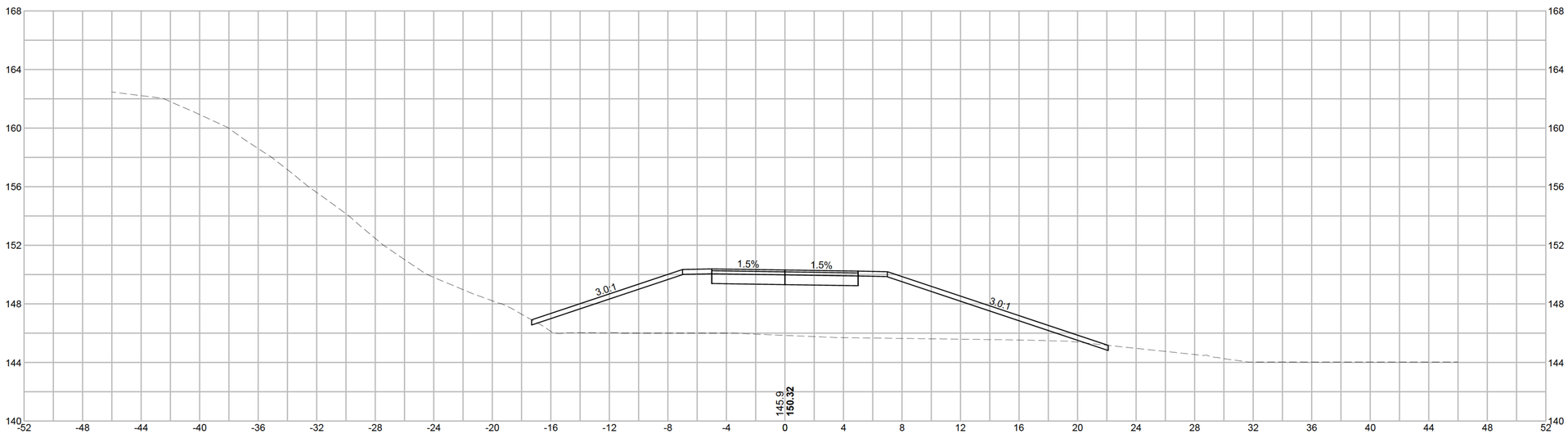
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	6	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 2

118+00



117+00



HOR. SCALE IN FEET
4 0 4 8
VER. SCALE IN FEET
4 0 4 8

OPT 2_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:13 PM

Memorandum

Off-Road

Concept 3

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

CONCEPT 3
CONSTRUCTION PLAN
SHEET 1 OF 3

NAD 83

N

257 HIGH ROCK ST
N/F
CEYHAN , MEHMET E.
BK. 939 PG. 127
Property ID: 199/134.0-0001

5 CHAMBERS ST
N/F
NEEDHAM HOUSING AUTHORITY
BK. 190 PG. 181
Property ID:199/134.0-0041

EXISTING RAIL TRACKS

LIMITS OF GRADING

100+00 101 102 103 104 105

HIGH ROCK STREET

10 FT. PATH, FENCE 10 FT. FROM CENTER OF TRACK

0 HIGH ROCK ST
N/F
BOSTON EDISON COMPANY
BK. 299 PG. 161
Property ID: 199/044.0-0037

5 RICHARDSON DR
N/F
RATTO, EUGENE J. JR & FRANCES M
BK. 948 PG. 106
Property ID: 199/206.0-0046

239 HIGH ROCK ST
N/F
VOGT, JAMES C +
BK. 332 PG. 79
PID:199/044.0-0038

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 3
CONSTRUCTION PLAN
SHEET 2 OF 3

NAD 83

EXISTING RAIL TRACKS

LIMITS OF GRADING

106 107 108 109 110 111 112

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3598 PG. 365
Property ID: 199/044.0-0001

10 FT. PATH

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3533 PG. 365
Property ID:
199/044.0-0003-0000.0

SEWER EASEMENT
(RECORD)

SEWER LINE
(RECORD)

0 40 100 160
SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 3
CONSTRUCTION PLAN
SHEET 3 OF 3

N

NAD 83

0 GREAT PLAIN AVE
N/F
MBTA
BK. 51772, PG. 596
Property ID:
199/051.0-0084-0000.0

EXISTING RAIL TRACKS

LIMITS OF GRADING

10 FT. PATH

SEWER LINE
(RECORD)

SEWER EASEMENT
(RECORD)

461 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 1722 PG. 327
Property ID:
199/045.0-0009-0000.0

CHESTNUT STREET

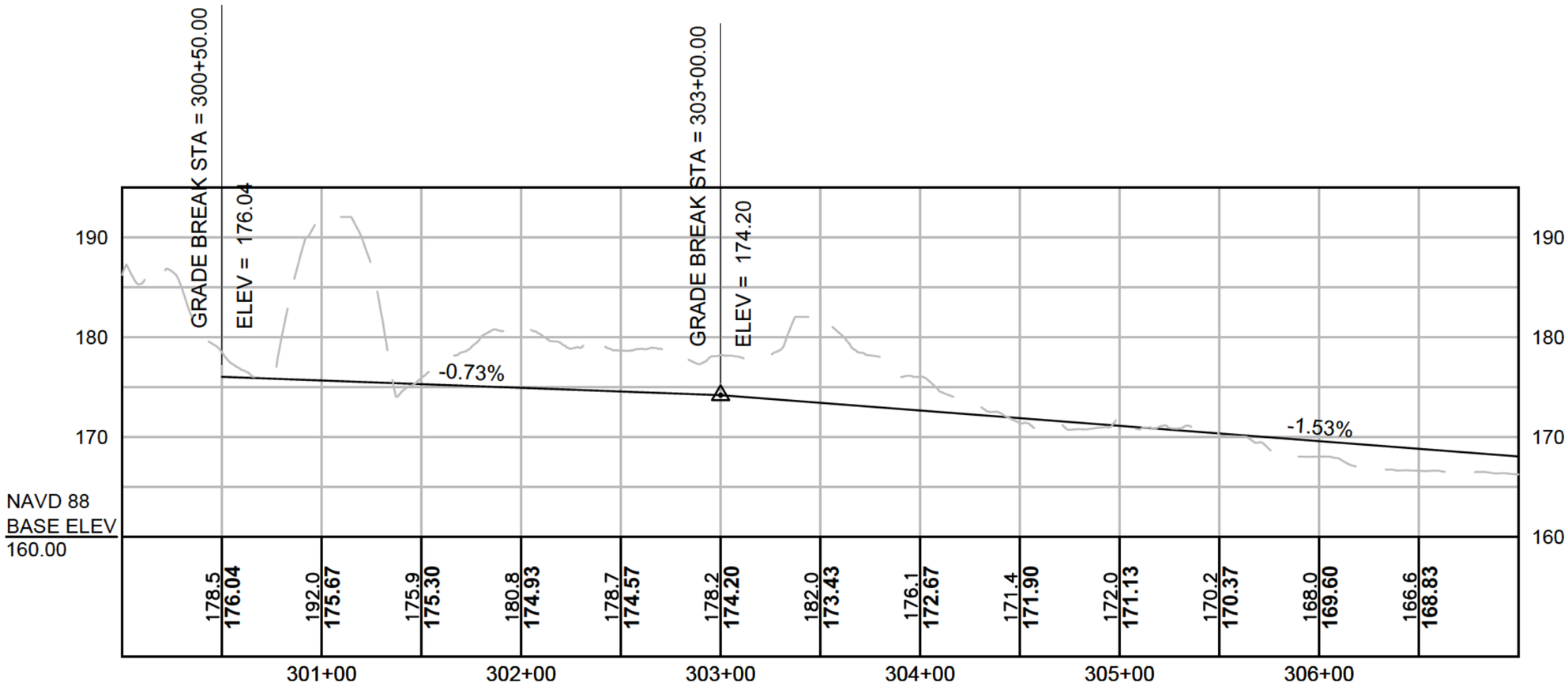
112 113 114 115 116 117 503 504 505 506

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

0 40 100 160

SCALE: 1" = 40'

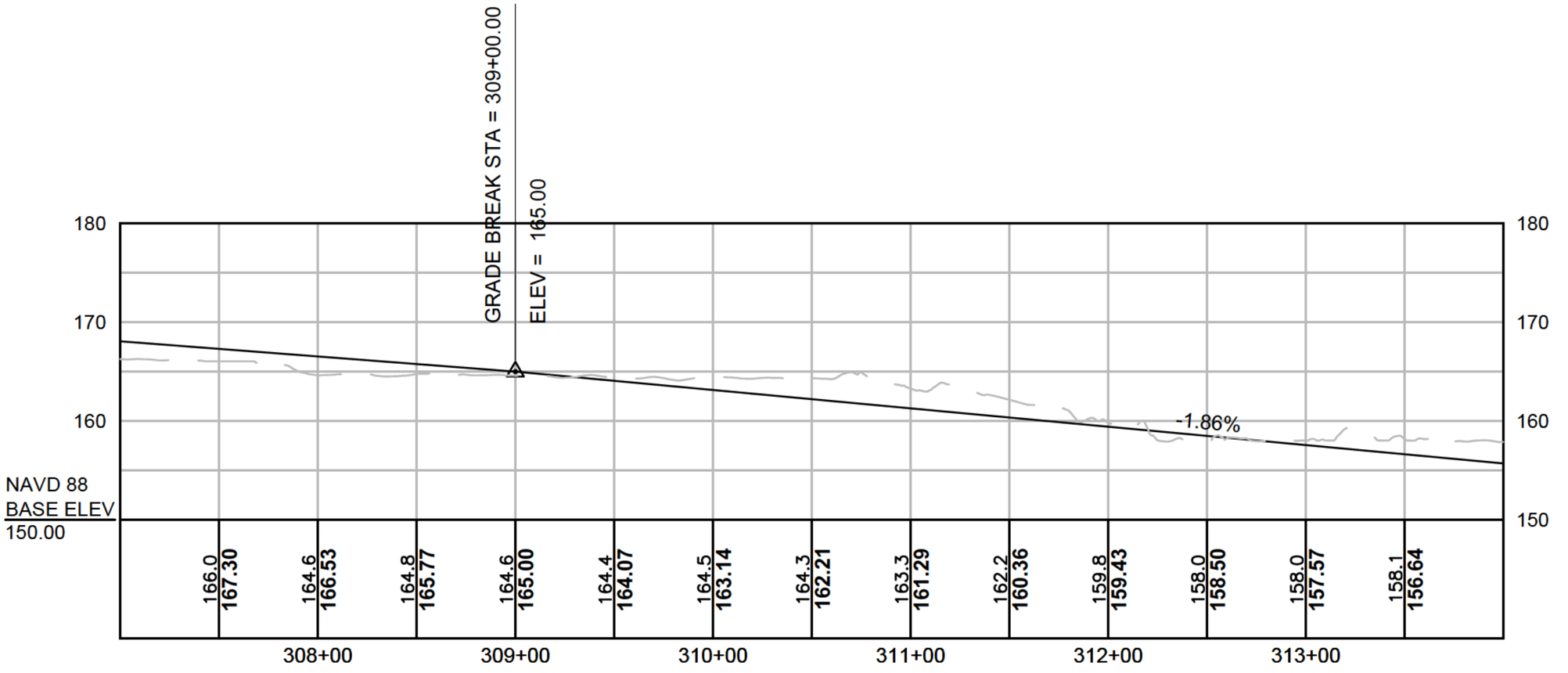
CONCEPT 3



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 3
PROFILE
SHEET 2 OF 3

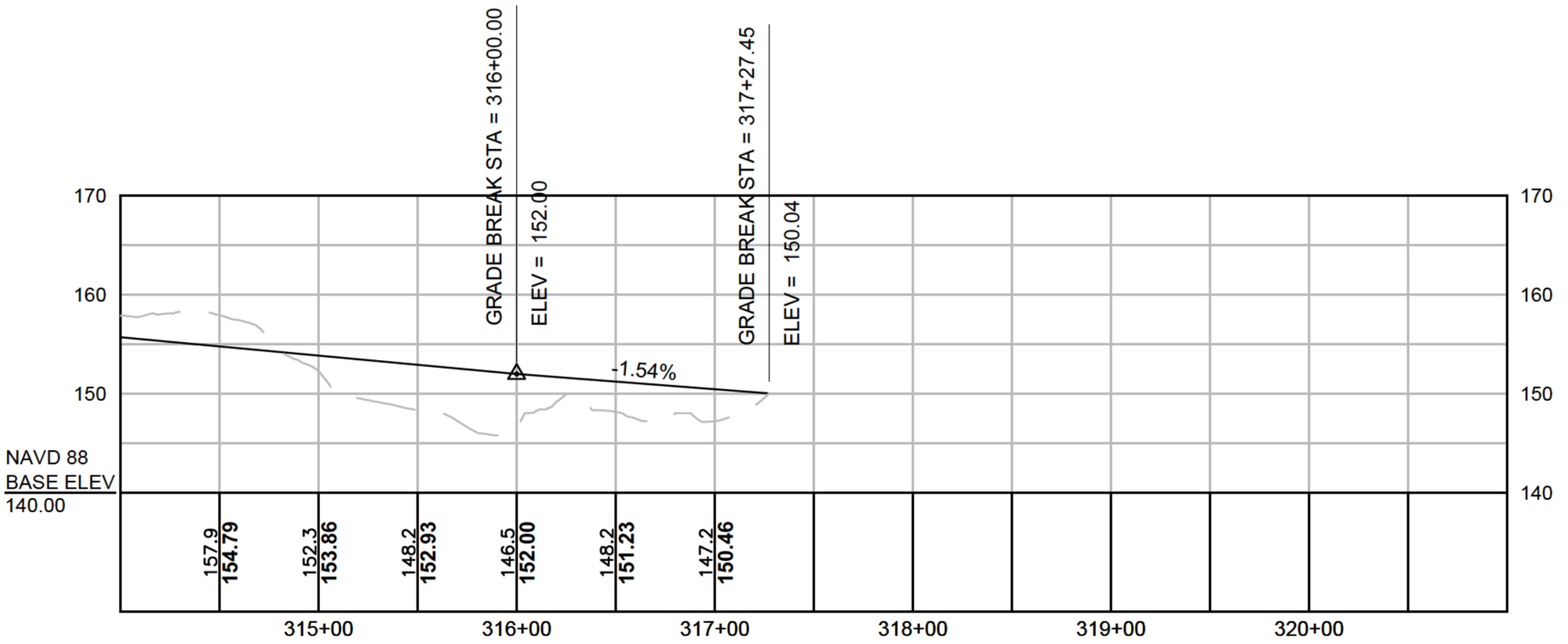
CONCEPT 3



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 3
PROFILE
SHEET 3 OF 3

CONCEPT 3



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

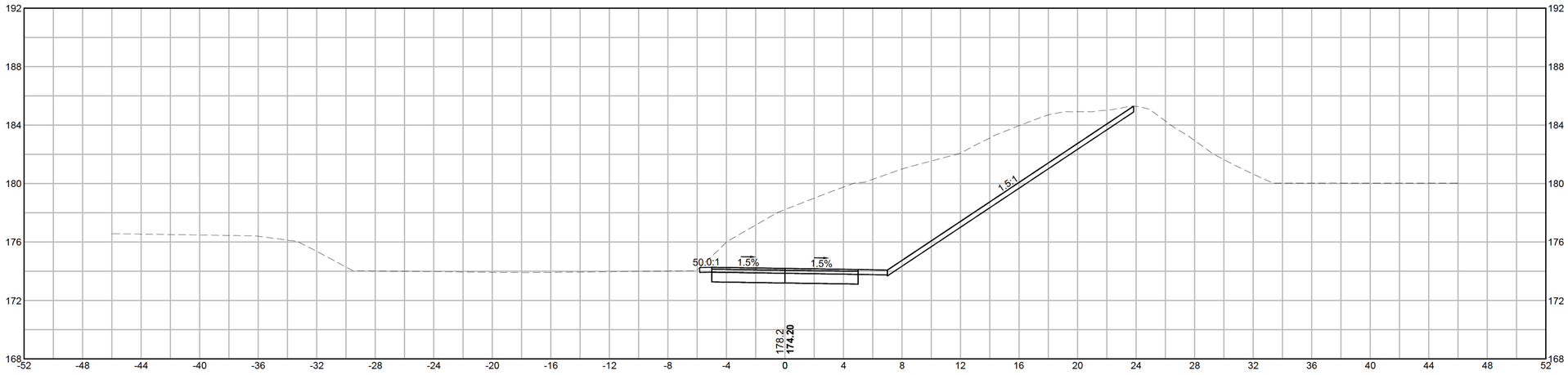
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	1	XX
PROJECT FILE NO.		-	

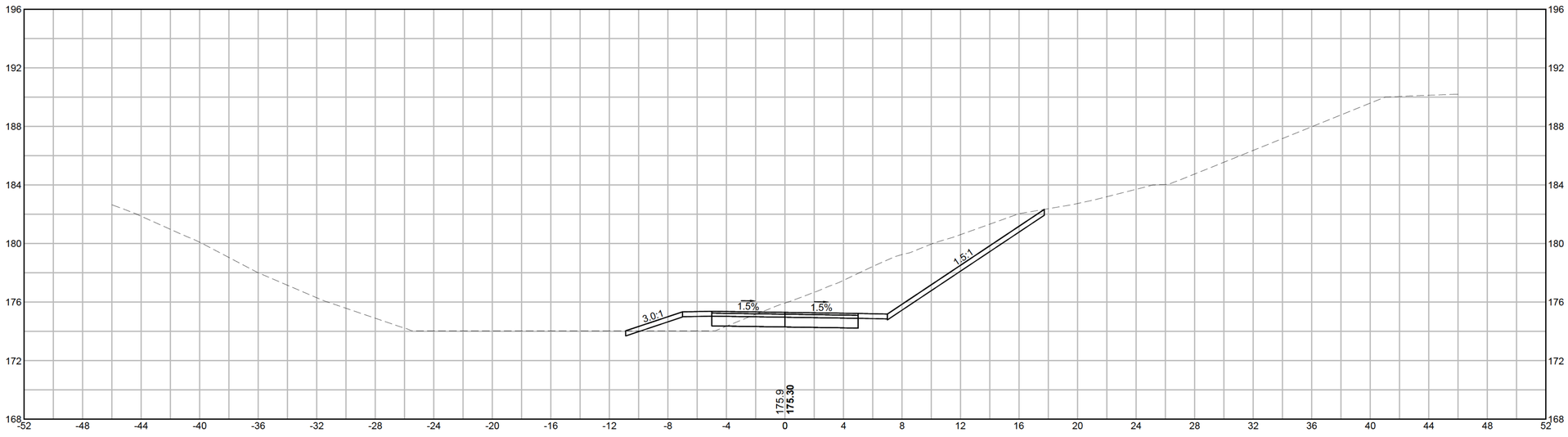
CROSS SECTIONS
CONCEPT 3

OPT 3_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:47 PM

303+00



301+50



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

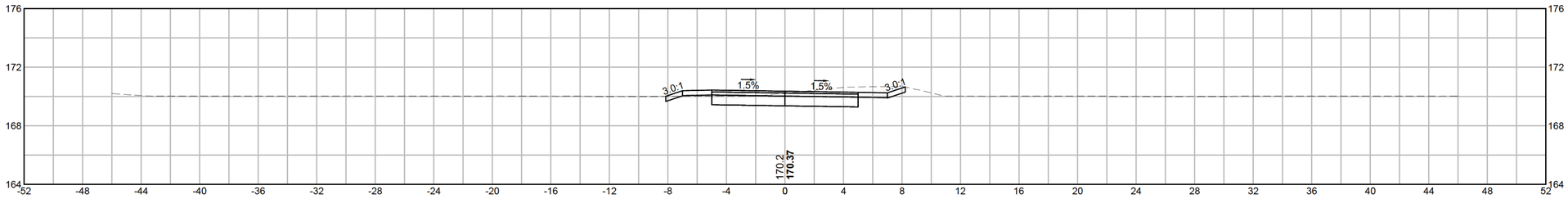
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	2	XX
PROJECT FILE NO.		-	

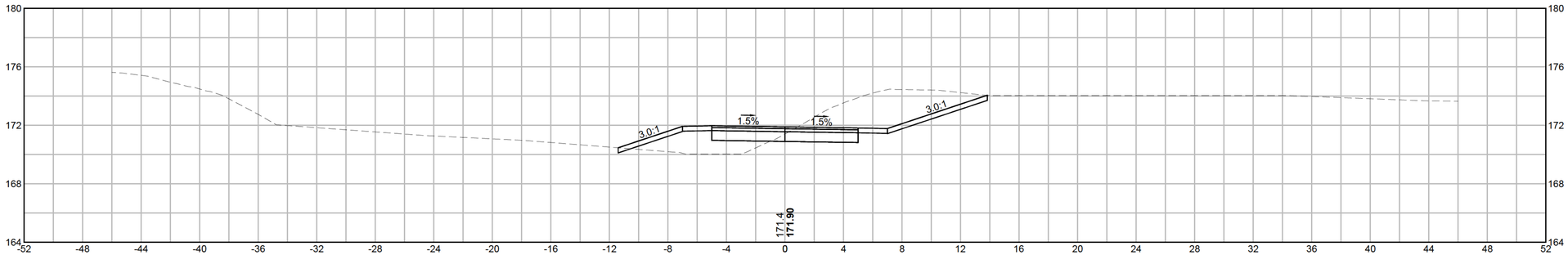
CROSS SECTIONS
CONCEPT 3

OPT 3_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:47 PM

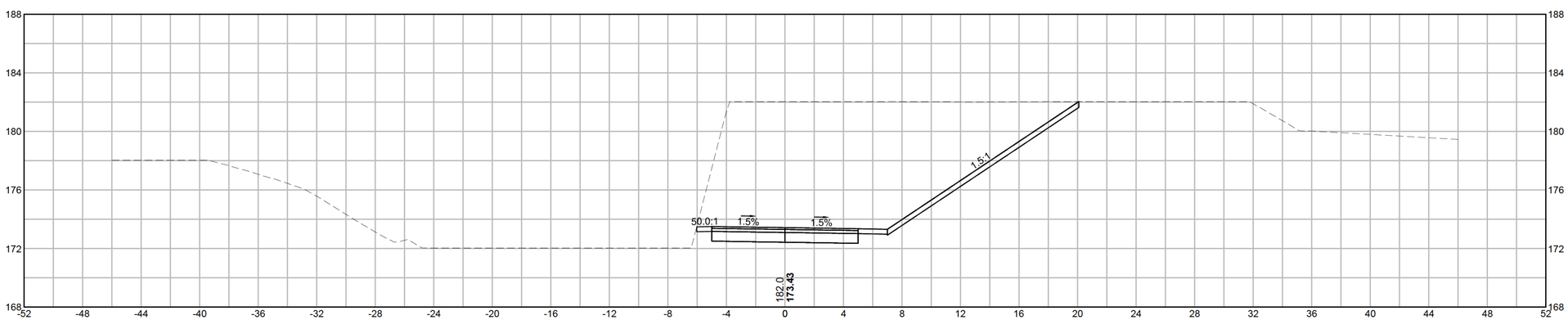
305+50



304+50



303+50



HOR. SCALE IN FEET
4 0 4 8
VER. SCALE IN FEET
4 0 4 8

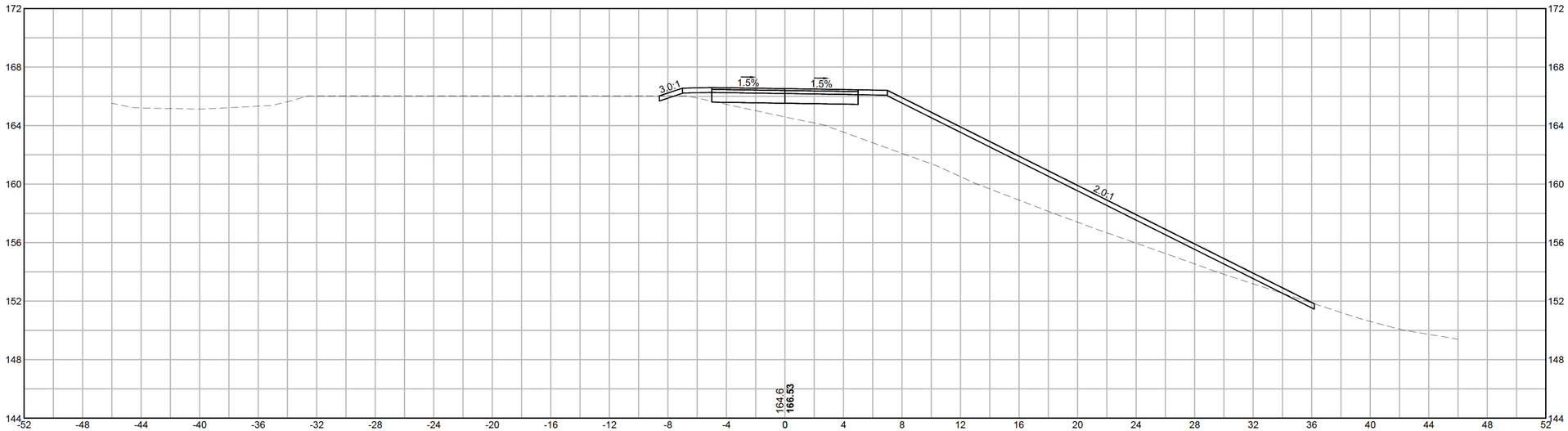
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	3	XX
PROJECT FILE NO.		-	

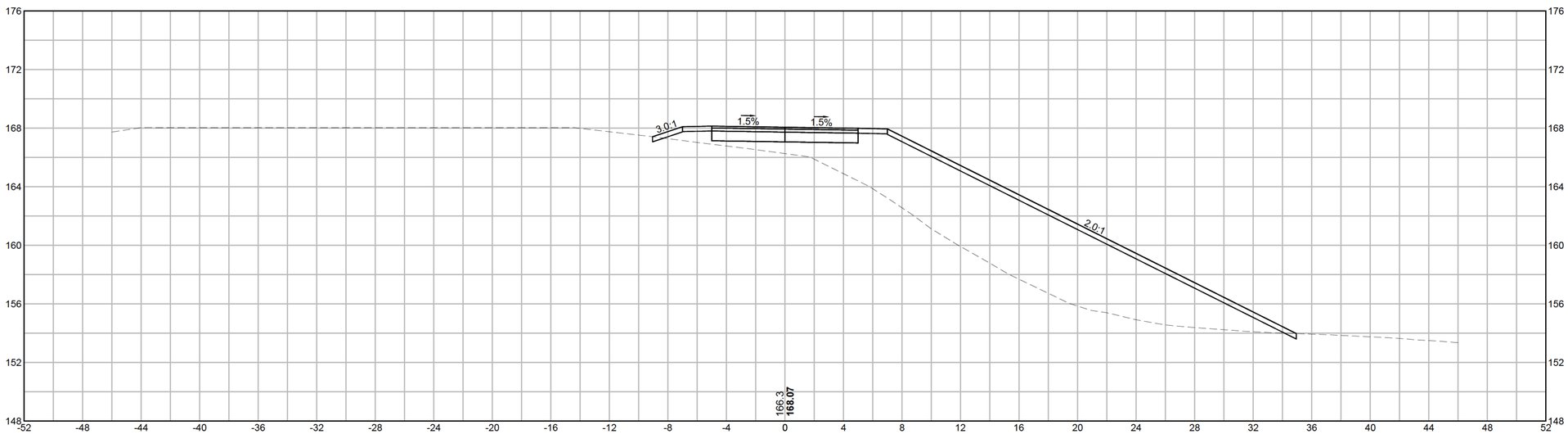
CROSS SECTIONS
CONCEPT 3

OPT 3_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:47 PM

308+00



307+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

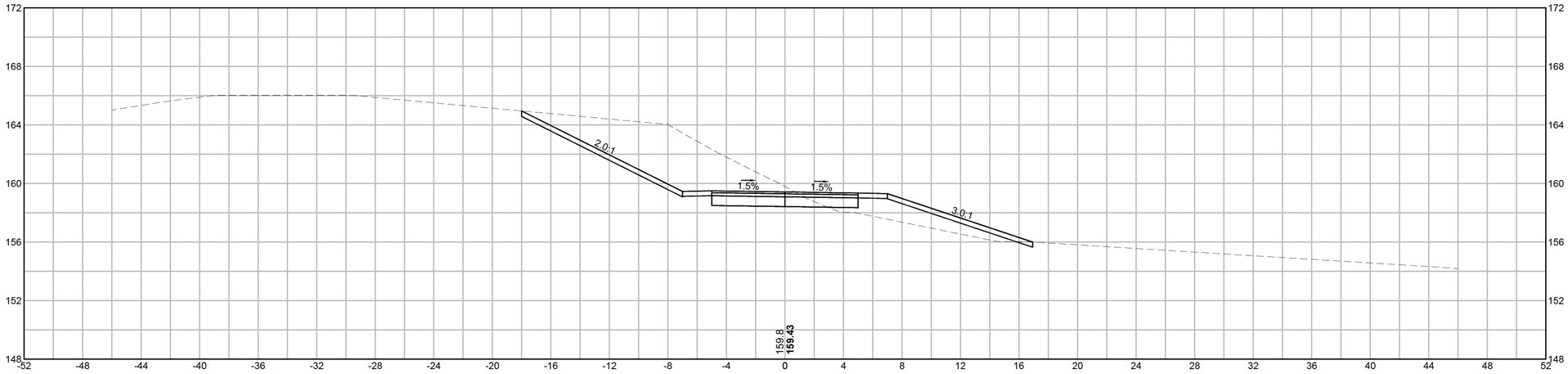
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	4	XX
PROJECT FILE NO.		-	

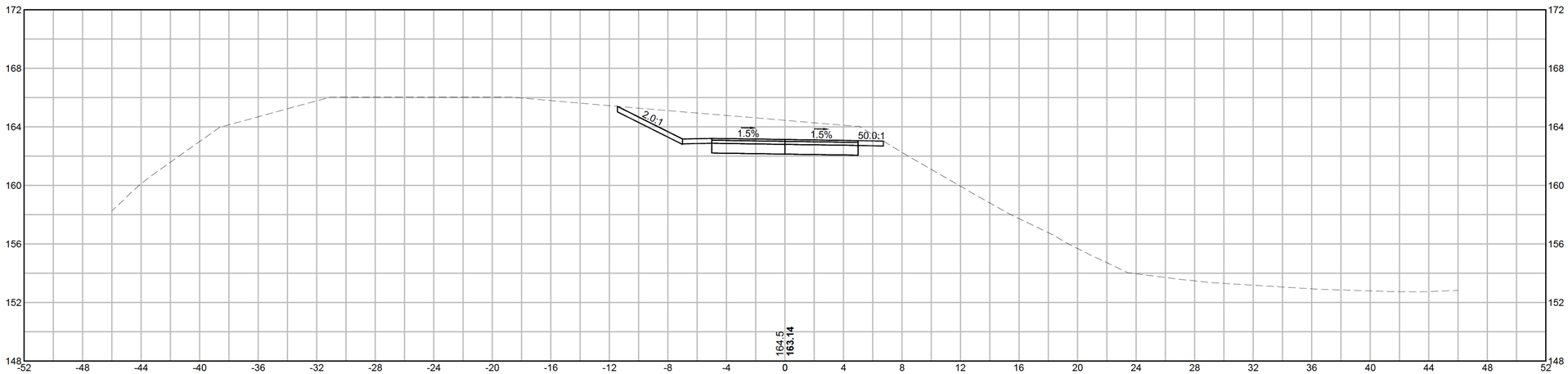
CROSS SECTIONS
CONCEPT 3

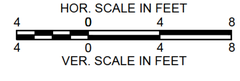
OPT 3_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 12:47 PM

312+00



310+00





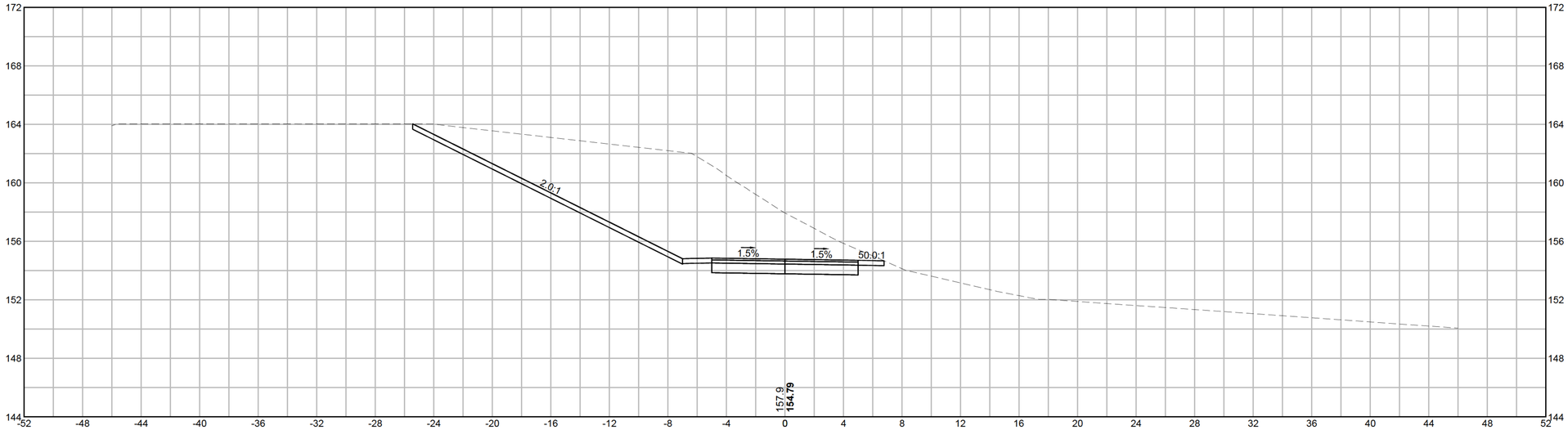
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	5	XX
PROJECT FILE NO.		-	

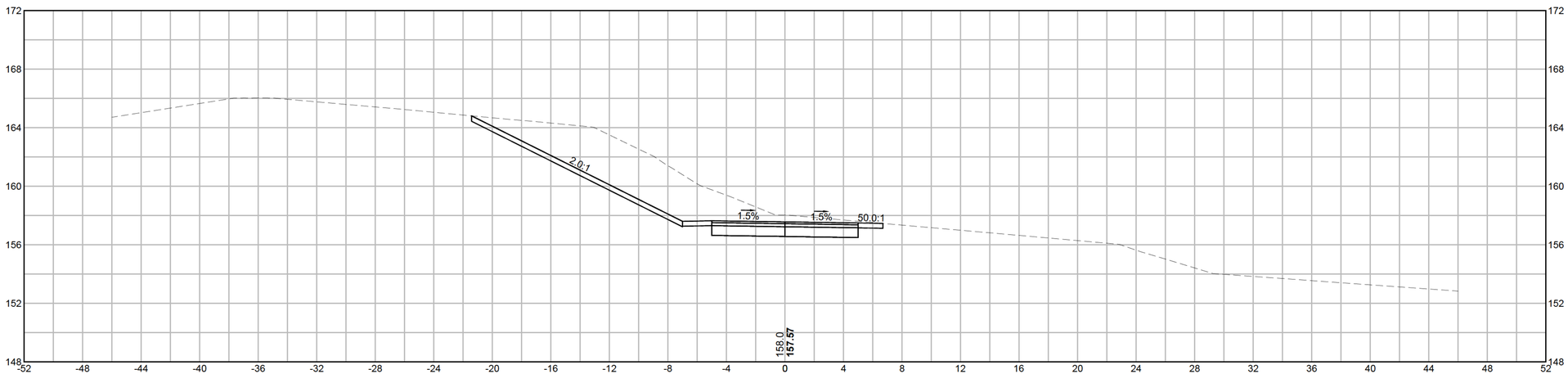
CROSS SECTIONS
CONCEPT 3

OPT 3_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 12:47 PM

314+50



313+00



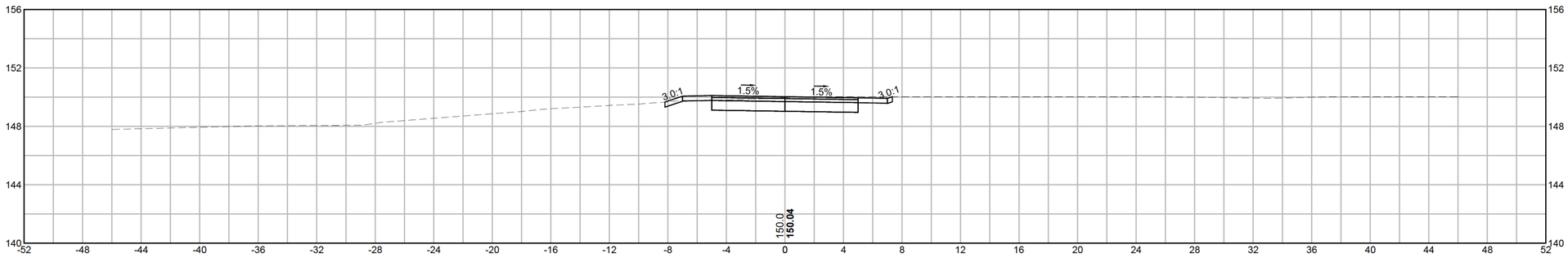
HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

NEEDHAM
RAIL TRAIL

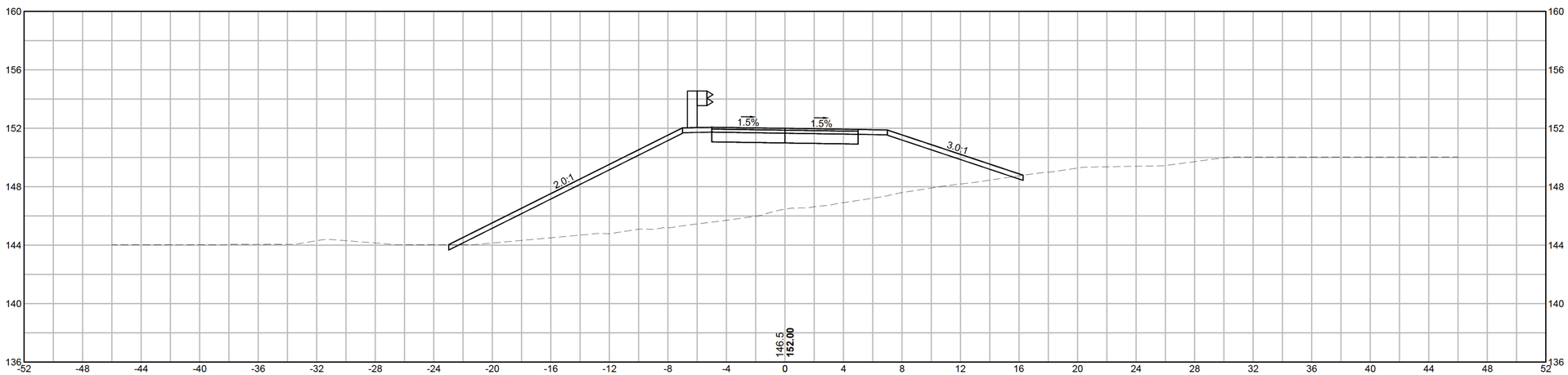
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	6	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 3

317+27



316+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

OPT 3_HD(CROSS SECTIONS).DWG Plotted on 15-Jun-2020 12:47 PM

Memorandum

Off-Road

Concept 4

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CONCEPT 4
CONSTRUCTION PLAN
SHEET 1 OF 3

NAD 83

N

257 HIGH ROCK ST
N/F
CEYHAN , MEHMET E.
BK. 939 PG. 127
Property ID: 199/134.0-0001

5 CHAMBERS ST
N/F
NEEDHAM HOUSING AUTHORITY
BK. 190 PG. 181
Property ID:199/134.0-0041

EXISTING RAIL TRACKS

LIMITS OF GRADING

100+00 101 102 103 104 105

HIGH ROCK STREET

8 FT. PATH, FENCE 8 FT. FROM CENTER OF TRACK

0 HIGH ROCK ST
N/F
BOSTON EDISON COMPANY
BK. 299 PG. 161
Property ID: 199/044.0-0037

5 RICHARDSON DR
N/F
RATTO, EUGENE J. JR & FRANCES M
BK. 948 PG. 106
Property ID: 199/206.0-0046

239 HIGH ROCK ST
N/F
VOGT, JAMES C +
BK. 332 PG. 79
PID:199/044.0-0038

0 40 100 160

SCALE: 1" = 40'

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300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 4
CONSTRUCTION PLAN
SHEET 2 OF 3

NAD 83

EXISTING RAIL TRACKS

LIMITS OF GRADING

106 107 108 109 110 111 112

10 FT. PATH

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3598 PG. 29
Property ID: 199/044.0-0001

0 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 3533 PG. 365
Property ID:
199/044.0-0003-0000.0

SEWER EASEMENT
(RECORD)

SEWER LINE
(RECORD)

0 40 100 160
SCALE: 1" = 40'

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WOBURN, MA 01801-7433
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FAX: 781-933-4801

CONCEPT 4
CONSTRUCTION PLAN
SHEET 3 OF 3

N

NAD 83

0 GREAT PLAIN AVE
N/F
MBTA
BK. 51772, PG. 596
Property ID:
199/051.0-0084-0000.0

EXISTING RAIL TRACKS

LIMITS OF GRADING

10 FT. PATH

SEWER LINE
(RECORD)

SEWER EASEMENT
(RECORD)

461 CHESTNUT ST
N/F
BOSTON EDISON COMPANY
BK. 17722 PG. 327
Property ID:
199/045.0-0009-0000.0

112
113
114
115
116
117
503
504
505
506

CHESTNUT STREET

0 40 100 160

SCALE: 1" = 40'

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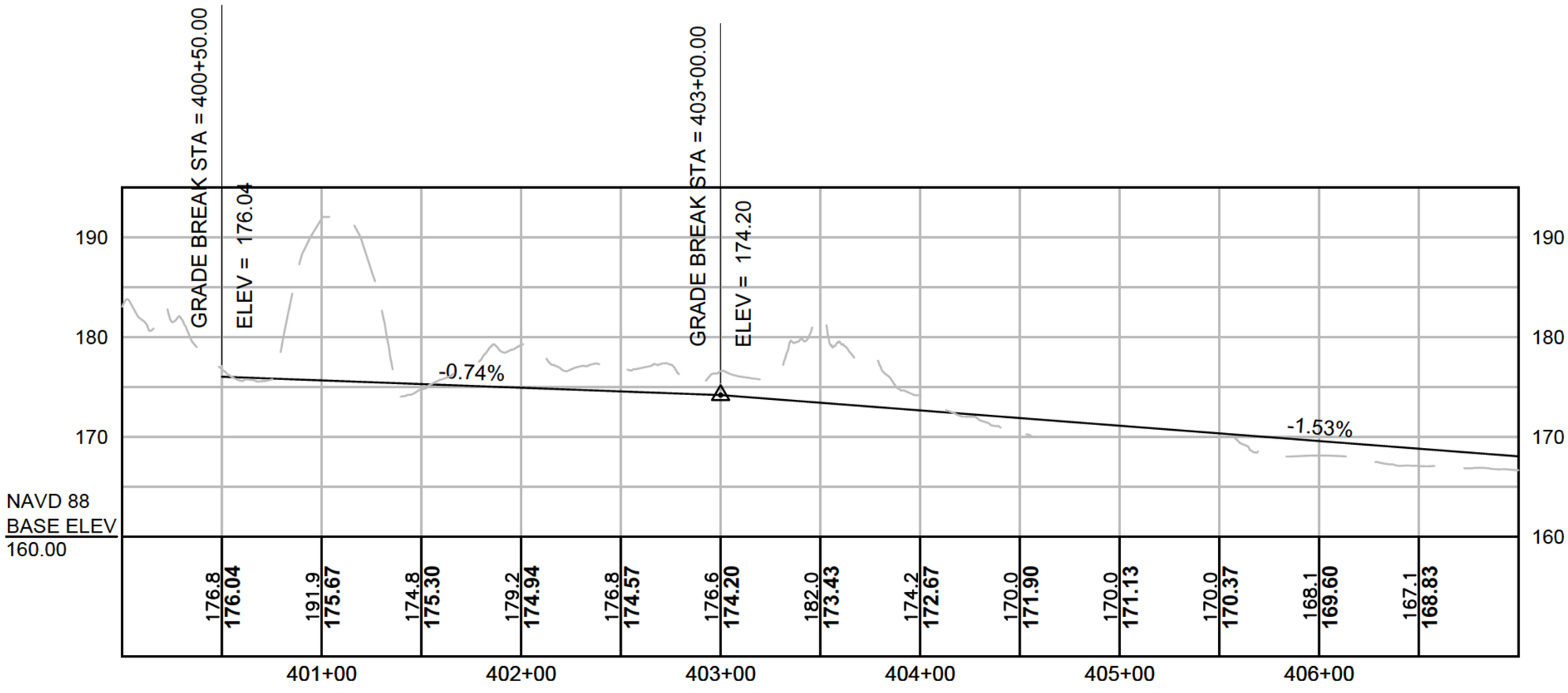
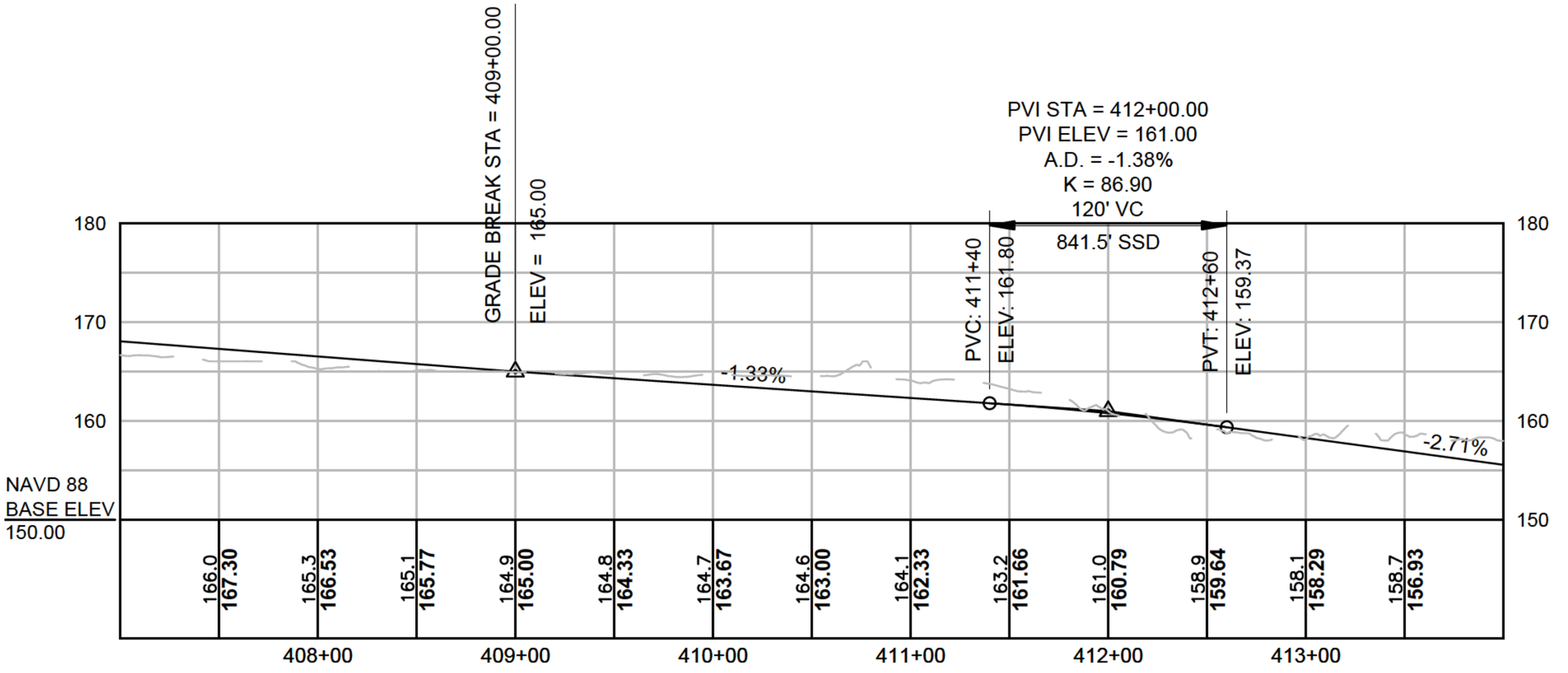
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT 4



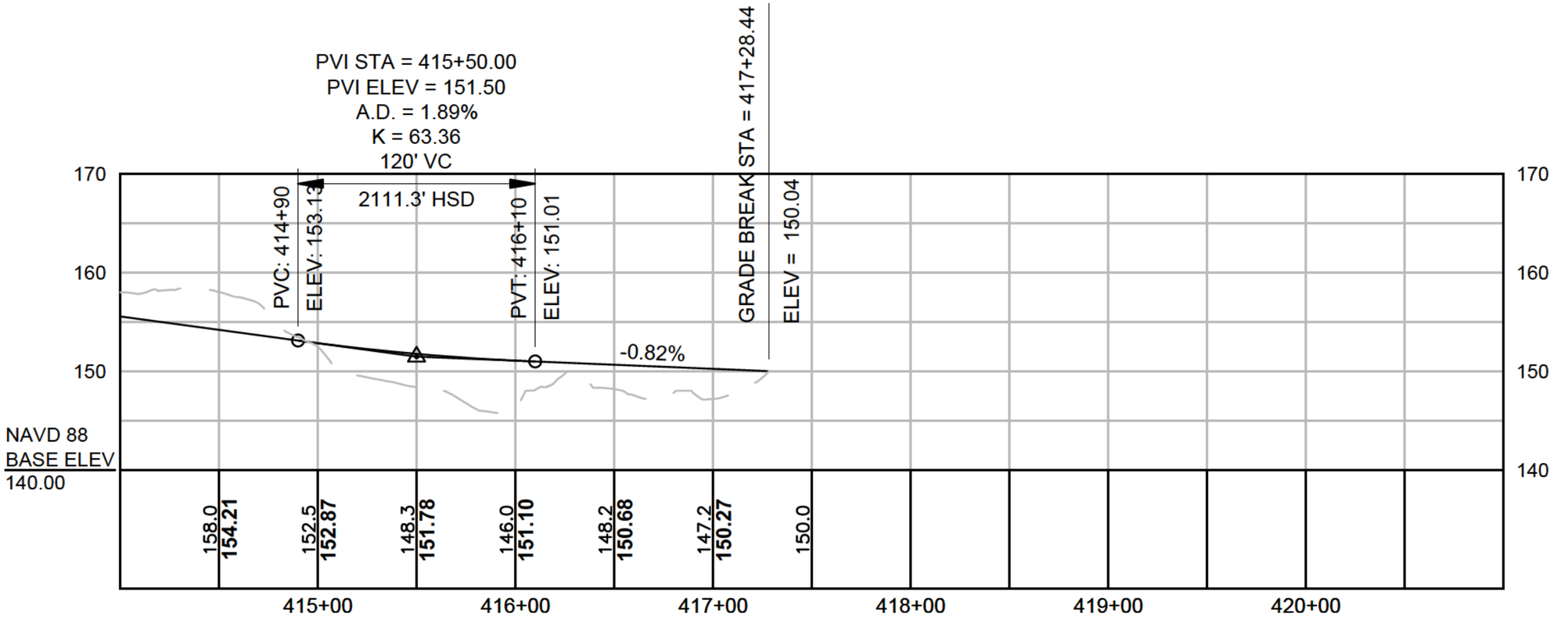
HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 4



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

CONCEPT 4



HOR. SCALE IN FEET
60 0 60 120
12 0 12 24
VER. SCALE IN FEET

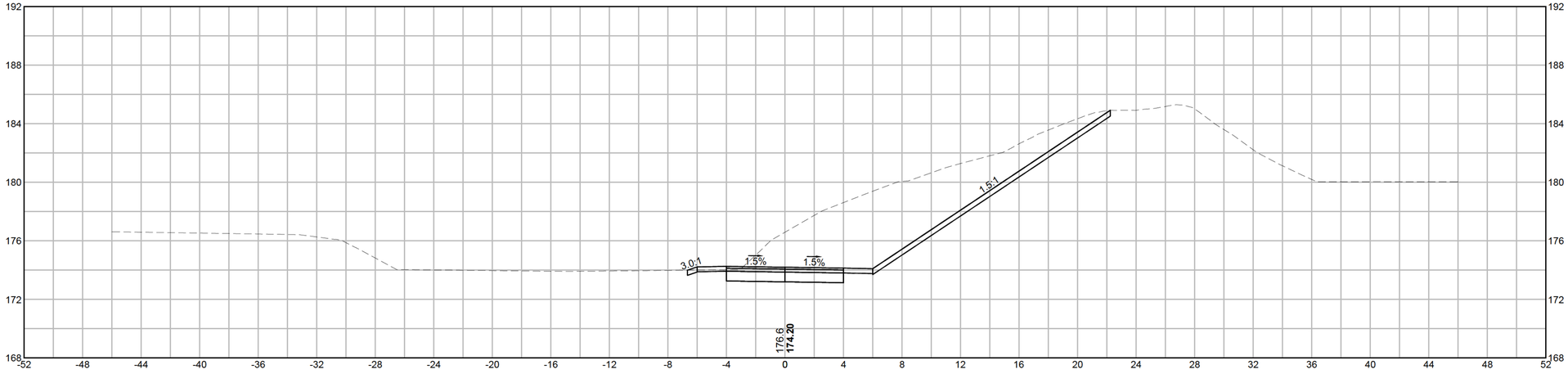
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	1	XX
PROJECT FILE NO.		-	

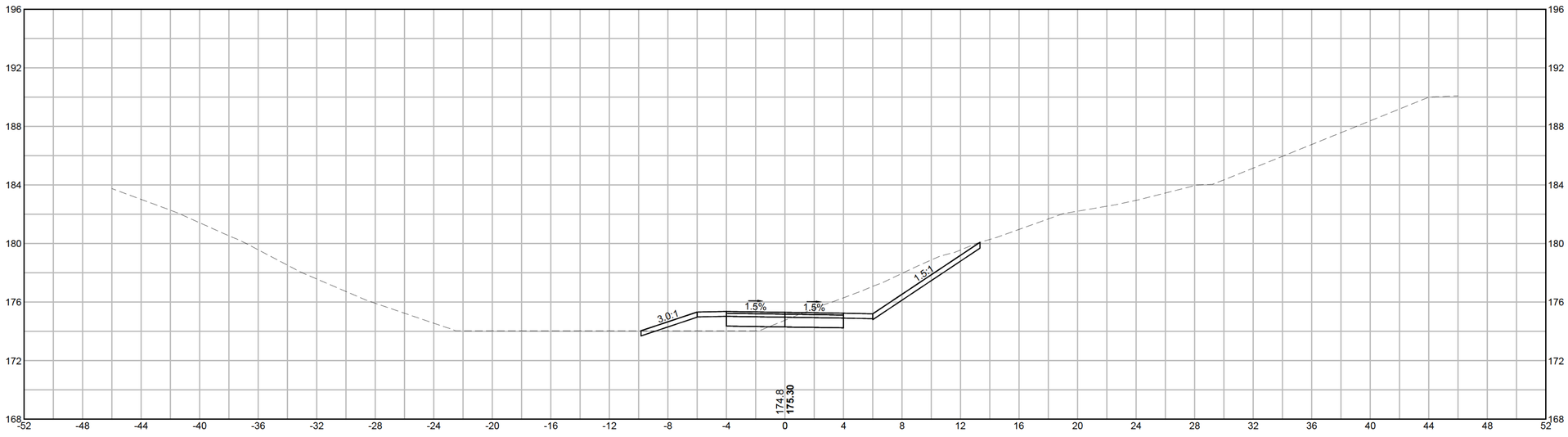
CROSS SECTIONS
CONCEPT 4

OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

403+00



401+50



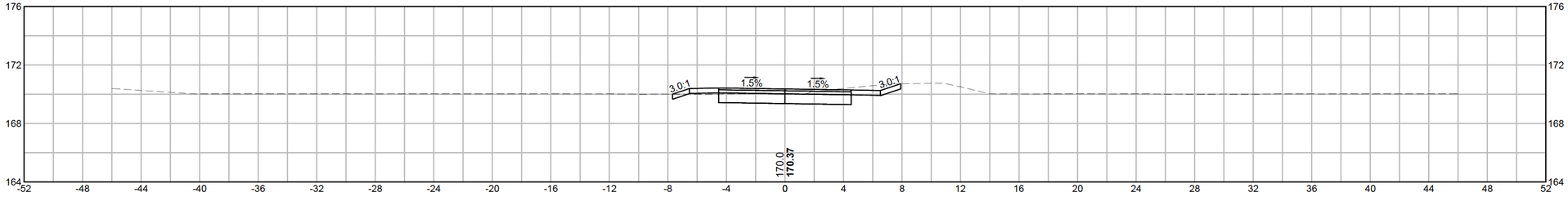
HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

NEEDHAM
RAIL TRAIL

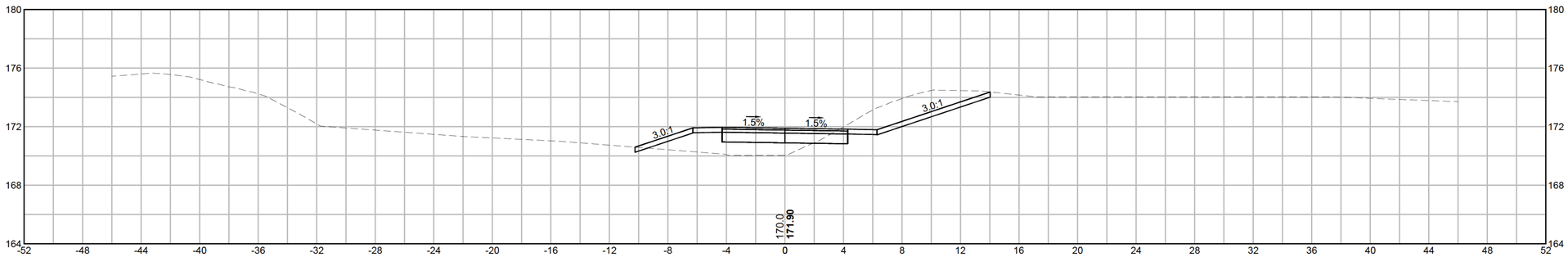
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	2	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 4

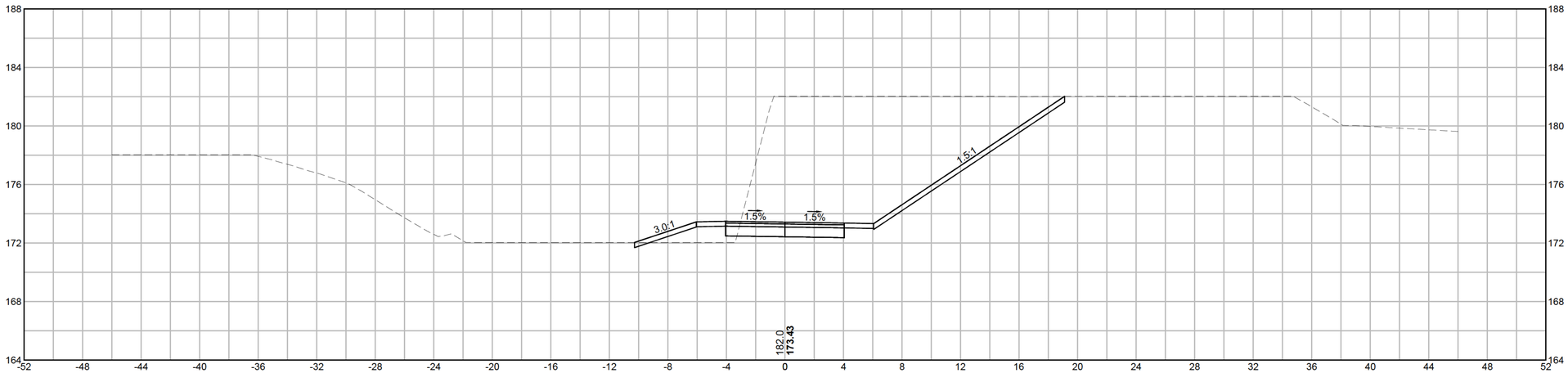
405+50



404+50



403+50



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

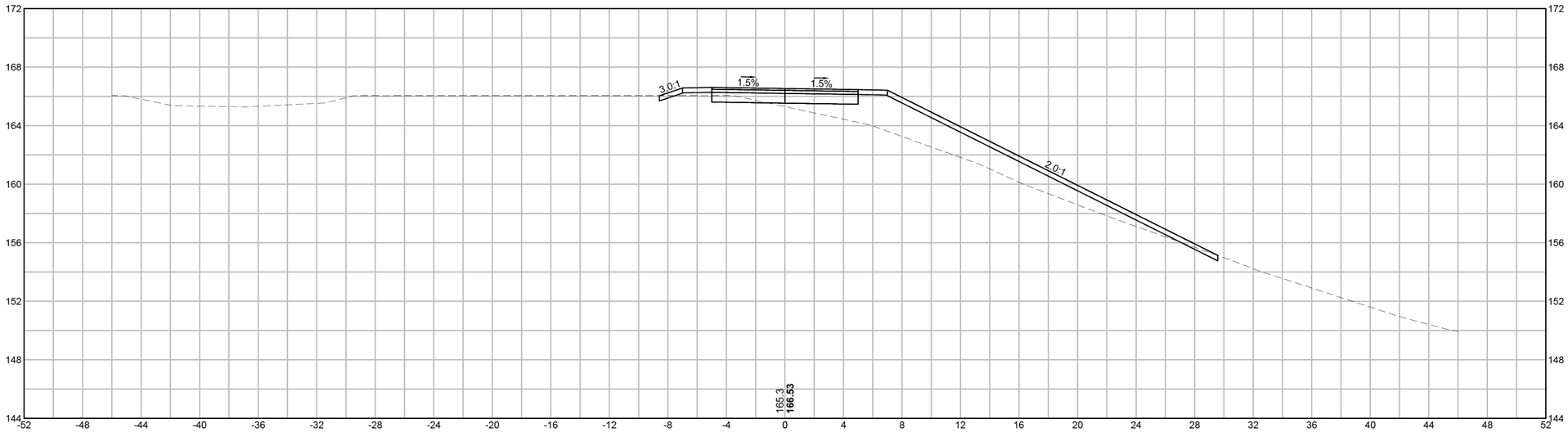
OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

NEEDHAM
RAIL TRAIL

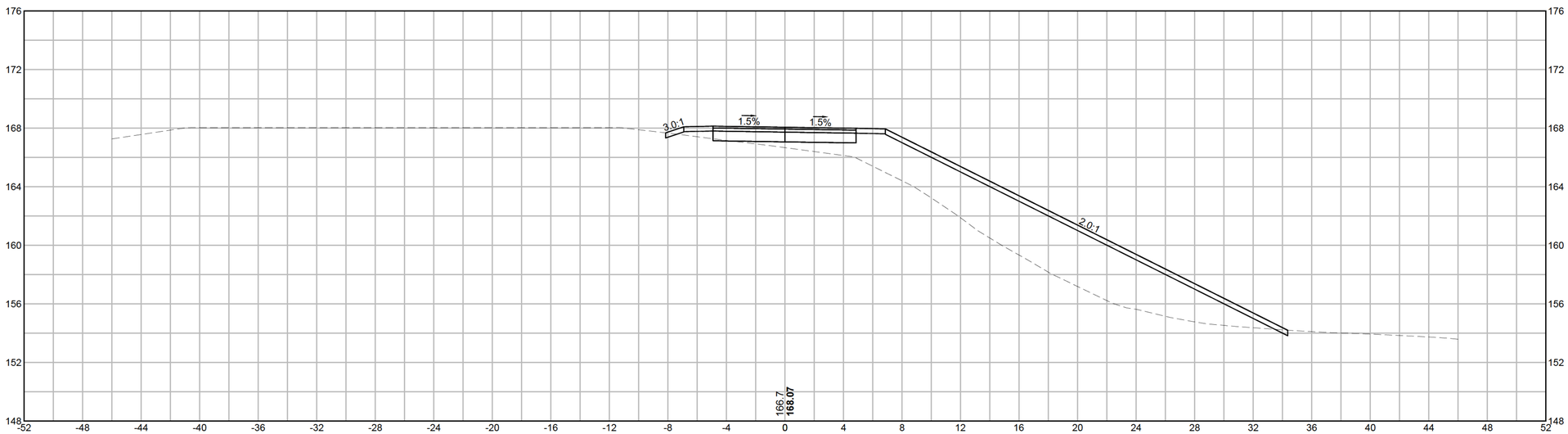
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	3	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 4

408+00



407+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

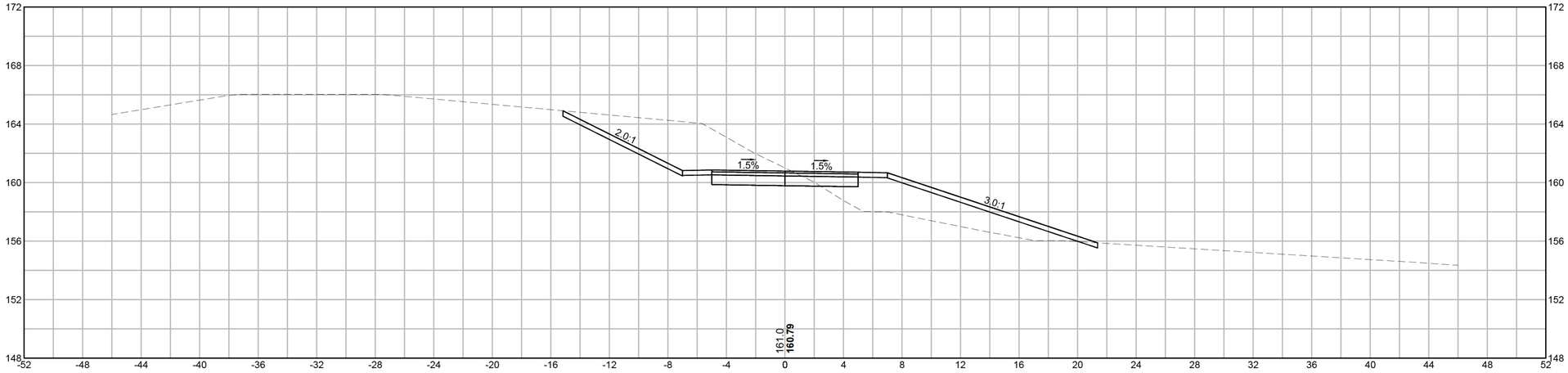
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	4	XX
PROJECT FILE NO.		-	

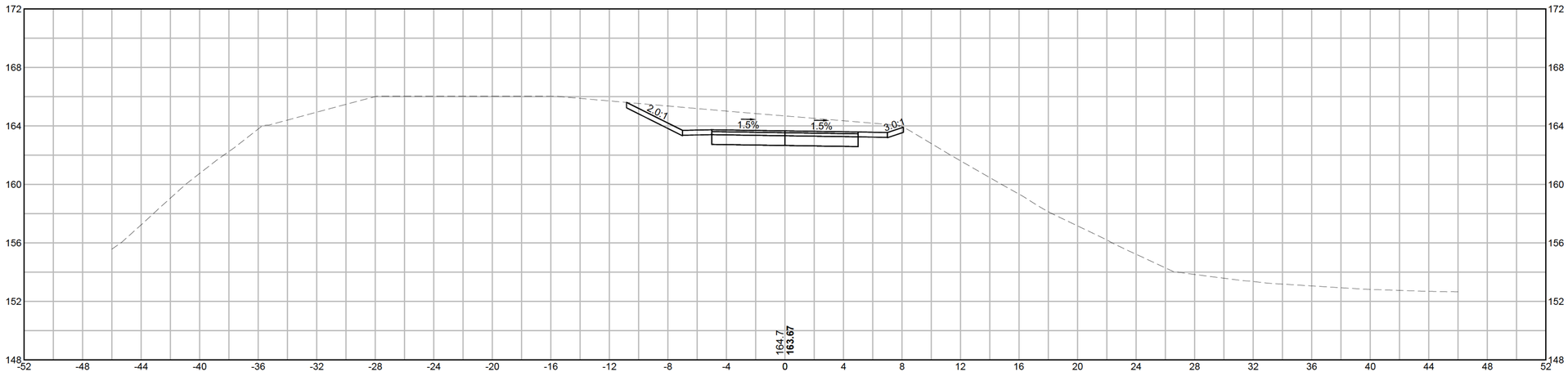
CROSS SECTIONS
CONCEPT 4

OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

412+00



410+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

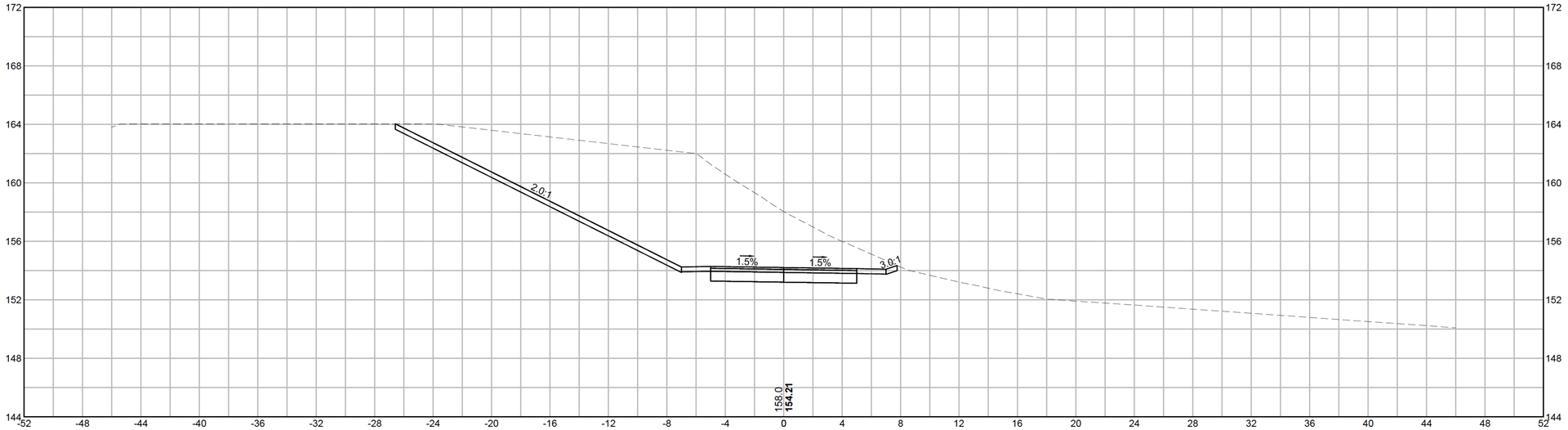
NEEDHAM
RAIL TRAIL

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	5	XX
PROJECT FILE NO.		-	

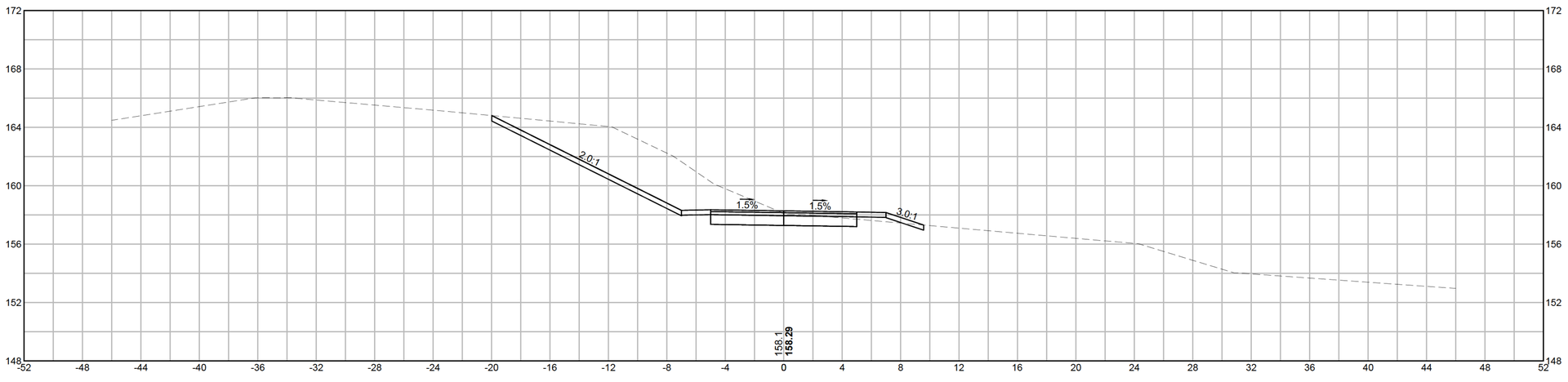
CROSS SECTIONS
CONCEPT 4

OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

414+50



413+00



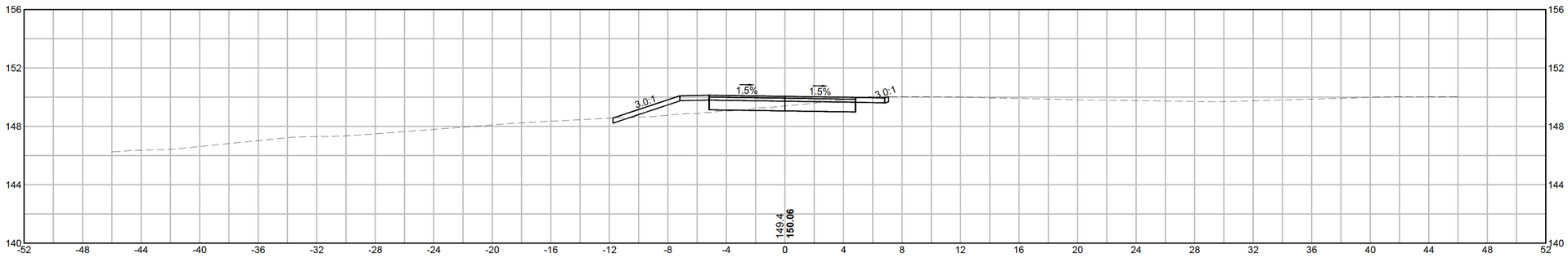
HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

NEEDHAM
RAIL TRAIL

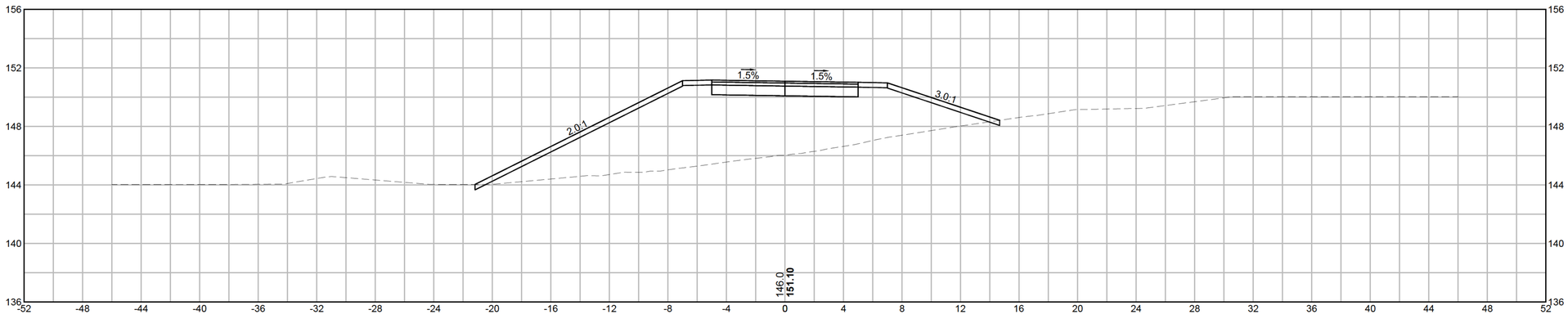
STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	6	XX
PROJECT FILE NO.		-	

CROSS SECTIONS
CONCEPT 4

417+25



416+00



HOR. SCALE IN FEET
4 0 4 8
4 0 4 8
VER. SCALE IN FEET

OPT 4_HD\CROSS SECTIONS\.DWG Plotted on 15-Jun-2020 1:03 PM

Memorandum

On-Road Concepts

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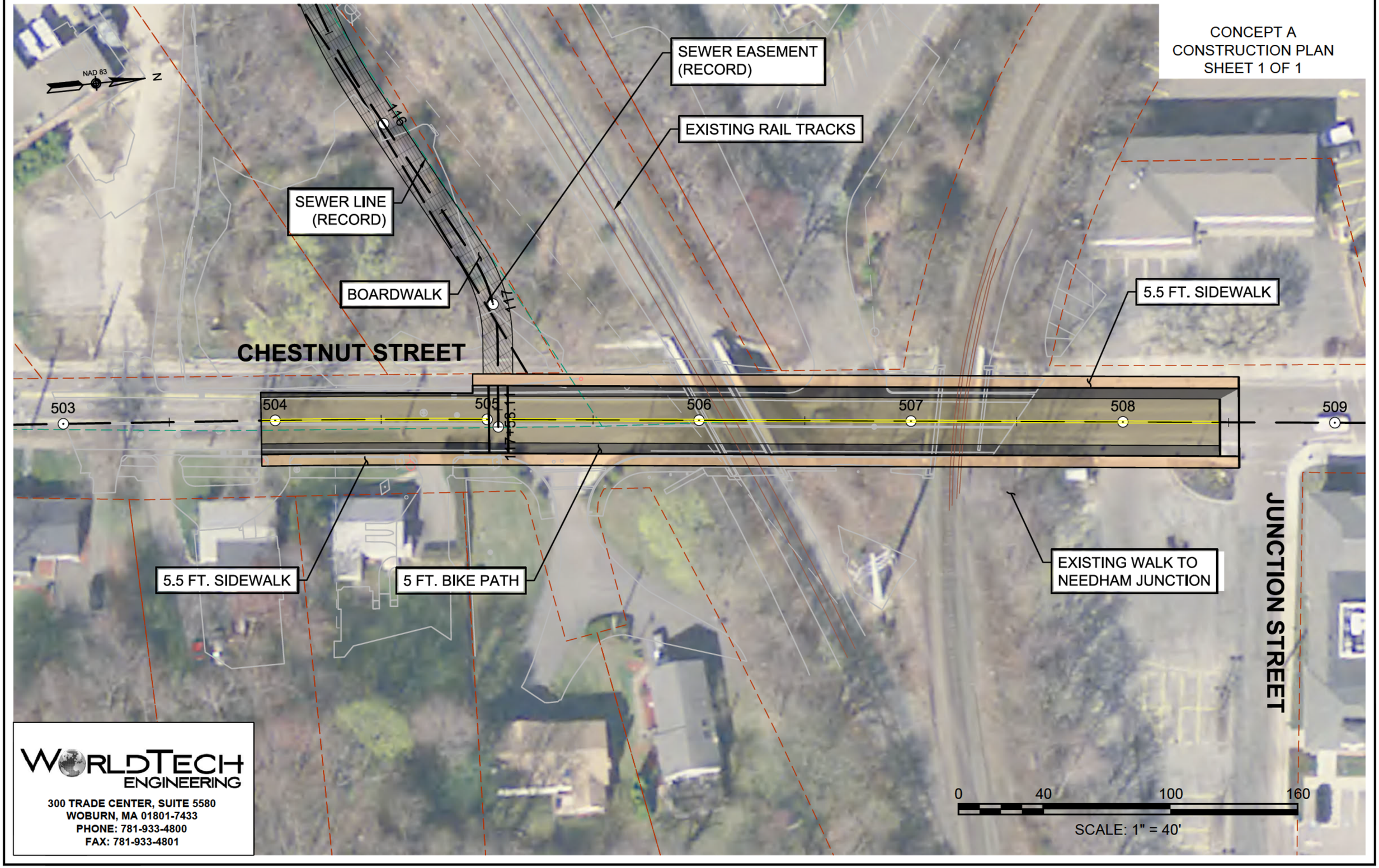

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT B
CONSTRUCTION PLAN
SHEET 1 OF 1

NAD 83

N

SEWER EASEMENT (RECORD)

EXISTING RAIL TRACKS

10 FT. PATH

CHESTNUT STREET

503 504 505 506 507 508 509

17+59.66

5.5 FT. SIDEWALK

5 FT. BIKE PATH

EXISTING WALK TO NEEDHAM JUNCTION

JUNCTION STREET

450 CHESTNUT ST
N/F
COLOGNESI, JACOB &
BK. 33895 PG. 139
Property ID:
199/042.0-0012-0000.0

0 GREAT PLAIN AVE
N/F
MBTA
BK. 5172 PG. 596
Property ID:
199/051.0-0084-0000.0

2 CARRIAGE
N/F
MATTA, RA
BK. 20689 PG
Property I
199/042.0-001

1 CAR
PEDES, C
BK.
Pro
199/042.

0 40 100 160

SCALE: 1" = 40'

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300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

CONCEPT C
CONSTRUCTION PLAN
SHEET 1 OF1

NAD 83

SEWER EASEMENT (RECORD)

EXISTING RAIL TRACKS

SEWER LINE (RECORD)

10 FT. PATH

5.5 FT. SIDEWALK

CHESTNUT STREET

503 504 505 506 507 508 509

8 FT. BUFFER

8 FT. SHARED USE PATH

3 FT. BUFFER

EXISTING WALK TO NEEDHAM JUNCTION

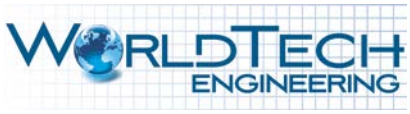
JUNCTION STREET

0 40 100 160

SCALE: 1" = 40'

WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

Memorandum



Cost Estimates

300 TradeCenter, Suite 5580 • Woburn, MA 01801-5580 • T: 781-933-4800 F: 781-933-4801

ROADWAY IMPROVEMENT ESTIMATE

RAIL TRAIL EXTENSION FROM HIGH ROCK STREET TO NEEDHAM JUNCTION

TOWN OF NEEDHAM

Estimated Construction Cost

City/Town: Needham
Road: Rails - to - Trails
Class:
File No. 20-013 01
Date: June 2020

				QUANTITY				COST			
ITEM NO.	UNIT	ITEM DESCRIPTION	UNIT PRICE	CONCEPT 1	CONCEPT 2	CONCEPT 3	CONCEPT 4	CONCEPT 1	CONCEPT 2	CONCEPT 3	CONCEPT 4
101	A	CLEARING AND GRUBBING	$20,000 00	1 5	1 5	1 5	1 5	$30,000 00	$30,000 00	$30,000 00	$30,000 00
* 102 51	EA	INDIVIDUAL TREE PROTECTION	$250 00	23	23	23	23	$5,750 00	$5,750 00	$5,750 00	$5,750 00
121	CY	CLASS A ROCK EXCAVATION	$100 00	4,621	4,650	4,604	4,368	$462,100 00	$465,000 00	$460,400 00	$436,800 00
141 1	CY	TEST PIT FOR EXPLORATION	$85 00	273	273	273	273	$23,205 00	$23,205 00	$23,205 00	$23,205 00
151	CY	GRAVEL BORROW	$40 00	697	761	786	758	$27,880 00	$30,440 00	$31,440 00	$30,320 00
151 01	CY	GRAVEL BORROW - TYPE C	$45 00	301	338	336	337	$13,545 00	$15,210 00	$15,120 00	$15,165 00
156	TON	CRUSHED STONE	$40 00	25	25	25	25	$1,000 00	$1,000 00	$1,000 00	$1,000 00
170	SY	FINE GRADING AND COMPACTING	$4 00	2,496	2,723	2,815	2,713	$9,984 00	$10,892 00	$11,260 00	$10,852 00
440	LB	CALCIUM CHLORIDE FOR ROADWAY DUST CONTROL	$0 40	4,991	5,446	5,630	5,425	$1,996 40	$2,178 40	$2,252 00	$2,170 00
443	MGL	WATER FOR ROADWAY DUST CONTROL	$70 00	5	6	6	6	$350 00	$420 00	$420 00	$420 00
* 450 90	TON	CONTRACTOR QUALITY CONTROL	$4 50	663	610	631	608	$2,983 50	$2,745 00	$2,839 50	$2,736 00
* 452	GAL	ASPHALT EMULSION FOR TACK COAT	$8 00	148	137	141	136	$1,184 00	$1,096 00	$1,128 00	$1,088 00
454 5	TON	LATEX MODIFICATION OF HMA	$12 00	249	229	237	228	$2,988 00	$2,748 00	$2,844 00	$2,736 00
* 455 23	TON	SUPERPAVE SURFACE COURSE - 12 5 (SSC-12 5)	$110 00	249	229	237	228	$27,390 00	$25,190 00	$26,070 00	$25,080 00
* 455 31	TON	SUPERPAVE INTERMEDIATE COURSE - 12 5 (SIC-12 5)	$120 00	414	382	395	380	$49,680 00	$45,840 00	$47,400 00	$45,600 00
* 456	TON	WARM-MIX ASPHALT PAVEMENT	$4 00	663	610	631	608	$2,652 00	$2,440 00	$2,524 00	$2,432 00
601 1	FT	WOOD POST AND FENCE RAIL	$15 00	4,841	5,437	5,415	5,418	$72,615 00	$81,555 00	$81,225 00	$81,270 00
707 1	EA	PARK BENCH	$1,750 00	3	3	3	3	$5,250 00	$5,250 00	$5,250 00	$5,250 00
707 2	EA	TRASH RECEPTACLE	$1,700 00	1	1	1	1	$1,700 00	$1,700 00	$1,700 00	$1,700 00
710 96	EA	MILE MARKER	$3,500 00	3	3	3	3	$10,500 00	$10,500 00	$10,500 00	$10,500 00
740	MO	ENGINEER'S FIELD OFFICE AND EQUIPMENT (TYPE A)	$3,000 00	24	24	24	24	$72,000 00	$72,000 00	$72,000 00	$72,000 00
748	LS	MOBILIZATION	$0 00	1	1	1	1	$36,000 00	$28,000 00	$27,000 00	$26,000 00
751	CY	LOAM BORROW	$50 00	443	437	497	451	$22,150 00	$21,850 00	$24,850 00	$22,550 00
*755	SY	WETLAND REPLICATION AREA	$100 00	560	560	170	170	$56,000 00	$56,000 00	$17,000 00	$17,000 00
765	SY	SEEDING	$2 00	3,185	3,140	3,578	3,243	$6,370 00	$6,280 00	$7,156 00	$6,486 00
903	CY	3000 PSI, 1 5 IN 470 CEMENT CONCRETE	$400 00	20	20	20	20	$8,000 00	$8,000 00	$8,000 00	$8,000 00
904	CY	4000 PSI, 3/4 IN 610 CEMENT CONCRETE	$700 00	20	20	20	20	$14,000 00	$14,000 00	$14,000 00	$14,000 00
995 1	LS	BOARDWALK 1	$300,000 00	1	0	0	0	$300,000 00	$0 00	$0 00	$0 00
						SUBTOTAL:		$1,267,272 90	$969,289 40	$932,333 50	$900,110 00
						5% DRAINAGE (LS):		$63,363 65	$48,464 47	$46,616 68	$45,005 50
						25% CONTINGENCY:		$316,818 23	$242,322 35	$233,083 38	$225,027 50
						TOTAL:		$1,647,454 77	$1,260,076 22	$1,212,033 55	$1,170,143 00
						SAY:		**$1,650,000.00**	**$1,270,000.00**	**$1,220,000.00**	**$1,180,000.00**

ROADWAY IMPROVEMENT ESTIMATE

RAIL TRAIL EXTENSION FROM HIGH ROCK STREET TO NEEDHAM JUNCTION

TOWN OF NEEDHAM

Estimated Construction Cost

City/Town: Needham
Road: Rails - to - Trails
Class:
File No. 20-013 01
Date: June 2020

				QUANTITY			COST		
ITEM NO.	UNIT	ITEM DESCRIPTION	UNIT PRICE	CONCEPT A	CONCEPT B	CONCEPT C	CONCEPT A	CONCEPT B	CONCEPT C
100	LS	SCHEDULE OF OPERATIONS - FIXED PRICE $72,000	$72,000 00	1	1	1	$72,000 00	$72,000 00	$72,000 00
151	CY	GRAVEL BORROW	$40 00	950	992	1,371	$38,000 00	$39,680 00	$54,840 00
156	TON	CRUSHED STONE	$40 00	10	10	10	$400 00	$400 00	$400 00
170	SY	FINE GRADING AND COMPACTING	$4 00	2,496	2,524	3,466	$9,984 00	$10,096 00	$13,864 00
201	EA	CATCH BASIN	$4,000 00	5	5	5	$20,000 00	$20,000 00	$20,000 00
202	EA	MANHOLE	$4,200 00	6	6	6	$25,200 00	$25,200 00	$25,200 00
220	EA	DRAINAGE STRUCTURE ADJUSTED	$450 00	11	11	11	$4,950 00	$4,950 00	$4,950 00
220 7	EA	SANITARY STRUCTURE ADJUSTED	$450 00	5	5	5	$2,250 00	$2,250 00	$2,250 00
222 3	EA	FRAME AND GRATE (OR COVER) MUNICIPAL STANDARD	$950 00	11	11	11	$10,450 00	$10,450 00	$10,450 00
* 415	SY	PAVEMENT MICROMILLING	$7 00	392	392	405	$2,744 00	$2,744 00	$2,835 00
440	LB	CALCIUM CHLORIDE FOR ROADWAY DUST CONTROL	$0 40	4,992	5,048	6,931	$1,996 80	$2,019 20	$2,772 40
443	MGL	WATER FOR ROADWAY DUST CONTROL	$70 00	5	6	7	$350 00	$420 00	$490 00
* 450 90	TON	CONTRACTOR QUALITY CONTROL	$4 50	765	863	1,194	$3,442 50	$3,883 50	$5,373 00
* 452	GAL	ASPHALT EMULSION FOR TACK COAT	$8 00	212	237	322	$1,696 00	$1,896 00	$2,576 00
454 5	TON	LATEX MODIFICATION OF HMA	$12 00	199	220	292	$2,388 00	$2,640 00	$3,504 00
* 455 23	TON	SUPERPAVE SURFACE COURSE - 12 5 (SSC-12 5)	$110 00	199	220	292	$21,890 00	$24,200 00	$32,120 00
* 455 31	TON	SUPERPAVE INTERMEDIATE COURSE - 12 5 (SIC-12 5)	$120 00	206	234	329	$24,720 00	$28,080 00	$39,480 00
* 455 42	TON	SUPERPAVE BASE COURSE - 37 5 (SBC-37 5)	$115 00	361	410	575	$41,515 00	$47,150 00	$66,125 00
* 456	TON	WARM-MIX ASPHALT PAVEMENT	$4 00	765	863	1,194	$3,060 00	$3,452 00	$4,776 00
482 3	FT	SAWCUTTING ASPHALT PAVEMENT	$3 00	345	345	345	$1,035 00	$1,035 00	$1,035 00
482 4	FT	SAWCUTTING PORTLAND CEMENT CONCRETE	$7 00	58	58	58	$406 00	$406 00	$406 00
504	FT	GRANITE CURB TYPE VA4-STRAIGHT	$40 00	92	195	116	$3,680 00	$7,800 00	$4,640 00
509 1	FT	GRANITE TRANSITION CURB FOR WHEELCHAIR RAMPS-CURVED	$50 00	190	190	190	$9,500 00	$9,500 00	$9,500 00
580	FT	CURB REMOVED AND RESET	$25 00	1,059	956	1,380	$26,475 00	$23,900 00	$34,500 00
594	FT	CURB REMOVED AND DISCARDED	$5 00	118	107	154	$590 00	$535 00	$770 00
620 12	FT	GUARDRAIL, TL-2 (SINGLE FACED)	$22 00	206	206	206	$4,532 00	$4,532 00	$4,532 00
627 72	FT	GUARDRAIL END TREATMENT, TL-2 (DOUBLE FACED)	$9,000 00	1	1	1	$9,000 00	$9,000 00	$9,000 00
627 92	EA	GUARDRAIL FLARED END TREATMENT, TL-2	$3,900 00	1	1	1	$3,900 00	$3,900 00	$3,900 00
630 1	FT	HIGHWAY GUARD REMOVED AND STACKED	$7 00	206	206	206	$1,442 00	$1,442 00	$1,442 00
670	FT	FENCE REMOVED AND RESET	$28 00	115	115	115	$3,220 00	$3,220 00	$3,220 00
701	SY	CEMENT CONCRETE SIDEWALK	$55 00	483	260	360	$26,565 00	$14,300 00	$19,800 00
701 1	SY	CEMENT CONCRETE SIDEWALK AT DRIVEWAYS	$60 00	177	177	177	$10,620 00	$10,620 00	$10,620 00
707 9	EA	BICYCLE RACK	$1,000 00	12	12	12	$12,000 00	$12,000 00	$12,000 00
740	MO	ENGINEER'S FIELD OFFICE AND EQUIPMENT (TYPE A)	$3,000 00	12	12	12	$36,000 00	$36,000 00	$36,000 00
748	LS	MOBILIZATION	$14,000 00	1	1	1	$14,000 00	$14,000 00	$14,000 00
751	CY	LOAM BORROW	$50 00	17	17	17	$850 00	$850 00	$850 00
756	LS	NPDES STORMWATER POLLUTION PREVENTION PLAN	$4,500 00	1	1	1	$4,500 00	$4,500 00	$4,500 00

ROADWAY IMPROVEMENT ESTIMATE

RAIL TRAIL EXTENSION FROM HIGH ROCK STREET TO NEEDHAM JUNCTION

TOWN OF NEEDHAM

Estimated Construction Cost

City/Town: Needham
Road: Rails - to - Trails
Class:
File No. 20-013 01
Date: June 2020

ITEM NO.	UNIT	ITEM DESCRIPTION	UNIT PRICE	QUANTITY			COST		
				CONCEPT A	CONCEPT B	CONCEPT C	CONCEPT A	CONCEPT B	CONCEPT C
765	SY	SEEDING	$2 00	117	117	117	$234 00	$234 00	$234 00
767 12	FT	COMPOST FILTER TUBES	$7 00	300	300	300	$2,100 00	$2,100 00	$2,100 00
823 70	EA	HIGHWAY LIGHTING POLE AND LUMINAIRE REMOVED AND RESET	$2,000 00	0	1	2	$0 00	$2,000 00	$4,000 00
824 01	LS	RECTANGULAR RAPID FLASHING BEACON - LOCATION NO 1	$15,000 00	2	2	2	$30,000 00	$30,000 00	$30,000 00
874 99	EA	BICYCLE PATH SIGN	$3,800 00	5	5	5	$19,000 00	$19,000 00	$19,000 00
					SUBTOTAL:		$506,685 30	$512,384 70	$590,054 40
					25% CONTINGENCY:		$126,671 33	$128,096 18	$147,513 60
					TOTAL:		$633,356 63	$640,480 88	$737,568 00
					SAY:		**$640,000.00**	**$650,000.00**	**$740,000.00**

Conceptual Trail Layout

Needham Rail Trail,

Needham, Massachusetts

Town of Needham

March 23, 2022

WORLDTECH ENGINEERING

AGENDA

- Introductions
- Previous Concepts
  - Current Trail Terminus to High Rock Street
  - High Rock Street to Chestnut Street
  - On-Road Alternatives
- Discussion

WORLDTECH ENGINEERING

INTRODUCTIONS

Town of Needham

Robert Lewis

Carys Lustig

Cecilia Simchak

Stacey Mulroy

Katie King

Kate Fitzpatrick

Thomas Ryder

WorldTech Engineering

Rich Benevento - Principal in Charge

Bill Mertz, P.E. - Project Director

Alan Cloutier, P.E., PTOE - Sr. Traffic Engineer

TRAIL CONNECTION

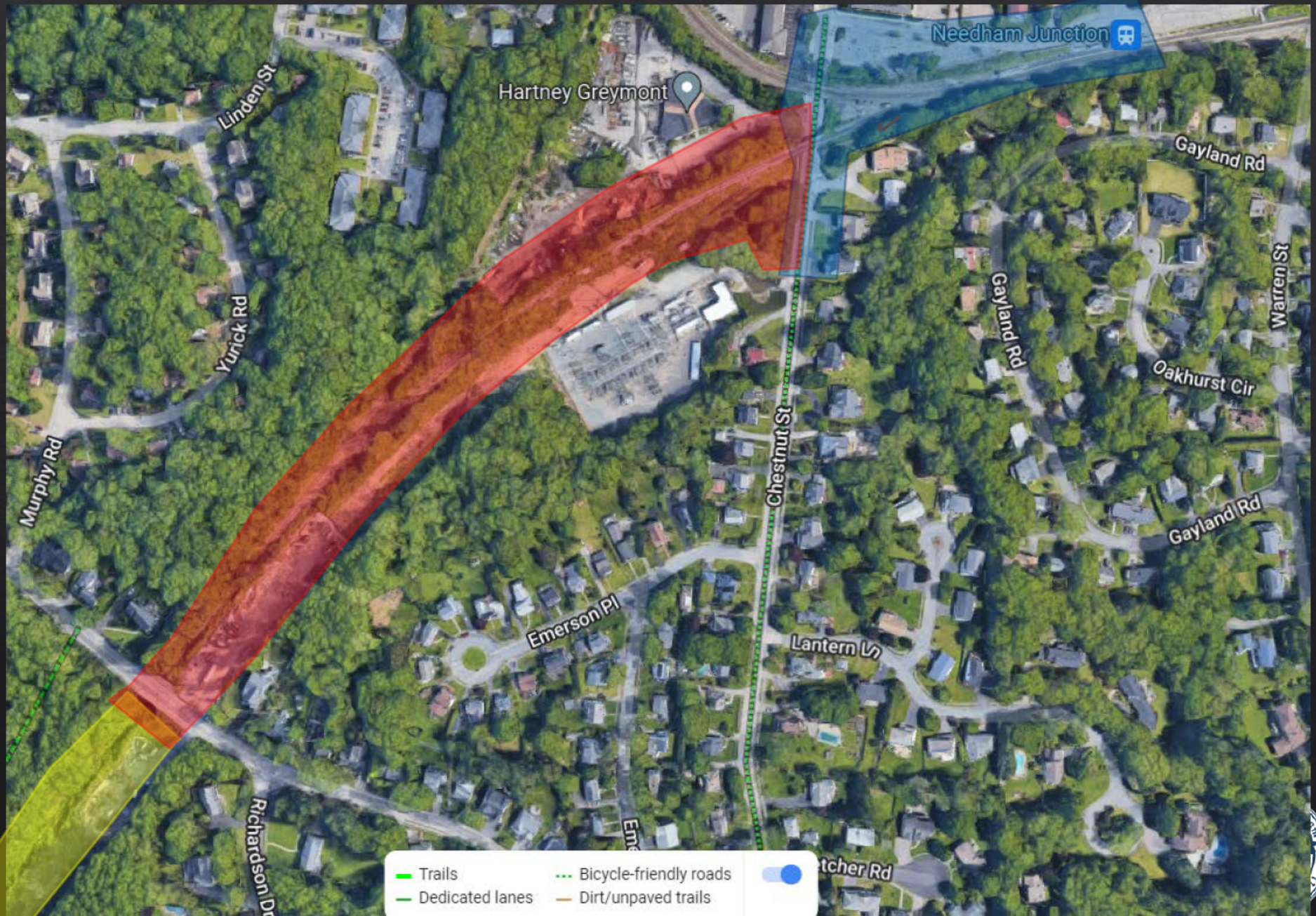
- The new section of trail could provide a key connection from the existing trail to Chestnut Street and the Needham Junction commuter rail station.
- Opens up many recreational opportunities such as the trail itself, Needham Town Forest and the Charles River Peninsula.
- The connection to the Needham Junction commuter rail station provides a non-motorized alternative mode of transportation within town.

WORLDTECH ENGINEERING

MBTA REQUIREMENTS

- WorldTech arranged a coordination meeting with the Town, MassDOT and the MBTA.
- MBTA requires access to the entire length of track. The MBTA is not amendable to sharing the track area with bikers and pedestrians.
- MBTA stated that their normal requirements, would require a 10-foot offset from the center of track to a fence between the tracks and path.
- MBTA stated that they have occasionally allowed exceptions for an eight (8) foot to nine (9)- foot offset.

PROJECT AREA



INTRODUCTION

SURVEY

- Limited drone-based survey data collection was collected in April 2020.
- The drone-based survey provided contours within 0.5 feet accuracy, GIS parcel lines, ortho generated wetlands, railroad tracks, and edge of pavement.
- The survey was conducted between High Rock Street and Chestnut Street.

WORLDTECH ENGINEERING

CONCEPTUAL DESIGN ALTERNATIVES

OFF-ROAD SECTION - EXISTING TRAIL TERMINUS TO HIGH ROCK STREET

- Only a single concept was developed for this segment.
- South of the bridge, there is a significant amount of ledge on the east side of the tracks that would require removal or regrading.
- Due to the extent of the ledge, only a narrow trail was sketched.
- The offset between the tracks and the fence was eight (8) feet, resulting in an eight (8) foot wide trail, including two (2) foot shoulders in this area.

WORLDTECH ENGINEERING

Town of Needham Incorporated 1711

CONCEPTUAL DESIGN ALTERNATIVES

Off-Road Section - Existing Trail Terminus to High Rock Street

CONCEPTUAL DESIGN ALTERNATIVES

Off-Road Section High Rock Street to Chestnut Street

HIGH ROCK STREET TO CHESTNUT STREET

Concept 1

- Provides the requested 10-foot offset to the tracks in accordance with the MBTA recommendations and provides a 10-foot-wide trail for its entire length. Near Chestnut Street, the trail follows close to the railroad right of way.
- To limit potential environmental impacts a boardwalk is shown in proximity to the wetland resource area.

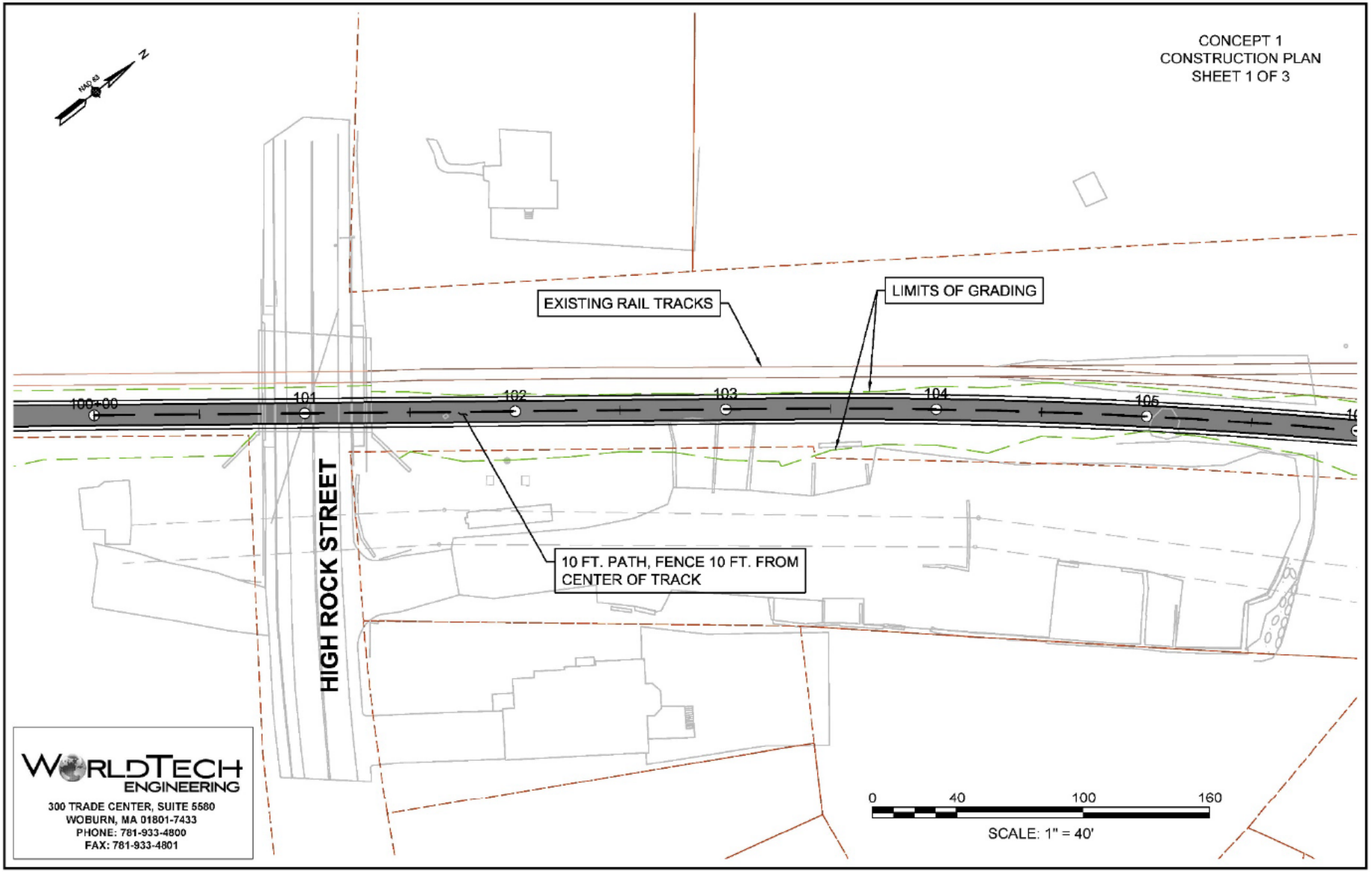
Construction Cost Estimate Subtotal $1,650,000*
Includes $300,000 For Boardwalk

*2020 Values – Does Not Include On-Road Portion

WORLDTECH ENGINEERING

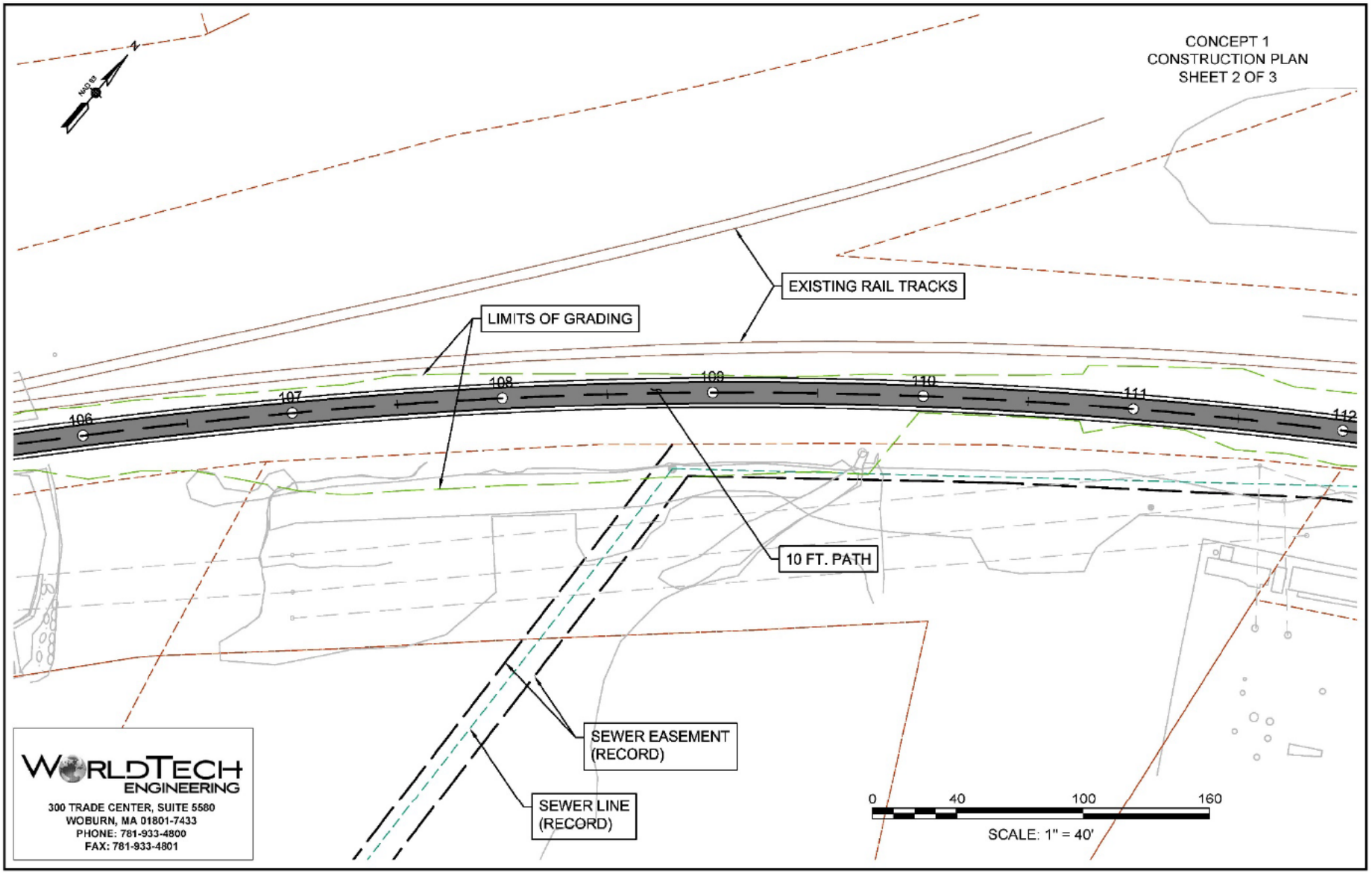
HIGH ROCK STREET TO CHESTNUT STREET

Concept 1



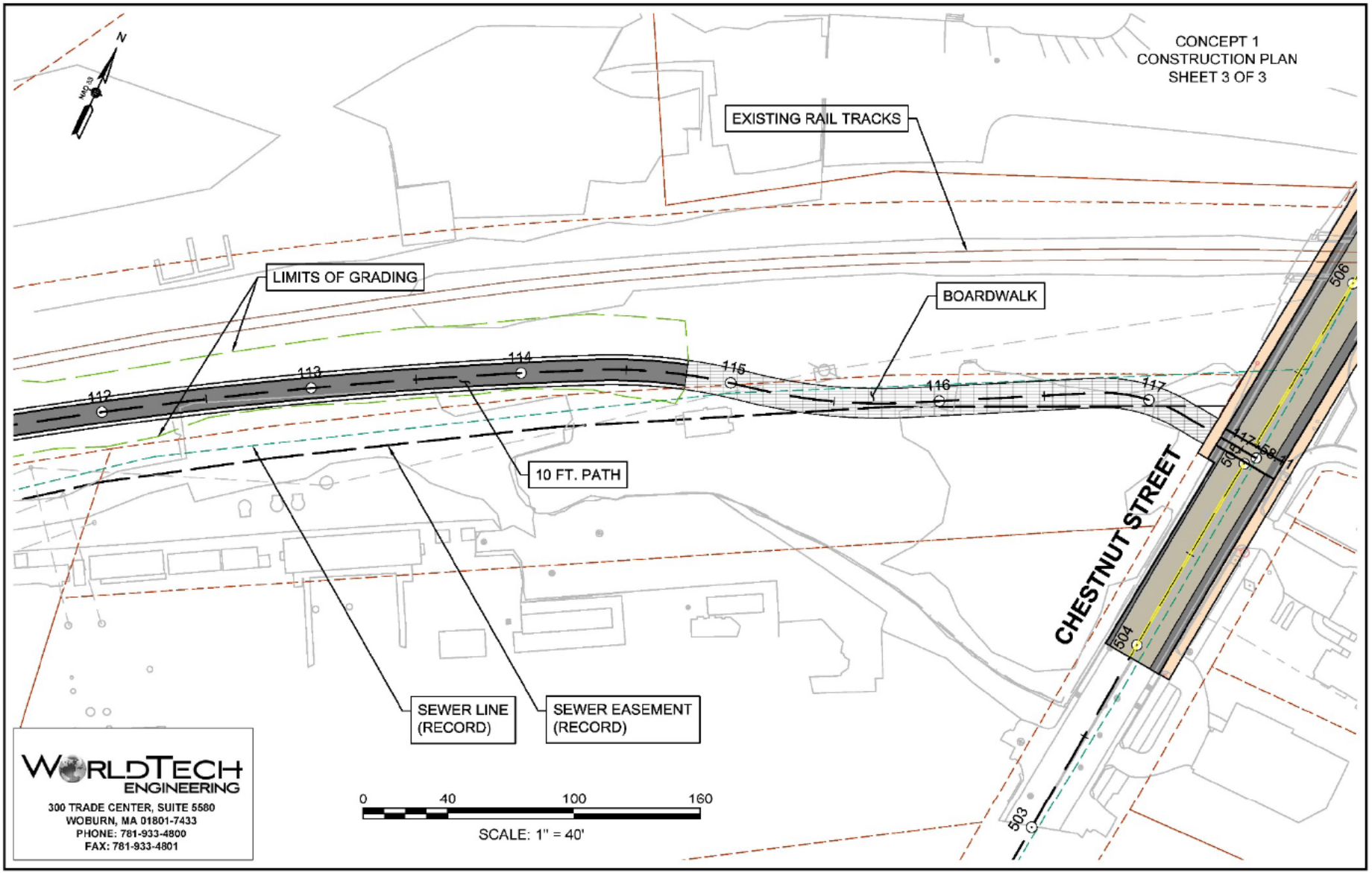
HIGH ROCK STREET TO CHESTNUT STREET

Concept 1



HIGH ROCK STREET TO CHESTNUT STREET

Concept 1



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300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
FAX: 781-933-4801

HIGH ROCK STREET TO CHESTNUT STREET

Concept 2

- Concept 2 requires an MBTA exception to allow a reduced offset to the tracks from a 10-foot offset to an 8-foot offset and provides an 8-foot-wide trail to minimize impacts.

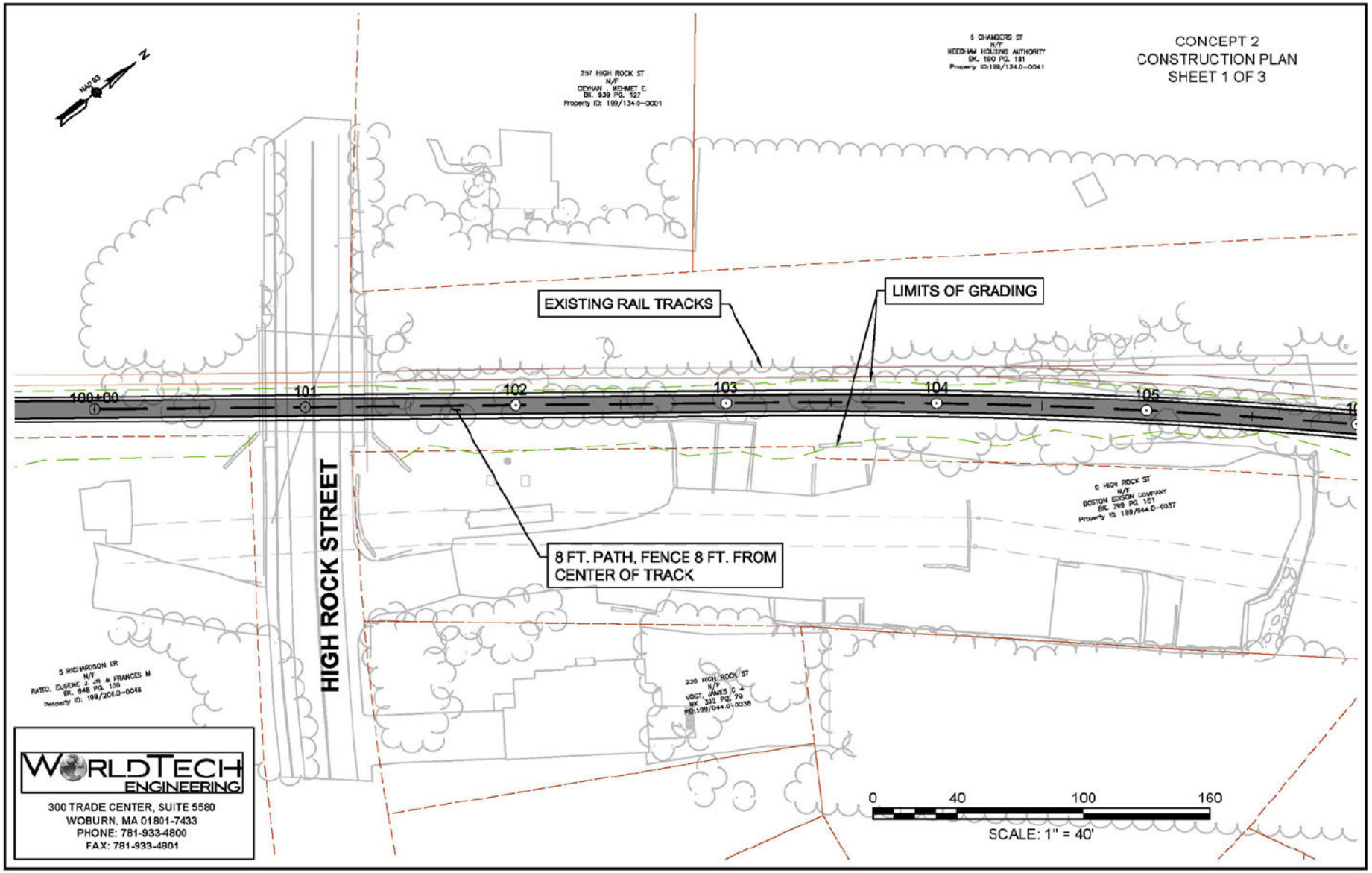
Construction Cost Estimate Subtotal $1,270,000*
Does Not Include Boardwalk

*2020 Values – Does Not Include On-Road Portion

WORLDTECH ENGINEERING

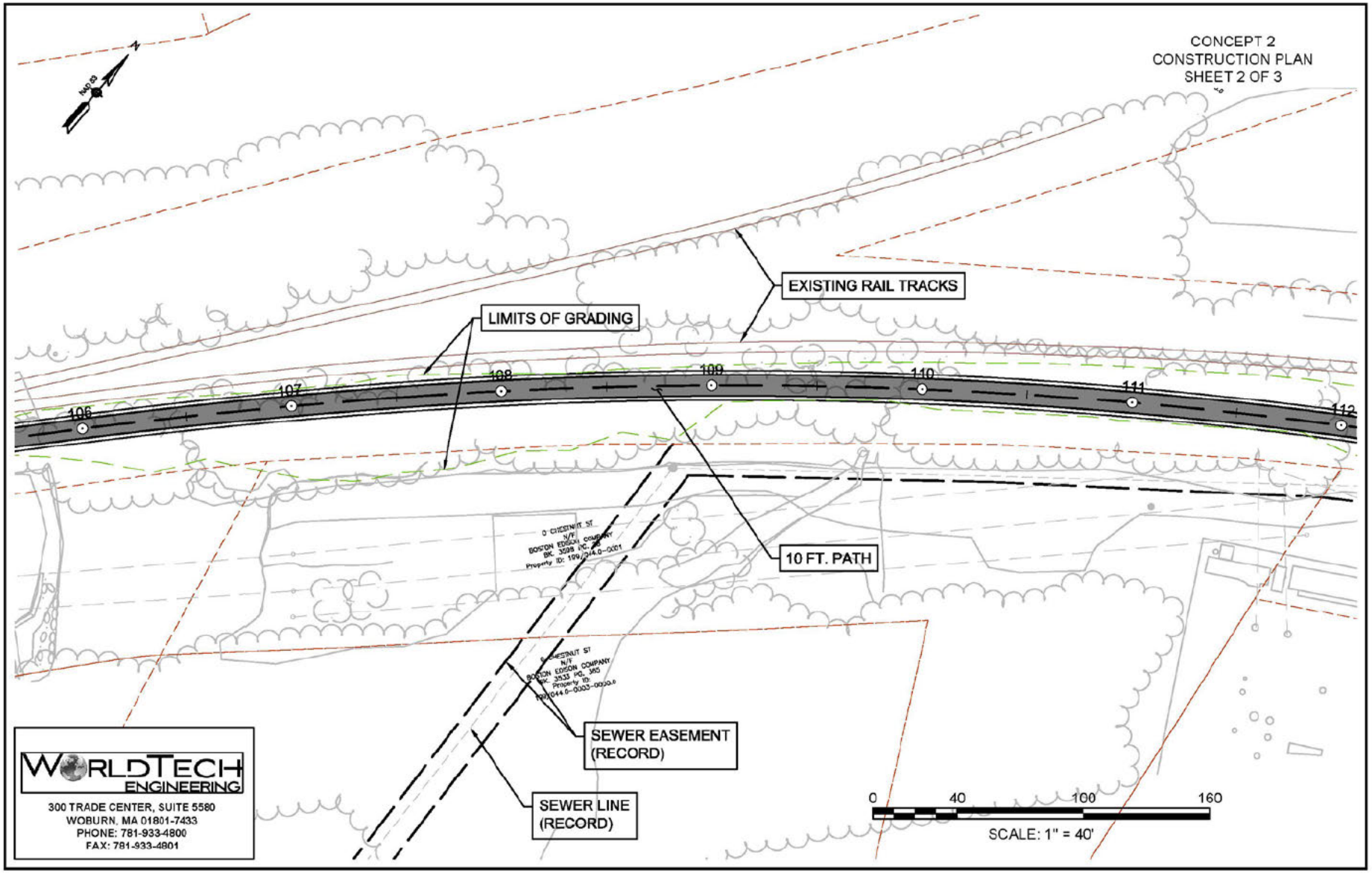
HIGH ROCK STREET TO CHESTNUT STREET

Concept 2



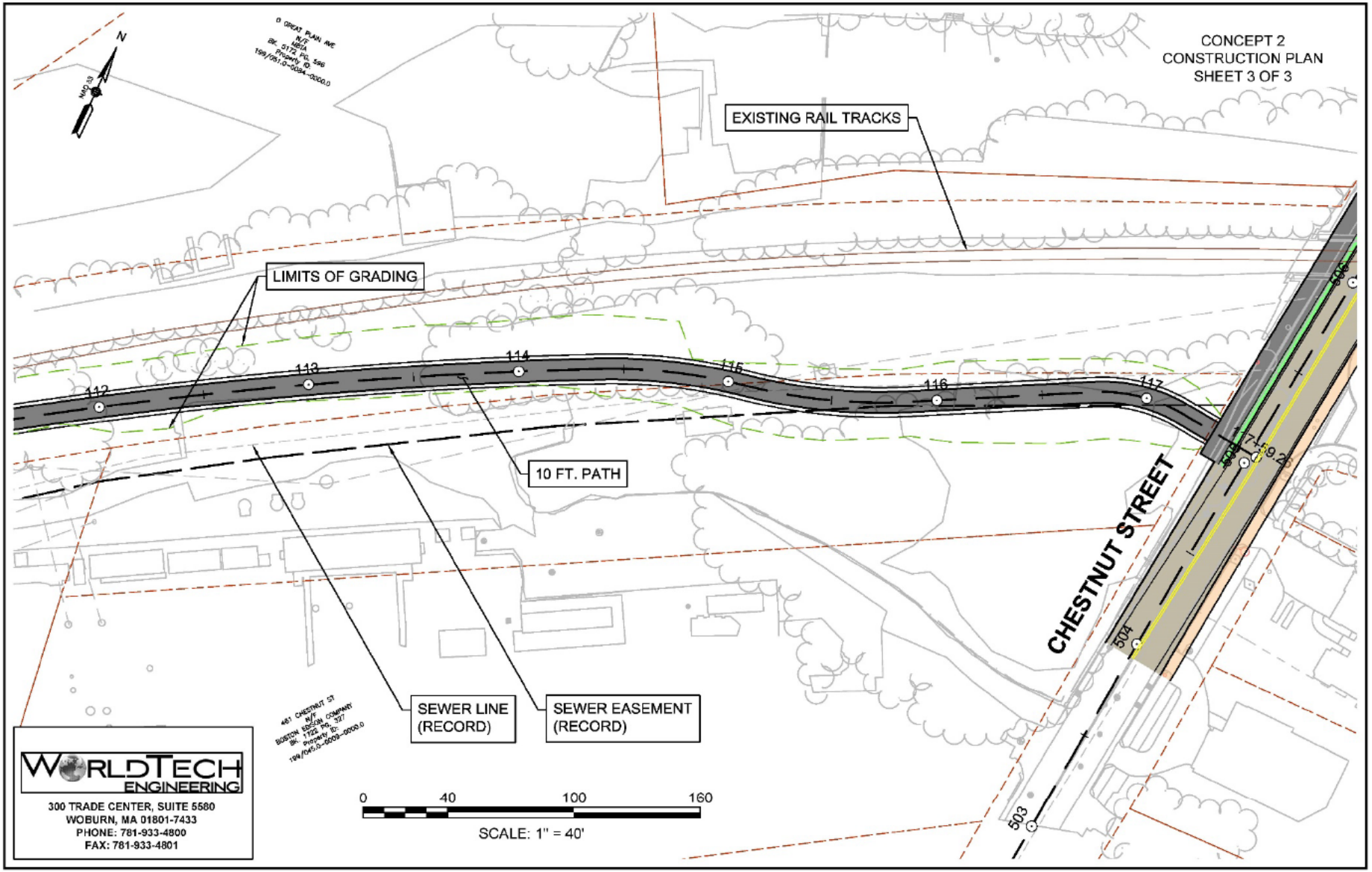
HIGH ROCK STREET TO CHESTNUT STREET

Concept 2



HIGH ROCK STREET TO CHESTNUT STREET

Concept 2



WORLDTECH ENGINEERING
300 TRADE CENTER, SUITE 5580
WOBURN, MA 01801-7433
PHONE: 781-933-4800
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HIGH ROCK STREET TO CHESTNUT STREET

Concept 3

- Concept 3 provides the requested 10-foot offset to the tracks in accordance with the MBTA recommendations and provides a 10-foot-wide trail for its entire length.
- Near Chestnut Street, the trail extends around the wetland resource area adjacent to the Eversource driveway.
- More property impacts.

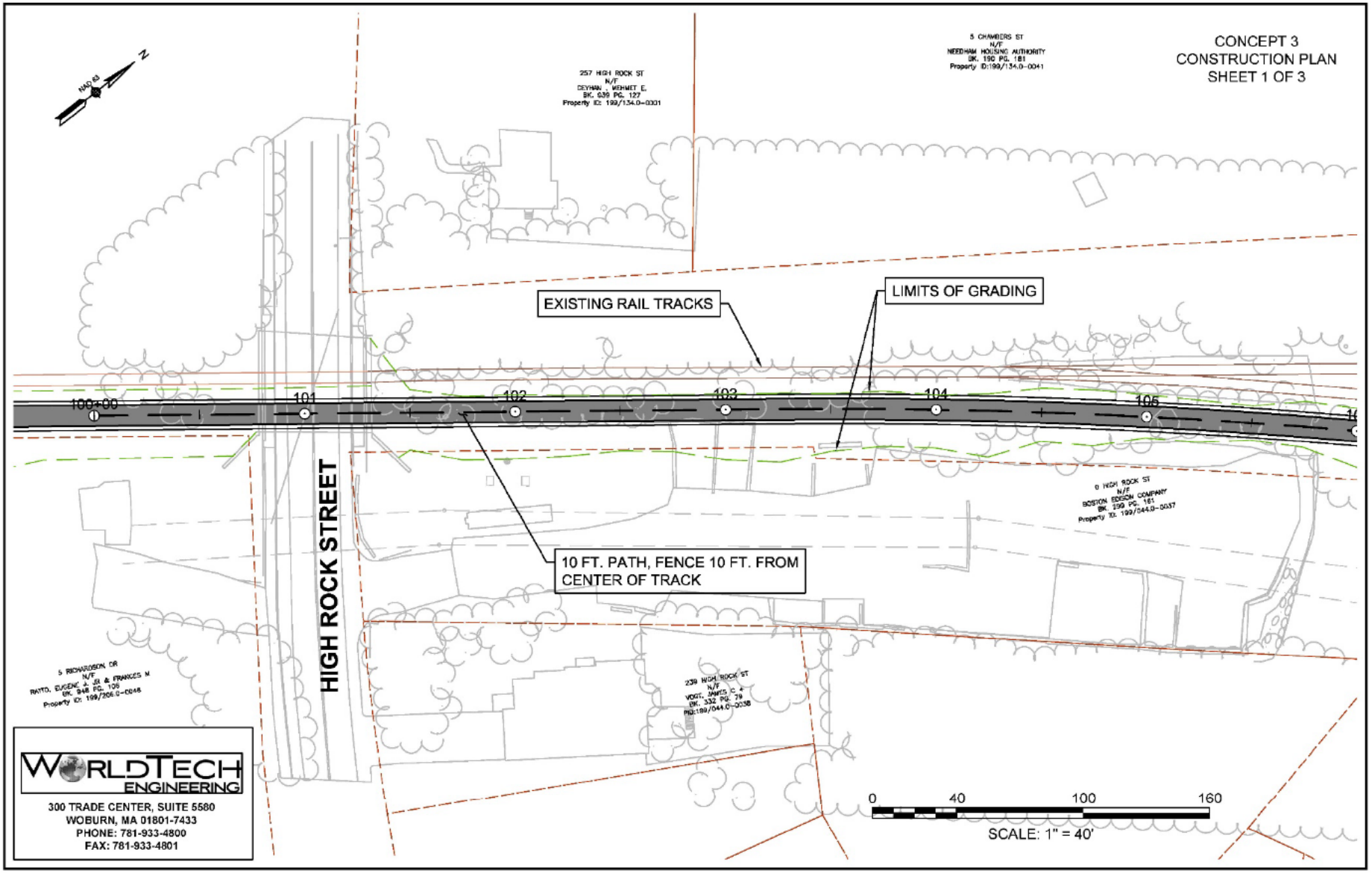
Construction Cost Estimate Subtotal $1,220,000*

*2020 Values – Does Not Include On-Road Portion

WORLDTECH ENGINEERING

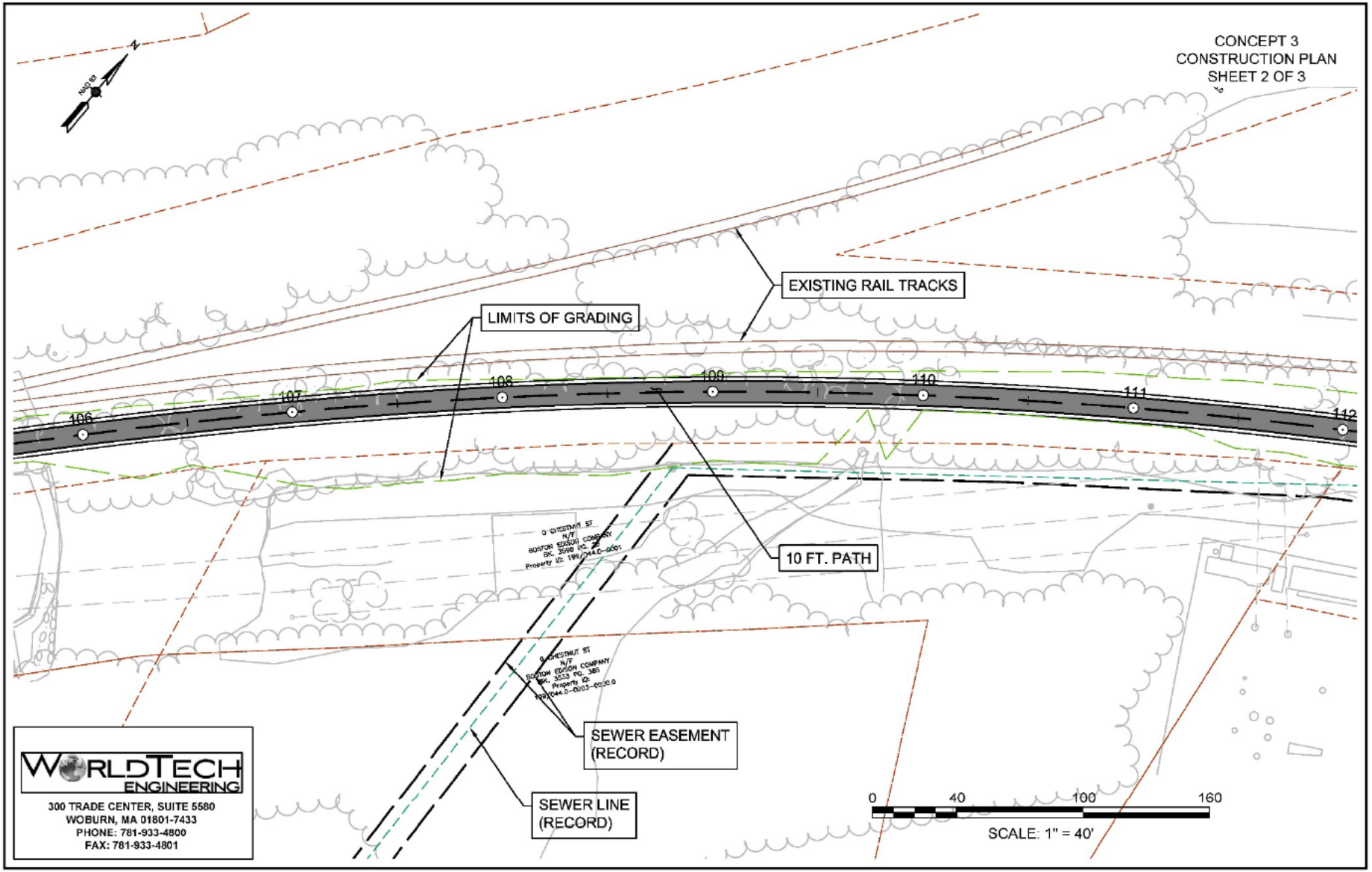
HIGH ROCK STREET TO CHESTNUT STREET

Concept 3



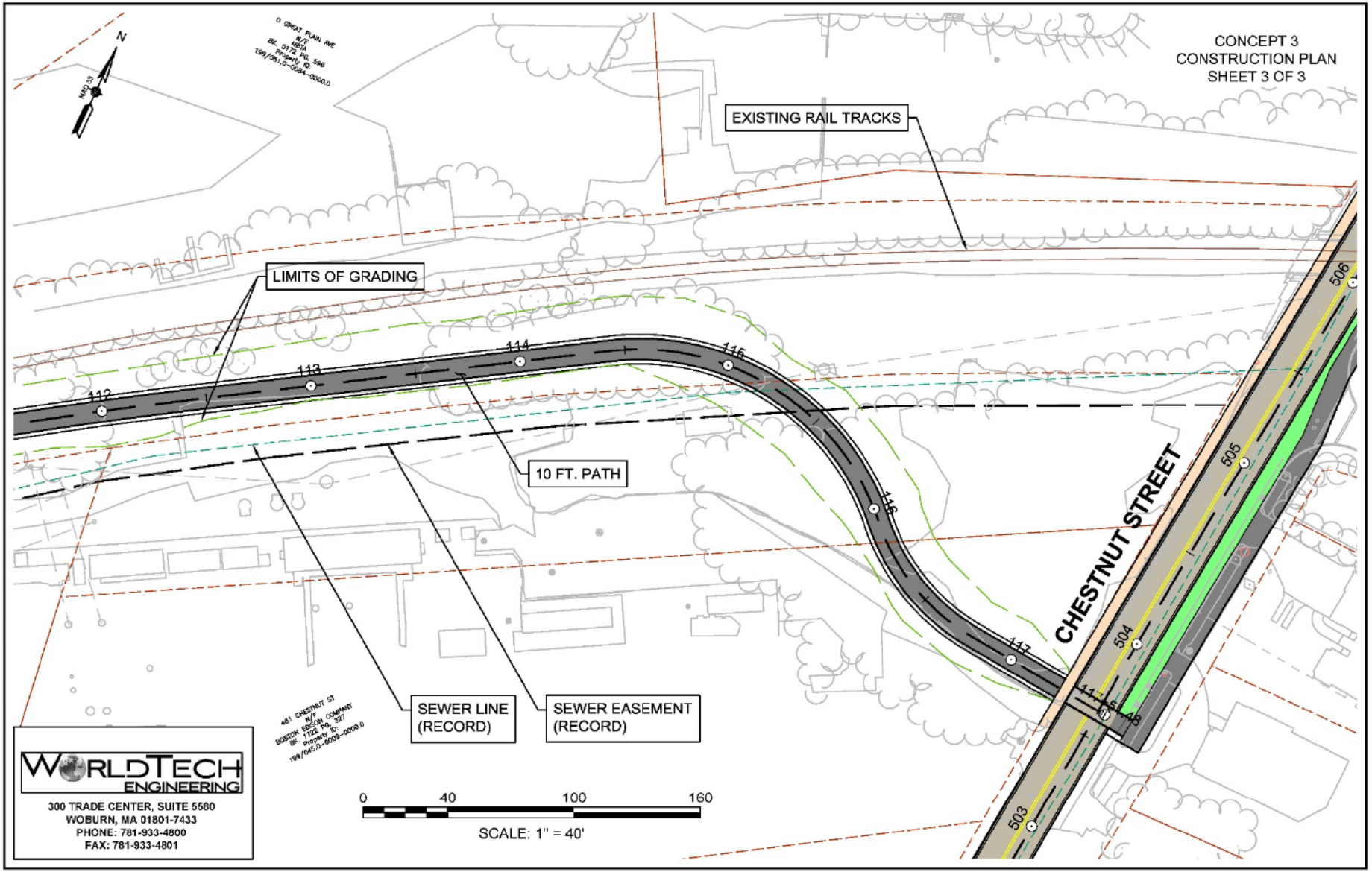
HIGH ROCK STREET TO CHESTNUT STREET

Concept 3



HIGH ROCK STREET TO CHESTNUT STREET

Concept 3



HIGH ROCK STREET TO CHESTNUT STREET

Concept 4

- Concept 4 provides the requested 8-foot offset to the tracks in accordance with the MBTA recommendations and provides a 8-foot-wide trail for its entire length.
- Near Chestnut Street, the trail extends around the wetland resource area adjacent to the Eversource driveway.
- Eversource property impacts.

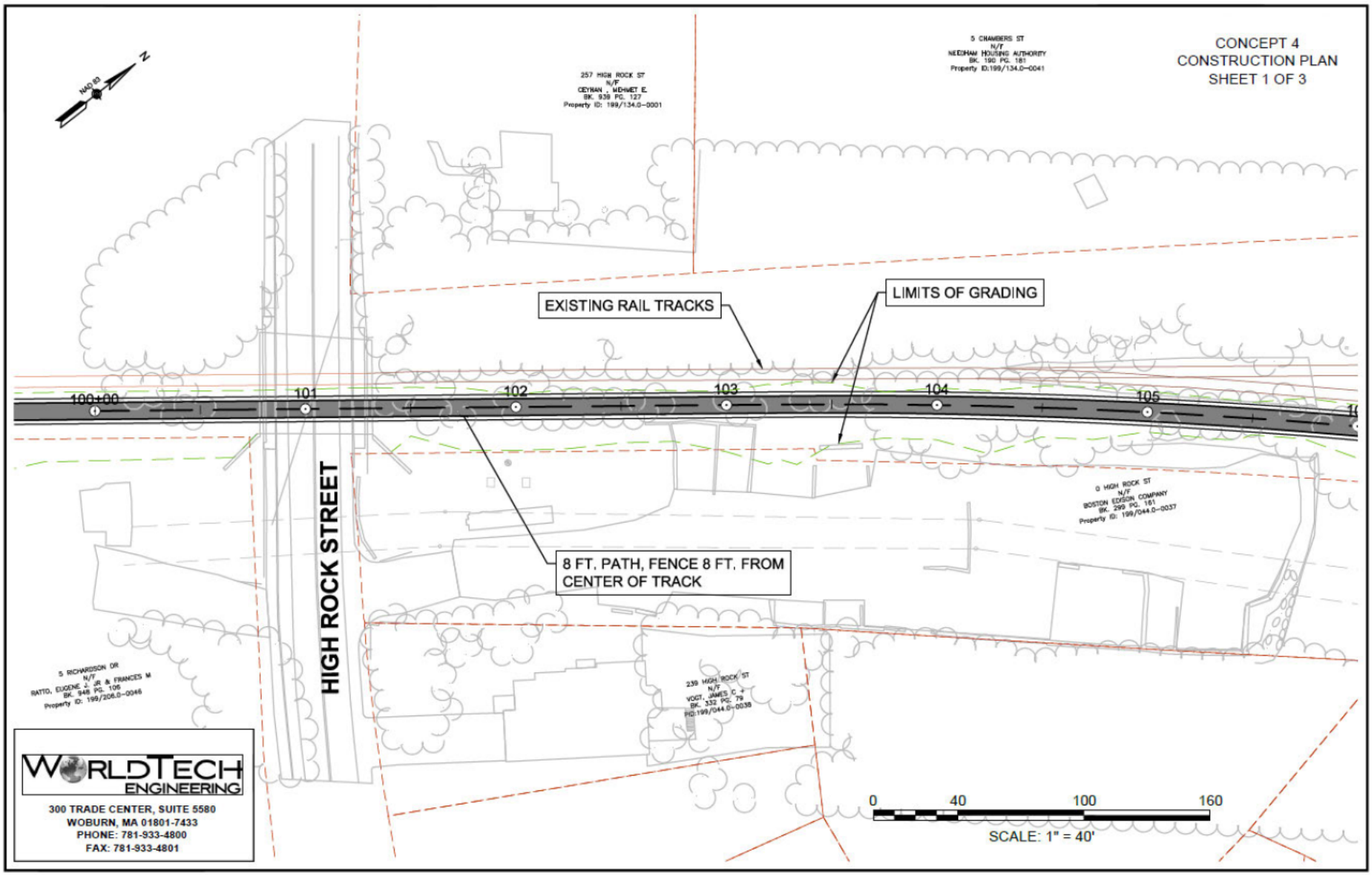
Construction Cost Estimate Subtotal $1,180,000*

*2020 Values – Does Not Include On-Road Portion

WORLDTECH ENGINEERING

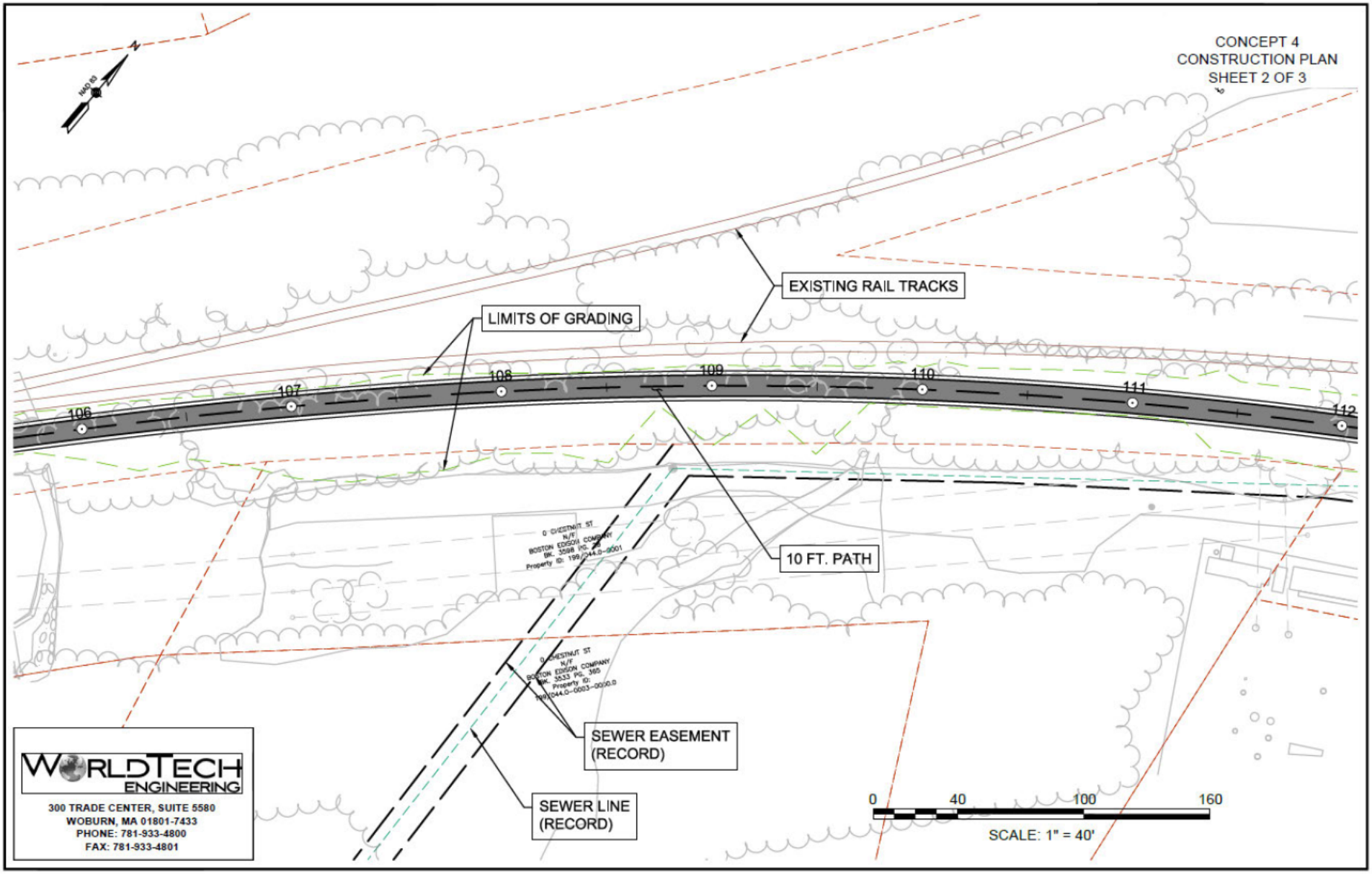
HIGH ROCK STREET TO CHESTNUT STREET

Concept 4



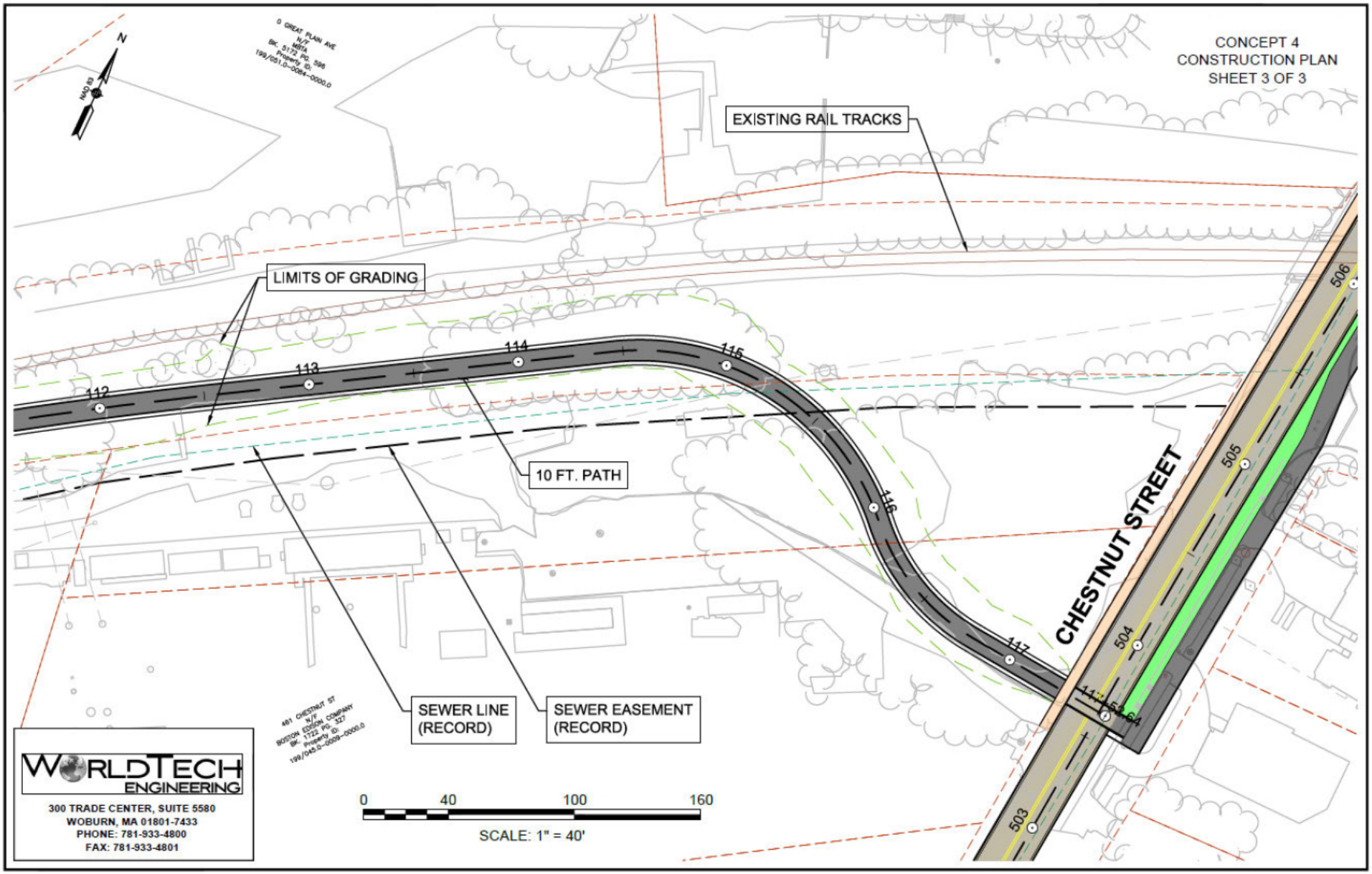
HIGH ROCK STREET TO CHESTNUT STREET

Concept 4



HIGH ROCK STREET TO CHESTNUT STREET

Concept 4



HIGH ROCK STREET TO CHESTNUT STREET

Summary – Off Road

- Concept 1
  - 10-foot-wide trail, 10-foot offset.
  - Construction Cost Estimate Subtotal - $1,650,000 (includes $300,000 for Boardwalk)
- Concept 2
  - 8-foot-wide trail, 8-foot offset
  - Requires an MBTA exception.
  - Construction Cost Estimate Subtotal - $1,270,000 (could require boardwalk)
- Concept 3
  - 10-foot-wide trail, 10-foot offset.
  - Trail extends around the wetland resource area adjacent to the Eversource driveway.
  - More property impacts.
  - Construction Cost Estimate Subtotal - $1,220,000
- Concept 4
  - 8-foot-wide trail, 8-foot offset.
  - Requires an MBTA exception.
  - Trail extends around the wetland resource area adjacent to the Eversource driveway.
  - Eversource property impacts.
  - Construction Cost Estimate Subtotal - $1,180,000

WORLDTECH ENGINEERING

Town of Needham Incorporated 1711

ON-ROAD SECTION CHESTNUT STREET

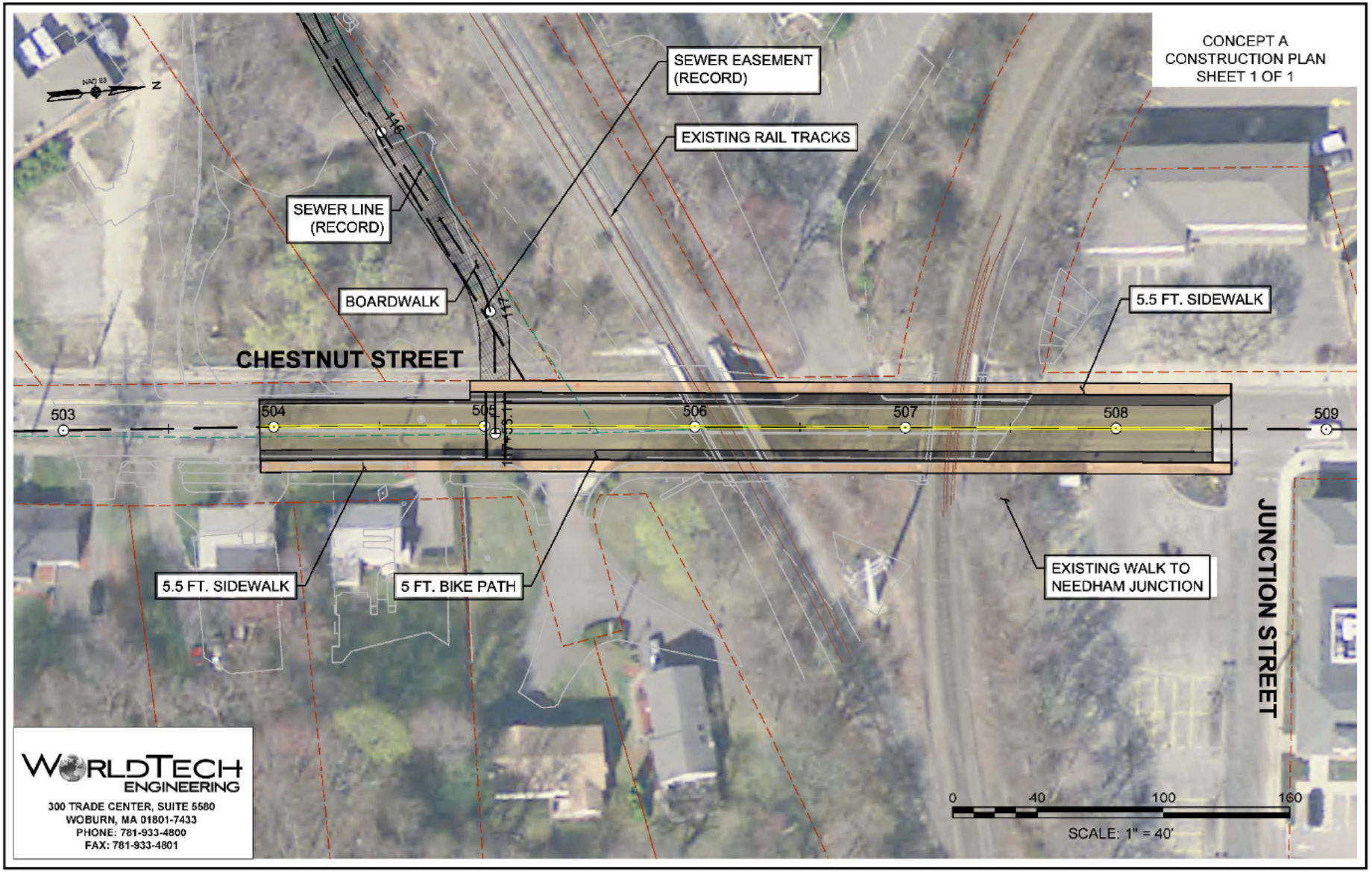
Concept A – On Road Bike Lanes

- Would require widening Chestnut Street by approximately 4 feet to provide the necessary width for the bike lanes.
- To accommodate pedestrians, a sidewalk connection is necessary.
- Most compatible with the Off-Road Concept 1 and Concept 2, as they terminate north of the wetland resource area.
- Crossing to the existing sidewalk on the east side of Chestnut Street is recommended if connecting to Concepts 3 and 4, as it would avoid wetland impacts.

- Construction Cost Estimate Subtotal - $640,000

WORLDTECH ENGINEERING

ON-ROAD SECTION CHESTNUT STREET



ON-ROAD SECTION CHESTNUT STREET

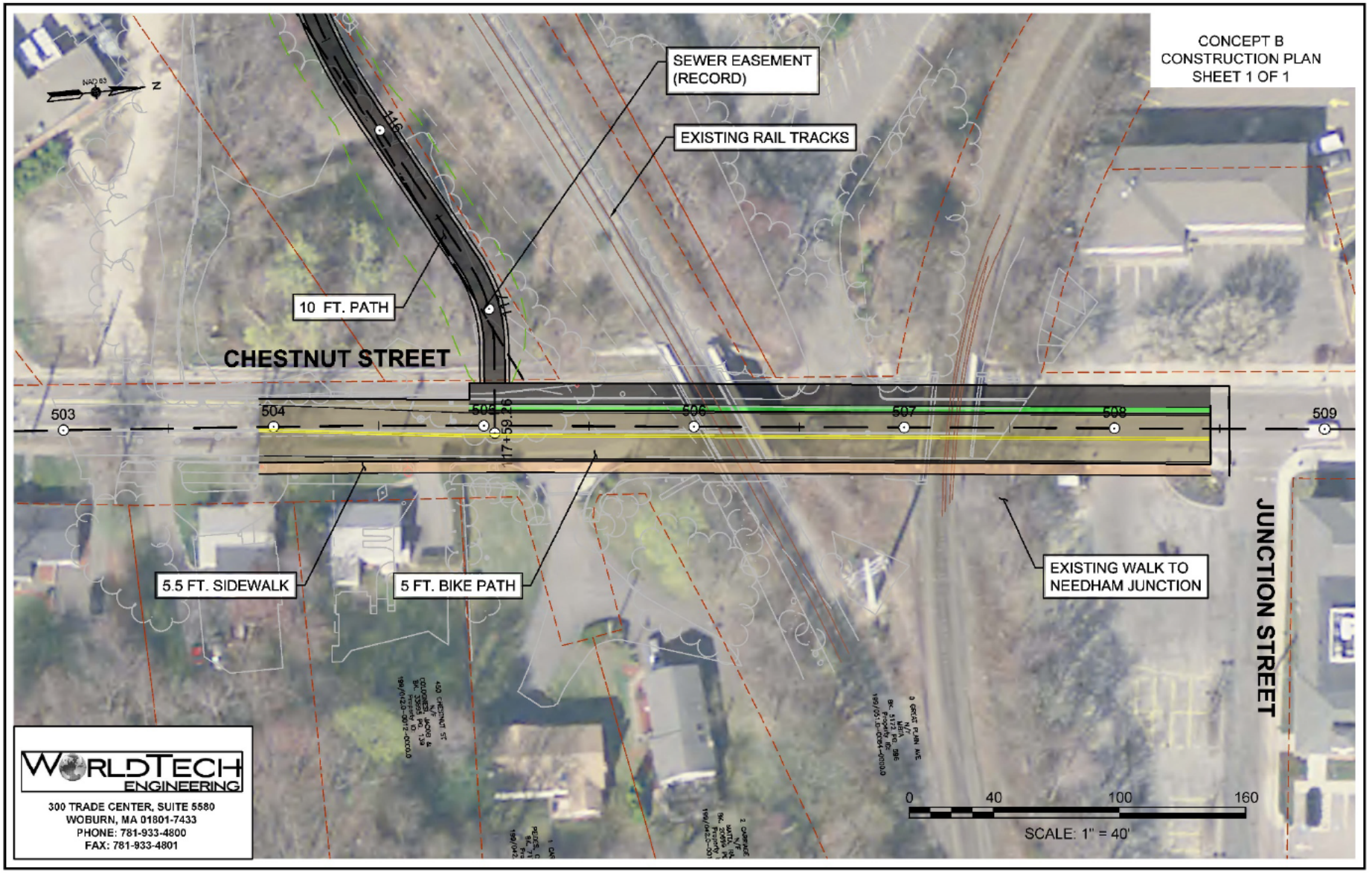
Concept B – Shared Use Path Western Side of Chestnut Street

- Requires roadway reconstruction.
- Chestnut Street needs to be narrowed by 2 feet to provide enough width for a shared use path under the bridges. Under the bridges, the path would be 8 feet wide with a 3-foot landscaped buffered.
- North and south of the bridges, the buffer will be wider.
- A crosswalk would be provided across Chestnut Street at Junction Street
- This concept is compatible with Concept 1 and Concept 2. It does not coincide well with Concept 3 or Concept 4, since it would require construction of the shared use path within the wetland resource area.

- Construction Cost Estimate Subtotal - $650,000

WORLDTECH ENGINEERING

ON-ROAD SECTION CHESTNUT STREET



ON-ROAD SECTION CHESTNUT STREET

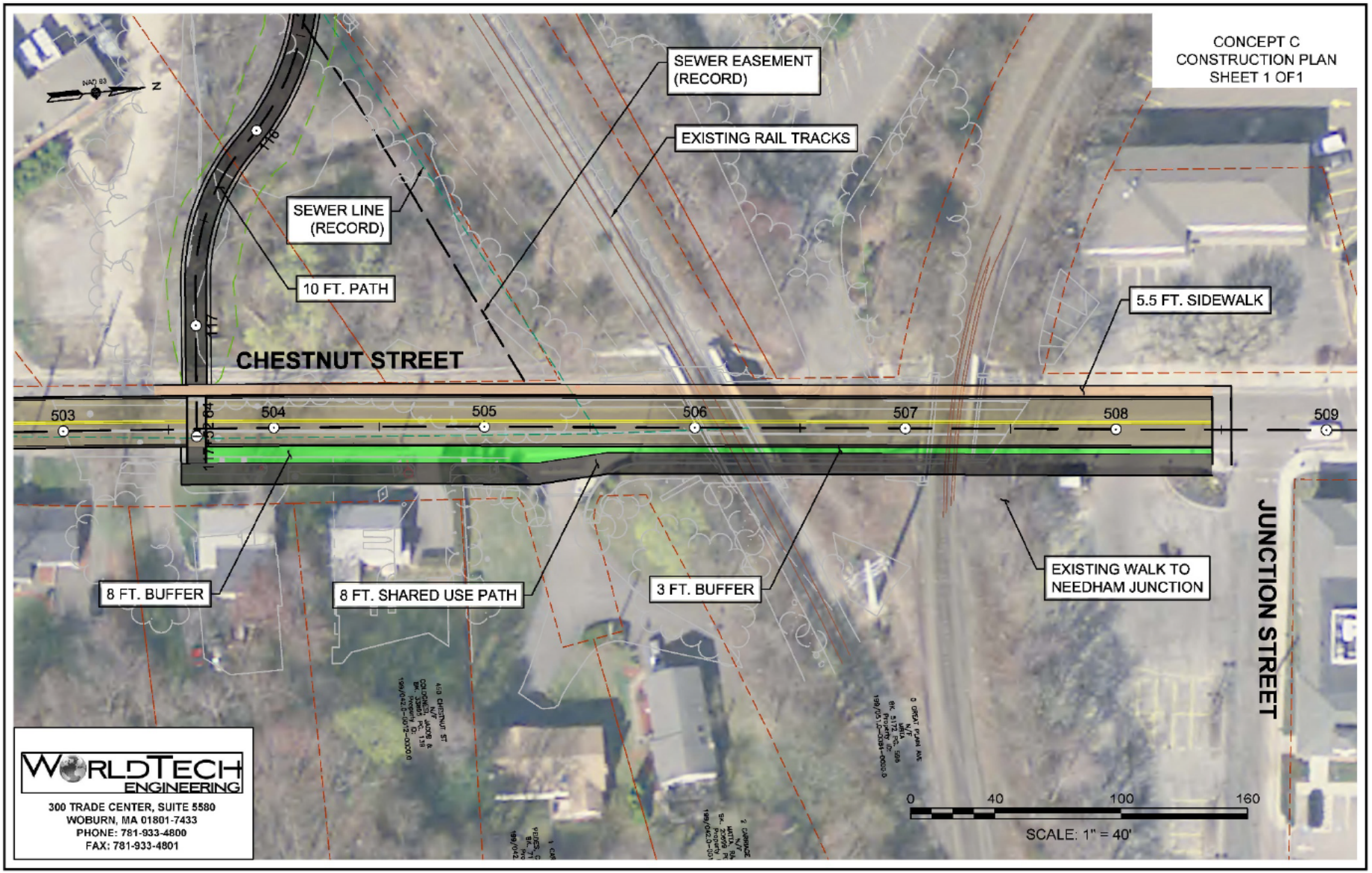
Concept C – Shared Use Path – East Side of Chestnut Street

- A crosswalk would be provided across Chestnut Street at the off-road trail terminus.
- Requires roadway reconstruction. The width of Chestnut Street would need to be reduced by 2 feet to provide enough width for the shared use path under the bridges.
- Under the bridges, the path would be 8 feet wide with a 3-foot landscaped buffered. North and south of the bridges, the buffer will be wider.
- This concept is consistent with all of the off-road concepts

- Construction Cost Estimate Subtotal - $740,000

WORLDTECH ENGINEERING

ON-ROAD SECTION CHESTNUT STREET



Summary – On Road

Concept A – On-Road Bike Lanes

- Would require widening Chestnut Street by approximately 4 feet.
- Most compatible with the Off-Road Concept 1 and Concept 2,
- If connecting to Concepts 3 and 4, provide crossing to existing sidewalk on the east side.
- Construction Cost Estimate Subtotal - $640,000

Concept B – Shared Use Path Western Side of Chestnut Street

- Requires roadway reconstruction.
- A crosswalk would be provided across Chestnut Street at Junction Street
- Compatible with Concept 1 and Concept 2. It does not coincide well with Concept 3 or 4.
- Construction Cost Estimate Subtotal - $650,000

Concept C – Shared Use Path Eastern Side of Chestnut Street

- Requires roadway reconstruction.
- This concept is consistent with all of the off-road concepts
- Construction Cost Estimate Subtotal - $740,000

DISCUSSION

WORLDTECH ENGINEERING

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 06/14/2022

Agenda Item	Proposed Alcohol Regulations Changes - Breweries
Presenter(s)	Katie King, Assistant Town Manager/Operations Chris Heep, Town Counsel Ivria Fried, Town Counsel Myles Tucker, Support Services Manager Amy Haelsen, Economic Development Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

Staff will present recommended changes to the Select Board's *Regulations for the Sale of Alcoholic Beverages*, which would determine how breweries would be licensed locally. Last fall, the Select Board and Planning Board agreed that allowing breweries to locate in Needham provided an economic development opportunity, to further diversify our business inventory and offer an additional amenity to residents and visitors. The Planning Board is advancing a zoning amendment for the Special Town Meeting in the fall, which would define brewery business types and determine where each could be located by special permit. This, paired with the Select Board's updated liquor license regulations, will provide Town Meeting Members with a full view of the Town's brewery proposals.

2. VOTE REQUIRED BY SELECT BOARD

For discussion only.

3. BACK UP INFORMATION ATTACHED

a. Breweries Policy Memo
b. Addendum A - Zoning Amendment Language
c. Addendum B - Alcohol License Regulations Proposed Changes
d. Addendum C - License Type Comparison Chart
e. Addendum D - 2022 Fee Schedule

MEMORANDUM

TO:	Select Board Members
CC:	Kate Fitzpatrick, Town Manager; Dave Davison, Assistant Town Manager/Director of Finance; Lee Newman, Director of Planning & Community Development; Amy Haelsen, Economic Development Manager; Myles Tucker, Support Services Manager; Chris Heep, Town Counsel; Ivria Fried, Town Counsel
FROM:	Katie King, Assistant Town Manager/Director of Operations
SUBJECT:	Breweries - Liquor License Policy Changes
DATE:	June 10, 2022

In November 2021, the Select Board met with the Planning Board to discuss policy changes to allow breweries to locate in Needham. There was consensus that allowing the use would provide an economic development opportunity to add to the diversity of our business inventory and offer an additional amenity to residents and visitors. During the Planning Board's zoning amendment process, several liquor license policy questions were raised that fall under the purview of the Select Board. The Planning Board deferred the zoning article until the Special Town Meeting this fall, so the Select Board may undertake its process to amend the Town's liquor license regulations. This will provide Town Meeting Members and the public with a more comprehensive view of what is being proposed related to breweries in Needham. I want to thank the Planning Board for their flexibility and the staff copied on this memo for their ongoing contributions to this work.

Planning Board's Zoning Article

The full text of the Planning Board's draft zoning article, as of April 2022, is Addendum A. The definitions of each business type are relevant to the Select Board's liquor license policy discussion so are listed here for reference:

Brew Pub – Eat-in restaurant, licensed under relevant local, state, and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty-one (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. Any such facility may provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or

take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

Federal & State Brewery Licensing Framework

To open a brewery in Massachusetts, a prospective brewer must first select a site and show proof to federal and state regulators that the zoning at the site allows for such use. The business then seeks federal approval from the Alcohol and Tobacco Tax and Trade Bureau (ATTTB) to manufacture alcohol. After this federal permit is obtained, the business must then apply to the Massachusetts Alcoholic Beverages Control Commission (ABCC) for a license to manufacture and distribute their beer. There are two state licensing options:

- Under M.G.L. c.138, §**19C, a Farmer-Brewery** licensee is allowed to manufacture beer and sell what they produce to licensed wholesalers, manufacturers, and retailers, as well by the bottle direct to consumers, all for off-premises consumption. A Farmer-Brewery can only sell beverages at retail that were produced by or for the brewer and sold under the brewery name. This license is issued by the ABCC only. As such, all conditions relative to the production and sale of alcohol for off premises consumption is governed by the ABCC. To sell alcohol to consumers for on-premises consumption, the licensee must obtain a Farmer Series Pouring Permit from the local licensing authority (the Select Board). Under the Planning Board's zoning definition, this type of business would likely be a microbrewery.

- Under M.G.L. c.138, §**19D, a Pub Brewery** licensee is allowed to manufacture beer and sell what they produce to licensed wholesalers, manufacturers, and retailers, as well by the bottle (up to two gallons) direct to consumers, all for off-premises consumption. This license is issued by the ABCC only. As such, all conditions relative to the production and sale of alcohol for off premises consumption is governed by the ABCC. To sell alcohol to consumers for on-premises consumption, the licensee must obtain a Section 12 license (same type that restaurants are required to obtain) from the Select Board. Under the Planning Board's zoning definition, this type of business would likely be a brew pub.

A Section 19C Farmer-Brewery and a Section 19D Pub Brewery may sell for off premises consumption between 8am and 11pm or between 8am and 11:30pm on any day immediately preceding a legal holiday, except when otherwise restricted by the ABCC. The Select Board cannot further limit these sales because Section 19C and Section 19D licenses – which authorize the sale for off premises consumption – are issued by the ABCC. The ABCC selected these operating hours because they track with the hours of permitted sale under Section 15, which applies to package stores generally.

While most communities are bound by the hours codified in Section 15, Needham is not. Instead, Needham is subject to a special act that empowers the Select Board to establish its own hours for package stores. The Town's existing regulations set the hours to be 9am – 10pm Monday through Saturday and 12 pm – 6 pm on Sunday. Accordingly, it is possible that a Farmer-Brewery or a Brew Pub

could sell for off premises consumption during hours which a package store would be precluded from selling alcohol in Town.[1]

In comparison, the Town may limit the hours by which a Section 19C Farmer-Brewery and Section 19D Pub Brewery sell for on premises consumption. The proposal before you today sets the hours for on premises consumption at these establishments to be the same as the hours for restaurants.

Needham's Liquor License Policy

As mentioned above, any brewery located in Needham that wants to sell alcohol to be consumed on-premises must apply for the appropriate liquor license from the Select Board, subject to the Town's Regulations for the Sale of Alcoholic Beverages[2]. The local license type falls into two possible categories:

- Farmer-Brewery licensees who have obtained a Section 19C license from the ABCC must apply for a **Farmer Series Pouring Permit** from the Select Board. This permit does not currently exist in the Town's alcohol regulations, and we are recommended that it be added. The Select Board is authorized to issue Farmer Series Pouring Permits under M.G.L. c.138, §19C(n). Unlike Section 12 and Section 15 licenses (best known as licenses for restaurants and package stores), ballot approval by the voters is not a prerequisite for the Board to issue Farmer Series Pouring Permits and those permits do not count against a municipality's liquor license quota. Again, under the Planning Board's zoning definition, this type of business would likely be a microbrewery.
- Pub Brewery licensees who have obtained a Section 19D license from the ABCC must apply for a **Section 12** license locally in order to serve for on-premises consumption. Regulations for these licenses already exist in the Town's policy. Our recommendation is to apply the standards applicable to Section 12 Restaurants to Pub Brewery licensees seeking to sell for on-premises consumption. Pub Breweries are likely to be defined as a brew pub under the Planning Board's zoning definition.

Addendum B is a red-lined version of the Board's liquor license regulations showing all proposed amendments. The basic framework of these recommendations is to (1) apply the existing on-premises license regulations for restaurants to brew pubs and (2) add a new Farmer Series Pouring Permits section to regulate on-premises consumption of alcohol at microbreweries. A table comparing the various local liquor licenses is in Addendum C.

The proposed amendments would change only one regulation for existing license holders. Section 4.6.12 would require licensees to make reasonable and diligent efforts to prevent loitering, disorder, disturbances, or illegality of any kind in the licensed premises. Currently, this condition is applied to package stores only. The proposal would apply this requirement to all licensees.

There are three policy questions, relative to Farmer Series Pouring Permits (for microbreweries), where we did not make an initial staff recommendation. We are interested in hearing your thoughts on how to shape the direction for each:

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[1] Town Counsel spoke with Ralph Sacramone, Executive Director of the ABCC, to see whether the ABCC would restrict the hours of off premises sales for Section 19C and Section 19D establishments within Needham. Mr. Sacramone said the Select Board could submit a request but thought it unlikely that the ABCC would amend the licenses.

[2] http://needhamma.gov/515/Alcohol-Licensing

Section 10.3: Does the Board want to place limitations on how Farmer Series Pouring Permittees can use their floor space? Limitations could be in terms of total floor space used for on-premises consumption, the number of required tables as compared to the occupancy, or maximum amount of bar seating. Currently, Section 12 licenses holders (restaurants and brew pubs under this proposal) can have "no more than a total of 15 seats or 20% of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area" unless approved by the Board.

Section 10.6: Does the Board want to require food service and to what extent? Options include:

- Require the brewer to hold a Common Victualler's (CV) license and run a fully operational kitchen.
- Require a contractual arrangement between the brewer and a licensed CV or food truck business to sell food on the premises.
- Allow patrons to bring food onto the premises.
- No requirement for food services.
- Some combination of the above.

Section 10.7: Does the Board want to permit the sale of pitchers? These are currently permitted under Section 12 Restaurant Licenses by omission of any regulation prohibiting the sale.

ARTICLE X: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Basement" and before the existing definition of "Building (or part or parts thereof)":

   Brew Pub – Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

2. In Section 1.3 Definitions, by adding the following after the existing definition of "Medical Services Building," and before the existing definition of "Mixed-Use Building":

   Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty-one (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. Any such facility may provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

   3. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

"USE	B	CSB	CB	ASB	HAB
Brew Pub	SP	SP*	SP	SP	N"

   *Applies only to the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N.

4. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

"USE	RRC SRA	SRB	GR	A-1,2 &3	I	IND	IND-1
Microbrewery	N	N	N	N	N	N	SP"

5. In Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.2 Uses Permitted by Special Permit, by adding a new paragraph (k) that states "Microbrewery, allowable only in the portion of the New England Business Center District located west and south of Second Avenue." and new paragraph (l) that states "Brew Pub, allowable only in the portion of the New England Business Center District located west and south of Second Avenue."

6. In Section 3.2.5, Uses in the Highland Commercial-128 District, Subsection 3.2.5.2, Uses Permitted by Special Permit, by adding a new paragraph (q) that states "Microbrewery, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and a new paragraph (r) that states "Brew Pub, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and by renumbering former paragraphs (q), (r) and (s) as paragraphs (s), (t) and (u) respectively.

7. In Section 3.2.6, Uses in the Mixed Use-128 District, Subsection 3.2.6.2, Uses Permitted by Special Permit, by adding a new paragraph (k) that states "Microbrewery" and a new paragraph (l) that states "Brew Pub" and by renumbering former paragraphs (k) and (l) as paragraphs (m) and (n) respectively.

8. In Section 3.2.7 Uses in the Highway Commercial 1 District, Subsection 3.2.7.2 Uses Permitted by Special Permit, by adding a new paragraph (m) that states "Microbrewery" and a new paragraph (n) that states "Brew Pub" and by renumbering former paragraphs (m) and (n) as paragraphs (o) and (p).

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Article X provides for the establishment of Brew Pubs and Microbreweries within Needham. The Needham Zoning By-Law does not currently have any provision for Brew Pubs or Microbreweries and because the noted uses are not specifically identified as permissible, they are prohibited. Accordingly, the proposed zoning amendment seeks to introduce Brew Pubs and Microbreweries as permitted uses in Needham and takes the following regulatory approach: 1) defines the terms "Brew Pub" and "Microbrewery"; 2) identifies the zoning districts in which a Brew Pub and/or Microbrewery will be permitted; and 3) establishes that a Brew Pub and/or Microbrewery will only be allowed by special permit from the Planning Board or the Zoning Board of Appeals.

Brew Pub Definition. A Brew Pub is a hybrid between a restaurant and a Microbrewery. It sells at least 60% of its beer on-site with significant food services. At a Brew Pub the beer is primarily brewed for sale in the restaurant. Brew Pubs may sell beer to go or distribute to some off-site destinations. Under the proposed amendment a Brew Pub is defined as an eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity.

Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

Microbrewery Definition. A Microbrewery is a brewery that produces 15,000 barrels or less of beer per year. The Microbrewery sells most of its product in off-site locations. Although some microbreweries have small tasting rooms for consumers or accessory eat-in or take-out restaurant facilities, they complete their primary sales in one of these three ways: (1) Three-tier system: The brewer sells to a wholesaler who sells to a retailer who sells to the consumer; (2) Two-tier system: The brewer acts as a wholesaler and sells to the retailer who sells to the consumer; and (3) Direct Sales: The brewer sells directly to the consumer via carry-outs or sales from an on-site tasting room or restaurant. Under the proposed amendment a Microbrewery is defined as a facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty-one (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. Any such facility may provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

District Location. The amendment would permit a Brew Pub by special permit in the Business District, Center Business District, Avery Square Business District, and the portion of the Chestnut Street Business District located west of Chestnut Street and south of Keith Place. A Microbrewery would be permitted by special permit in the Industrial-1 District. A Brew Pub and a Microbrewery would be permitted by special permit in the Mixed Use-128 District, Highway Commercial 1 District, the portion of the New England Business Center District located west and south of Second Avenue, and the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue.

Special Permit Requirement. Given the desire for close review, the amendment proposes to permit a Brew Pub and a Microbrewery by special permit from the Planning Board in circumstances where a Major Project Site Plan Review Special Permit is required or where the use is proposed within the Center Business zoning district. Outside of those circumstances the Zoning Board of Appeals is the special permit granting authority. The special permit requirement would allow for a meaningful review of design and transportation impacts, as well as a greater level of oversight and assurance that the facilities will be operated in a manner that is consistent with the intent of the zoning and other regulations.

TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

I. Types of Licenses to be Granted in Needham

II. Compliance

III. Special License Provisions

IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town

V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders

VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms

VII. Rules and Regulations applicable to Clubs and Veterans Organizations seeking and issued Alcoholic Beverage Licenses within the Town authorized by Special Act of the General Court (Chapter 3 of the Acts of 1977)

VIII. Rules and Regulations applicable to One-Day Special Event Licenses

IX. Rules and Regulations applicable to Package Stores

X. Rules and Regulations Applicable to Farmer Series Pouring Permittees

XI. -Violations – Determination of Penalties

Licensing Authority: Select Board ***Revision Date: 8/18/2020***

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

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

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

1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)

1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)

1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)

1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)

1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules

& Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

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

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

1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word "license", "licensee", and "licensed premises" shall include a "Farmer Series Pouring Permit", "Farmer Series Pouring Permittee", and "premises subject to a Farmer Series Pouring Permit", respectively, unless otherwise noted.

II. COMPLIANCE

2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.

2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission or the Town's bylaws may result in the revocation, suspension or cancellation of the license.

III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)

3.1 Bar Service The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:

Commented [IF1]: As drafted, this provision is not applicable to Farmer Series Pouring Permittees. To the extent that the Board wants to impose limitations on bar areas, it can either expand this provision to apply to FSPP or add conditions in the FSPP section below.

a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas;
b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may after hearing, with notice pursuant to M.G.L. Chapter 138 section15A, authorize a greater number where such seats are intended for food service customers as part of the licensee's business plan;
c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas; and
e) Each licensee with bar seating shall annually as part of its license renewal application provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds thirty-five percent (35%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing modify the license to require the licensee to reduce its amount of Bar Service Area seating.

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

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

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

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

4.2 Hours of Operation
~~The hours during which the sale of all alcoholic beverages may be made in a dining~~

~~room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.~~

4.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p m. on secular days and from 10:00 a m. to 11 p m. on Sundays, unless otherwise determined by the Select Board.

4.2.2 The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p m. on Sundays, unless otherwise determined by the Select Board. Holiday sales hours are further limited to the holiday schedule set by the ABCC.

4.2.3 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

4.2.4~~2~~ Except for alcohol sold by a Farmer Series Pouring Permittee, t~~T~~he hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

Commented [IF2]: The FSPP section has various options. If the Board elects to require a CV for all FSPP, then the Board should remove this reference.

4.2.5 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.

4.2.6~~3~~ No alcoholic beverages shall be served for on premises consumption within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

4.2.7~~4~~ All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

4.2.8~~5~~ With the exception of the licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licensee will have employees working on the licensed premises in excess of sixty (60) minutes

before or after the serving times, the licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

4.3 Payment of Charges and Taxes

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

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

4.4.1 Abutter Notification

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

4.4.2 Insurance

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

4.4.3 Fees

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

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

4.4.3.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The payment of the license fee shall be by

cash, certified check or bank treasurer's check payable to "Town of Needham." The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12 and Farmer Series Pouring Permittee)

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

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

Commented [IF3]: This is assuming the Board will permit FSPP to have areas where tables are not required. Remove if that is not the case.

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

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

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

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

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

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

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

4.6 General and Miscellaneous Provisions

4.6.1 No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1 (~~lk~~). This does not apply to package stores and sales conducted pursuant to G.L. c.138, §19C or §19D.

4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on its~~this~~ license, including a license issued by the Alcoholic Beverages Control Commission only. No change of such area or location shall be made without prior written approval of the Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

4.6.3 The licensed premises must be well lighted at all times.

4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.

4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.

4.6.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.

4.6.7 Except for Farmer Series Pouring Permittees, fFood service shall be available in all areas where alcoholic beverages are to be served for consumption on premises.

4.6.8 Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores, Farmer Series Pouring Permittees, and one day licenses are excluded from this provision.

4.6.9 No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.

4.6.10 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise licensees only, including Farmer Series Pouring Permittees).

4.6.11 At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverage server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.

a) A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

b) Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee

Commented [IF4]: See comment above.

Commented [IF5]: It is common that FSPP rely on food trucks or take out establishments to provide food, which is typically not served on dinnerware. Additionally, in a brewery, it may be the preference to serve in plastic for certain events or for safety reasons. It is a Board decision whether to apply this provision to FSPP. Staff recommendation was to exclude FSPP.

Commented [IF6]: Policy decision for the Board. Staff recommendation was to keep FSPP on the same playing field as restaurants.

will provide an approved training program certificate of completion for the manager to the Town with the application.

c) All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Select Board once every two years. Newly hired employees shall complete a Town-approved training program upon employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.

d) No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.

4.6.12 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

Commented [IF7]: This provision applies currently to S.15 package stores only (9.1.5 and 9.1.6). You may want to consider moving it here so it applies to all licensees. Alternatively, you could put this only in the FSPP section.

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

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

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

5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.

5.2 Each applicant shall submit to the Select Board with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Select Board for the sale of alcoholic beverages is requested.

5.3 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.

5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.

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

Commented [IF8]: As a reminder, this does not apply to FSPP.

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

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

6.2 The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.

6.3 No function room may be separately licensed.

6.4 No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve-month period immediately preceding the filing of an application. When deemed appropriate by the Select Board this provision may be waived.

6.5 Service of food must be available in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.

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

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

7.1 Every club applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Board.

7.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.

7.3 Each applicant shall furnish the Licensing Board with a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Board.

7.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.

7.5 Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

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

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

8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a m. and 12:00 a m. on secular days and 12:00 p m. and 12:00 a m. on Sundays.

8.2 One-Day licenses are exempt from the legal notice and publication requirements.

8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.

8.4 No person shall be granted a special license for more than 30 days in a calendar year.

8.5 Forms and documentation required for One-Day Special License:

a) ABCC Notice of Approval of Special License (completed by the Town)
b) Town of Needham Select Board Event Information Sheet
c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
e) Written evidence of the owner's permission to use the proposed licensed premises.
f) Proof of Non-profit Status (if request is for all alcoholic beverages).
g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

8.6 The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such special One-Day License where sale of alcoholic beverages is taking place.

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

Commented [IF9]: As a reminder, this does not apply to brew pubs or breweries, as those are licensed under the ABCC's rules.

9.1 General Provisions

9.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such licensees may employ a person under the age of 21 who does not directly handle, sell,

store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

9.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store licensee upon or within the licensed premises, or upon any area under the direction and control of the licensee.

9.1.3 Where the liquor licenses are granted to serve the public, licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.

9.1.4 No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.

9.1.5 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.

9.1.6 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

9.1.7 The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Select Board. In determining suitability for licenses, the Select Board will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.

9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.

9.1.9 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the licensee will comply with the Town of Needham Sign By-law, as from time to time amended.

9.1.10 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or

advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.

9.1.11 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

9.2 Hours Of Operation

9.2.1 For all deliveries conducted off the licensed premises, the licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

a) Deliveries must be made during the operating hours of the store.
b) Deliveries shall be made by persons no less than 21 years of age.
c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

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

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

9.3 Consumption On Premises Prohibited Except Sample Tastings

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

9.4 Limitations On Transferability Of Off-Premises Section 15 Licenses

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

9.5 Food Store Alcohol License Requirements

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

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

9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Select Board. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Select Board of plan to properly secure all alcoholic beverages on the premises from public access during that time.

9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

X. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

10.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Famer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on submittal of such ABCC license.

10.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located [*other things?*]. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

10.3 Premises

[Does the Board want to consider establishing a limit on the amount of open floor space, the number of required tables as compared to the occupancy, or maximum amount of bar seating?]

10.4 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge

10.5 Occupancy

Where required by the Select Board, the licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

10.6 Food Service

[Below are some options for the Board to consider.]

Option 1: *The Permittee shall hold a Common Victualler's License and operate a full kitchen. The Permittee must comply with Section 4.6.7 and Section 4.6.8.*

Option 2: *The Permittee shall have a contractual arrangement with a licensed Common Victualler or mobile food truck business to bring food onto the premises. The Permittee shall provide documentation of this arrangement with its application. The Permittee shall notify the Board prior to modification of this arrangement. If at any time*

Commented [IF10]: The Board will need to revise these sections to remove the exclusion for FSPP.

Commented [IF11]: The Board could provide qualifiers about what this arrangement must look like (hours per day, days per week, etc).

the arrangement to provide food ceases to exist, the Permittee shall notify the Select Board immediately and, unless otherwise authorized by the Select Board, discontinue any on premises sales until a new arrangement is established and approved by the Select Board.

Option 3: The Permittee shall permit patrons to bring food onto the premises, including food delivered from licensed Common Victuallers.

Option 4: No food service requirement.

Option 5: Combination of the above. Something else entirely?

10.7 General Conditions

[Does the Board want to permit sale of pitchers? It is currently permitted for Rest. Licensees, so the Board wants to be consistent.]

XI. VIOLATIONS – DETERMINATION OF PENALTIES

110.1 Any violation of the Town's Liquor Regulations, Regulations of the Alcoholic Beverages Control Commission, and/or General Laws Chapter 138 may be grounds for action by the Select Board (Board), as Local Licensing Authority, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

110.2 In determining the appropriate action in any given case, the Board will consider the violation alleged, the facts of the case, other relevant factors including the licensee's prior record, and aggravating or mitigating circumstances.

110.3 In ordering suspensions, the Select Board may, within its discretion, order a suspension with one or more days to be served and the remainder to be held in abeyance for such time as the Select Board may determine.

110.4 A licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

110.5 A licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

110.6 On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or

Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

11~~0~~.7 The town conducts, and expects to continue to conduct, routine compliance checks of licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department.

11~~0~~.7.1 The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the licensee's prior record, and aggravating or mitigating circumstances

11~~0~~.7.2 In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

11~~0~~.7.3 Compliance Check Violation Guideline Penalties:

11~~0~~.7.3.1 FIRST OFFENSE:
Written warning, or Suspension of one day.

11~~0~~.7.3.2 SECOND OFFENSE:
Suspension, one to three days.

11~~0~~.7.3.3 THIRD OFFENSE:
Public hearing required.
Suspension, three to five days.

11~~0~~.7.3.4 FOURTH OFFENSE:
Public Hearing required.
Suspension, Five (5) to Ten (10) Days
Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.

11~~0~~.7.3.5 FIFTH OFFENSE:
Public hearing required.
Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, compulsory initiation by the licensee of transfer of ownership to a

responsible party to be approved by the Board, non-renewal, or revocation of the license.

APPROVED:	6/14/77
Amended and revised:	11/18/97
Amended and revised:	2/9/99
Revised fee schedule:	12/7/99
Revised fee schedule:	12/5/00
Revised and approved:	8/20/02
Fee changes	12/21/04
Addition of Liquor Liability Insurance:	1/25/05
Addition of One-Day License:	1/25/05
Amended and revised:	11/14/06
Amended and revised:	6/22/10
Amended and revised:	12/18/12
Amended and revised:	5/13/14
Amended and revised:	9/10/2014
Amended and revised:	11/9/2016
Amended and revised:	7/25/2017
Amended and revised:	8/18/2020

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD

Last updated: 6/10/2022

	Existing Select Board Regulations		Proposed Additions to Select Board Regulations	
Business Type	**Package Store**	**Restaurant**	**Brew Pub**	**Microbrewery**
State (ABCC) Liquor License type	M.G.L. c.138, §15	M.G.L. c.138, §12	M.G.L. c.138, §19D Pub Brewery license	M.G.L. c.138, §19C Farmer-Brewery license
Local (Select Board) Liquor License type	§15 - Package Store All Alcoholic Beverages or Package Store Wine and Malt Beverages License	§12 - Restaurant All Alcoholic Beverages or Restaurant Wine and Malt Beverages License	§12 - Restaurant All Alcoholic Beverages or Restaurant Wine and Malt Beverages License	§19C - Farmer Series Pouring Permit
Local license counts towards Town quota?	Yes	Yes	Yes	No
On-premises consumption allowed?	No	Yes (per local license)	Yes (per local license); can sell malt beverages that they produce, and other forms of alcohol made by others (subject to if they have an All Alcohol vs. Wine and Malt license)	Yes (per local permit); can only sell malt beverages produced by the brewery or produced for the brewery and sold under the brewery brand (per state)
Off-premises consumption allowed?	Yes (per local license)	"To go" alcohol currently allowed under state law until April 1, 2023. Restrictions apply.	Yes (per state license); can sell what they produce to licensed wholesalers, manufacturers, and retailers. Can sell by the bottle (not to exceed 2 gallons) direct to consumers for off-premises consumption. "To go" alcohol currently allowed under state law until April 1, 2023. Restrictions apply.	Yes (per state license); can sell what they produce to licensed wholesalers, manufacturers, and retailers, as well by the bottle direct to consumers.
Food requirement, % of sales req	n/a	Yes, must hold a Common Victualler's license; alcohol sales cannot exceed 35% of total sales.	Yes, must hold a Common Victualler's license; alcohol sales cannot exceed 35% of total sales.	TBD - pending Board discussion

Last updated: 6/10/2022

	Existing Select Board Regulations		Proposed Additions to Select Board Regulations	
Business Type	**Package Store**	**Restaurant**	**Brew Pub**	**Microbrewery**
Space, seat limits for bar area	n/a	Bar Service area limited to 15 seats or 20% of total seats, unless otherwise approved by the Board.	Bar Service area limited to 15 seats or 20% of total seats, unless otherwise approved by the Board.	TBD - pending Board discussion
Hours of operation	Monday - Saturday: 9 am - 10 pm; Sunday: 12 pm - 6 pm; unless otherwise determined by the Select Board.	Monday - Saturday: 11 am - 11 pm; Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board.	On-premises consumption: Monday - Saturday: 11 am - 11 pm Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board. *Set by ABCC* - Sales for off-premises consumption: 8am and 11pm or between 8am and 11:30pm on any day immediately preceding a legal holiday, except when otherwise restricted by the ABCC.	On-premises consumption: Monday - Saturday: 11 am - 11 pm Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board. *Set by ABCC* - Sales for off-premises consumption: 8am and 11pm or between 8am and 11:30pm on any day immediately preceding a legal holiday, except when otherwise restricted by the ABCC.
Abutter notifications	Same rules apply to all.	Same rules apply to all.	Same rules apply to all.	Same rules apply to all.
Violations/penalties	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)
Alcohol Safety Training Requirements	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)
Fees	See fee schedule	See fee schedule	Recommendation to align with Restaurant fees (either All Alcoholic or Wine/Malt based on Section 12 license type)	Recommendation to add a separate Farmer Pouring License Fee for clarity and set the rate to match the Restaurant wine/malt fee

Schedule of Town of Needham
FEES

CALENDAR YEAR 2022

Town of Needham Fees: Checks payable to Town of Needham

ON PREMISE ALCOHOLIC BEVERAGE

$2,262	Innholders
$2,012	Restaurants - All Alcoholic
$ 750	Restaurants –Wine /Malt
$ 255	Clubs
$ 150	New License/Transfer License (On Premise & Off Premise Licenses)
$ 100	Change in License (On Premise & Off Premise Licenses)

Includes: Change of Manager
Pledge of License/Stock
Alteration of Premises
New Officer/Director
Change of Corporate Name or D/B/A
Most other changes

OFF PREMISE PACKAGE STORE

Initial	Renewal	
$3,500	$2,500	Retail Package Goods Store, All Kinds of Alcoholic Beverages
$3,000	$2,000	Retail Package Goods Store, Wine & Malt Beverages Only

MISC. LICENSES/PERMITS

Automatic Amusement	$ 50 each machine
Bowling	$ 10 each lane
Class I and Class II	$ 200
Common Victualler Licenses	$ 100
Innkeeper	$ 25
Livery	$ 25
Lodging License	$ 50
One-Day Special Liquor License	$ 25
Pool Table	$ 25
Sunday Public Entertainment	$ 100
Weekday Public Entertainment	$ 100
Road Race	$ 25
Second Hand Articles	$ 25
Sunday Entertainment	$ 100
Taxi	$ 10 each cab

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 06/14/2022

Agenda Item	Remote Participation by Members of Public Bodies
Presenter(s)	Katie King, Assistant Town Manager/Operations

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Since the start of the pandemic, the State has provided certain flexibilities to the Open Meeting Law (M.G.L. c.30A, §§18-25). Those flexibilities are set to expire on July 15, 2022. As of this date, all public bodies will be required to provide in-person access for the public and all members of public bodies would be required to attend meetings in person. The Select Board can adopt a policy under 940 CMR 29.10 and authorize the Town manager to allow members of public bodies to participate remotely in limited circumstances.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board vote to adopt the Member Remote Participation in Public Meetings Policy, and to authorize the Town Manager to implement remote participation consistent with said policy pursuant to 940 CMR 29.10(2)(a) and, further, to encourage all Town boards, commissions and committees to continue to provide a means for the general public to view public meetings remotely.

3.	**BACK UP INFORMATION ATTACHED**

a. Memo - 6/10/2022
b. Draft Policy - Redlined
c. Member Remote Participation in Public Meetings Policy - Clean

MEMORANDUM

TO:	Select Board
CC:	Kate Fitzpatrick, Town Manager; David Davison, Assistant Town Manager/Director of Finance; Chris Heep, Town Counsel
FROM:	Katie King, Assistant Town Manager/Director of Operations
SUBJECT:	Remote Participation Policy for Public Meetings
DATE:	June 10, 2022

At your meeting on May 24th, we discussed a draft Select Board policy to allow board and committee members to participate remotely in public meetings, to the extent permitted under the Open Meeting Law[1]. State-provided flexibilities to the Open Meeting Law that were put in place early in the pandemic, which have allowed regular remote participation by board and committee members and members of the public, are set to expire on July 15, 2022. A summary of what will be allowed is in the table below.

Scenario	Board & Committee Members	Public Access & Participation	What is allowed as of July 15, 2022?
1	Remote only.	Remote only.	Not allowed after July 15, 2022. The public must be provided an in-person option to access meetings, per state law.
2	Hybrid: remote & in-person		
3	In-person.		
4	Hybrid: remote & in-person	Hybrid: remote & in-person	Not allowed unless the Select Board adopts a policy to allow board and committee members to participate remotely.
5	In-person.	Hybrid: remote & in-person	Allowed.
6		In-person.	

Of note, the Massachusetts Senate passed an extension to these Open Meeting Law flexibilities until December 15, 2023 in their FY23 budget. The House did not include an extension, so this matter will be reconciled in the final conference committee budget that is sent to the Governor. Having a local policy in place now will provide Needham boards and committees with clear guidance on how to transition their meeting operations, while the state policy decisions remain in flux.

A copy of the Select Board's draft *Member Remote Participation in Public Meetings Policy* (dated 5/25/2022) was shared with Town boards and committees for their feedback. Their feedback has been shared with the Board in advance of this meeting. The following changes were made to the draft policy based on the input received:

[1] M.G.L. c.30A, §§18 - 25: https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A
940 CMR 29.10: https://www.mass.gov/regulations/940-CMR-2900-open-meetings

- **Section 2.3**: language was added to clarify that the Needham Commission on Disability is not subject to this policy. Under state law, Commissions on Disability may independently authorize remote participation for their members.
- **Section 4, paragraph 2**: “or family” was added to clarify that a family member’s illness may be considered an extenuating circumstance.
- **Section 4, paragraph 3**: The limitation that a member can participate only 25% of the time was adjusted to be “over a calendar year.” The change maintains that members are in-person for 75% of meetings, but provides flexibility for individual circumstances when a member may need to participate remotely for consecutive meetings, rather than sporadically throughout the year.
- **Section 4, paragraph 4**: added “allow or” for clarity that the Chair determines if a remote participation request is approved or declined.
- **Section 6.3**: replaced “and the reason for their remote participation” with “as approved by the chair”. This allows the chair to publicly affirm that the remote participation is in accordance with this policy without disclosing health or other personal information of the member attending remotely.

These changes are reflected in the redlined version of the policy dated 6/10/2022 and the clean version of the policy dated 6/14/2022 that are in this agenda packet for your review.

Town of Needham Select Board

Policy Number:	SB-ADMIN-008
Policy:	Member Remote Participation in Public Meetings
Date Approved:	
Date Revised:	
Approved:	_____Chair, Select Board

Section 1. Purpose

The Office of the Attorney General's Open Meeting Law regulations at 940 CMR 29.10 allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town boards and committees are strongly encouraged to attend meetings in person whenever possible, the regulations and this policy seek to promote greater participation in government meetings by allowing members to participate remotely when physical attendance would be unreasonably difficult.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town boards and committees under the Open Meeting Law, M.G.L. c.30A, §§18-25. Under the enabling authority of 940 CMR 29.10(8), a municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

This policy applies to the remote participation of Town board and committee members only, not to how members of the public access open meetings. The Select Board encourages all boards and committees to provide a means for the general public to view and participate in public meetings remotely and have recordings made available to the public.

Section 2. Policy

2.1 The Select Board, on [DATE], voted to adopt this policy and to authorize the Town manager to approve remote participation for meetings of all local public bodies within the municipality. In accordance with 940 CMR 29.10(3), the Town's adoption of remote participation can be revoked at any time.

2.2 In accordance with 940 CMR 29.10(2)(g) and M.G.L. c.30A, §20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote

participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

2.3 This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, subcommittees and working groups regardless of whether such public bodies are appointed or elected, with the exception of the Commission on Disabilities which may independently authorize remote participation in accordance with 940 CMR 29.10.

2.4 Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

Section 3. Minimum Requirements for Remote Participation

3.1 Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c.30A, §20(d).

3.2 A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

3.3 Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

3.4 Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c.39, §23D.

Section 4. Permissible Reasons for Remote Participation

It is the express desire of the Select Board that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A board or committee member may attend a meeting through electronic conferencing if their physical presence would be unreasonably difficult, due to extenuating circumstances, including but not limited to:

- Personal or family illness or disability;
- a family or other emergency;
- military service; or

- geographic distance.

No member of a board or committee will be allowed to join the board or committee meetings remotely more than 25% of the time, over a calendar year, ~~(1 out of 4 meetings)~~ except in extraordinary circumstances. ~~This provision must be met from the fourth meeting of the board or committee on (i.e., a member can only remotely participate in one of the first four meetings of the board or committee).~~

The chair or the person designated to chair the meeting may allow or decline to allow remote participation that is not consistent with the terms of this policy; any such determination shall be final and shall not be appealable.

Section 5. Acceptable Methods of Remote Participation

5.1 Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

5.2 Telephone, internet, or satellite enabled audio or video conferencing are all acceptable methods of participation.

5.3 Other technology that enables the remote participant and all persons present at the meeting location to be clearly audible is acceptable. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

5.4 The Town does not guarantee that sufficient technology for remote participation will be available for any given meeting.

5.5 Any costs incurred by a remote participant will not be reimbursed by the Town.

Section 6. Procedures

6.1 Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of their desire to do so and the reason for and facts supporting their request.

6.2 Prior to the meeting the chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available then the chair shall deny the request for remote participation.

6.3 At the start of the meeting, the chair shall announce the name of any member who will be participating remotely, as approved by the chair. ~~and the reason for their remote participation.~~ This information shall also be recorded in the meeting minutes.

6.4 All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

6.5 If technical difficulties arise as a result of utilizing remote participation the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location.

6.6 If communication problems inhibit the progress of the meeting, the chair must decide whether to continue the meeting, suspend the meeting, or terminate the participation of the remote participant. In the event that more than one member remotely participates, the chair shall evaluate each connection separately and may elect to terminate the participation of one or more of the remote participants should technical difficulties inhibit the progress of the meeting. The meeting minutes must reflect any such decision.

6.7 If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

6.8 Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.

DRAFT

Town of Needham Select Board	
Policy Number:	SB-ADMIN-008
Policy:	Member Remote Participation in Public Meetings
Date Approved:	
Date Revised:	
Approved:	_____Chair, Select Board

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This policy applies to the remote participation of Town board and committee members only, not to how members of the public access open meetings. The Select Board encourages all boards and committees to provide a means for the general public to view and participate in public meetings remotely and have recordings made available to the public.

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2.2 In accordance with 940 CMR 29.10(2)(g) and M.G.L. c.30A, §20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If

a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

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- Personal or family illness or disability;
- a family or other emergency;
- military service; or
- geographic distance.

No member of a board or committee will be allowed to join the board or committee meetings remotely more than 25% of the time, over a calendar year, except in extraordinary circumstances.

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Section 6. Procedures

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6.3 At the start of the meeting, the chair shall announce the name of any member who will be participating remotely, as approved by the chair. This information shall also be recorded in the meeting minutes.

6.4 All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

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Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	557 Highland Avenue/Highland Innovation Center Project
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Board will discuss comments that it may wish to submit to the Planning Board as part of the permitting process for the 557 Highland Avenue/Highland Innovation Center Project.	
2.	**VOTE REQUIRED BY SELECT BOARD**
Suggested Motion: That the Board authorize the Town Manager to forward a letter to the Planning Board relative to the Highland Innovation Center Project	
3.	**BACK UP INFORMATION ATTACHED**
a. Draft letter to the Planning Board (Under Separate Cover)	

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 6/14/2022

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
Board members may report on the progress and / or activities of their Committee assignments.	
2.	**VOTE REQUIRED BY SELECT BOARD**
3.	**BACK UP INFORMATION ATTACHED**
None	

Business	License Type	Alcohol Served	Prior Violations	Penalty Guidelines	Recommeneded Penalty
Latin-A Group LLC d/b/a Latina Kitchen and Bar	Restaurant	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning
Lianos Liquors, Inc. d/b/a Needham Center Wine & Spirits	Package Store	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning
Reveler Beverage Company, LLC d/b/a Reveler Beverage	Package Store	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning
The Needham General Store LLC d/b/a Needham General Store	Package Store	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning

Town of Needham
Select Board
Minutes for April 5, 2022
Needham Town Hall
Select Board Chambers
And
Via Zoom
https://us02web.zoom.us/j/89025802900

6:00 PM Call to Order:
A meeting of the Needham Select Board was convened by Chair Matt Borrelli. Mr. Matthews announced this open meeting is being conducted in a hybrid manner consistent with current Commonwealth Executive Orders due to the current state of emergency from the outbreak of the COVID-19 virus. Present were Matt Borelli, Vice Chair Marianne Cooley, Select Board Member Dan Matthews, Select Board Member Kevin Keane, Town Manager Kate Fitzpatrick, and Support Services Manager Myles Tucker. Select Board Clerk Marcus Nelson was not in attendance.

Mr. Borrelli reminded the Board that in the absence of a Clerk, necessary for signing documents at this meeting, and requested a motion to install Mr. Matthews as Clerk for the meeting.

6:02 PM **Motion:** Mr. Keane: Install Mr. Matthews as Clerk of the Board for the Special Meeting on 5 April 2022. Second: Ms. Cooley. Vote: 4-0.

6:03 PM Mr. Borrelli called on Dave Davison, Assistant Town Manager/Director of Finance, to discuss the first agenda item, Approval of the Sale of Bonds and Notes.

Mr. Davison explained that the reason the sale is before the Board today is to secure the lowest possible interest rate in a period of increasing rates. The Town has maintained its AAA bond rating, as affirmed by S&P on 30 March 2022.

Mr. Davison continued that the Town offered $10,850,000 in bonds, for which the Town received seven bids. Piper, Sandler, and Co. offered the lowest rate – 3.5% over the course of the 15-year loan, with a premium offered of $898,438. This premium, per Massachusetts General Law, is allowed to be applied immediately and to pay issuance costs. The use of the premium reduced the bond issue to $10,115,000, lowering the amount of principal to be repaid, and hence reducing overall cost to taxpayers. Mr. Davison further noted that the residual premium will be reserved for similar projects or de minimis amounts for debt service at the discretion of the Town. The proceeds will be used to pay expenses for the Public Safety Buildings project.

Mr. Davison also reviewed the sale of the Bond Anticipation Note (BAN) in the amount of $2,761,000. The Town received three bids. The lowest bidder was TD

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Securities with an interest rate of 1.50% with a premium of $579.81 resulting in a net interest cost of 1.3761%. The Town will pay off the entire $2,761,000 BAN when it matures on June 15, 2022. The proceeds will be used to paydown expenses on a series of other capital projects

Mr. Davison explained that there are nine motions to be voted by the Board. Mr. Matthews, in his role as Clerk will need to certify the Vote of the Select Board.

Mr. Borrelli thanked Mr. Davison for the summary, congratulated him and Town staff on the AAA bond rating, and asked Mr. Davison if on the fifth attachment that placeholders would be filled in, to which Mr. Davison responded in the affirmative.

Mr. Borrelli asked further if Mr. Davison anticipates changing any interest rates assumptions for the facility financing plan, to which Mr. Davison responded that his view is conservative and that even the current interest rates still fall below 6-7% used for long-term projections.

Mr. Borrelli asked if there was a reason for a 15-year term versus a longer term, to which Mr. Davison replied that the term aligns with the planned retirement of debt to balance the repayment schedule.

Mr. Matthews summarized the proceedings for the audience, to include that the Town is borrowing a large sum of money, for a long time, and that the younger people in the room may be homeowners and taxpayers during that period.

Ms. Cooley noted her appreciation for Mr. Davison's conservatism.

Ms. Fitzpatrick remarked that the Board may see a bond sale for Emery Grover sooner than later to take advantage of current interest rates.

6:28 PM Motion: Ms. Cooley: Move that the sale of the $10,115,000 General Obligation Municipal Purpose Loan of 2022 Bonds of the Town dated April 14, 2022 (the "Bonds"), to Piper Sandler & Co. at the price of $10,933,239.75 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

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Year	Amount	Interest Rate	Year	Amount	Interest Rate
2022	$3,225,000	5.00%	2030	$485,000	5.00%
2023	510,000	5.00	2031	485,000	5.00
2024	510,000	5.00	2032	485,000	5.00
2025	510,000	3.00	2033	480,000	4.00
2026	510,000	5.00	2034	480,000	3.00
2027	505,000	5.00	2035	480,000	3.00
2028	485,000	5.00	2036	480,000	3.00
2029	485,000	5.00			

Second: Mr. Keane. Vote: 4-0.

Mr. Davison remarked that the true rate deviates from the listed rate because the buyer's premium is included in the true rate.

6:29 PM **Motion:** Mr. Keane: Move to approve the sale of a $2,761,000 1.50 percent General Obligation Bond Anticipation Notes of the Town dated April 14, 2022, and payable June 15, 2022 (the "Notes"), to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of $579.81. Second: Ms. Cooley. Vote: 4-0.

6:29 PM **Motion:** Ms. Cooley: Move that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 29, 2022, and a final Official Statement dated April 5, 2022 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted. Second: Mr. Keane. Vote: 4-0.

6:30 PM **Motion:** Mr. Keane: 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 March 29, 2022, and a final Official Statement dated April 5, 2022, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted. Second: Ms. Cooley. Vote: 4-0.

6:30 PM **Motion:** Ms. Cooley: Move that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. Secord: Mr. Keane. Vote: 4-0.

6:31 PM **Motion:** Mr. Keane: Move that the Acting Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time. Second: Ms. Cooley. Vote: 4-0.

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6:31 PM **Motion:** Mr. Keane: 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 Bonds and Notes and to comply with relevant securities laws. Second: Ms. Cooley. Vote: 4-0.

6:32 PM **Motion:** Mr. Keane: Move that any certificates or documents relating to the Bonds and the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Second: Ms. Cooley. Vote: 4-0.

6:32 PM **Motion:** Ms. Cooley: Move that each member of the Select Board, the Town Clerk and the Acting Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. Second: Mr. Keane. Vote: 4-0.

The Board at this time conducted requisite signing of the bond documents from 6:32 PM to 6:39 PM.

6:39 PM Mr. Borrelli asked Mr. Davison to describe the second agenda item, Sewer Rate Relief.

Mr. Davison remarked that the Board set rates over the winter, to include a sewer rate relief from the Commonwealth of $283, payable to each rate payer at a rate of 3 cents per rate payer. The total the Commonwealth allowed this year was $1,800,000 compared to $52,000,000 the year prior, explaining the small relief per rate payer relative to prior years.

Mr. Matthews asked if there was a possibility to allow flexibility in relief, to which Mr. Davison replied that there were some restrictions, to include debt relief.

6:41 PM **Motion:** Mr. Matthews: Move to accept the rate relief. Second: Ms. Cooley. Vote: 4-0.

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6:43 PM **Motion:** Ms. Cooley: Move to adjourn. Second: Mr. Matthews. Vote: 4-0. Meeting adjourned.

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Town of Needham
Select Board Meeting Minutes
May 9, 2022
Needham Town Hall
Select Board Chambers

6:55 p.m. Call to Order:
A special meeting of the Select Board was convened by Chair Marianne Cooley. Present were Clerk Kevin Keane, Matt Borrelli, Heidi Frail, Town Counsel Chris Heep and Town Manager Kate Fitzpatrick. Vice Chair Marcus Nelson joined the meeting at 7:05 p.m.

Motion: by Mr. Borrelli that the Board enter into executive session to consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Ms. Cooley so declared. Second: Mr. Keane. Unanimously approved 4-0 by roll call vote.

7:20 p.m. The Board reconvened in open session.

7:20 p.m. **Motion: by Mr. Borrelli that the Board adjourn its meeting simultaneously with the adjournment of Town Meeting. Second: Mr. Nelson. Unanimously approved 5-0.**

Note: The Annual Town Meeting adjourned for the evening at 9:15 p.m.

Town of Needham
Select Board
Minutes for Tuesday, May 10, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM
https://us02web.zoom.us/j/87942749004

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne B. Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Christopher Heep, Town Counsel, Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

6:00 p.m. Public Comment Period: No comments were heard.

6:01 p.m. Public Hearing: Grant of Location - 500 Dedham Avenue
Joanne Callender, Eversource Representative (via Zoom) spoke with the Board requesting permission to install a new pole on and approximately 21 feet of conduit in Dedham Avenue. This work is necessary to provide underground service to 500 Dedham Avenue, Needham.

Hank Haff, Public Facilities Dept., Sr. Project Manager spoke about the grant program Massachusetts Electric Vehicle Incentive Program (MassEVIP) for installing electric vehicle charging stations. Discussion ensued on charging stations already installed in parking areas at Rosemary Recreation Center and on Chestnut Street in the downtown. He noted Needham is applying for a third charging station to be located to the right of the entrance to the PSAB building.

Discussion ensued on electric vehicle charging stations, fees, and the best locations in Needham for charging stations, and the role of the Climate Action Plan Committee.

Ms. Fitzpatrick, Town Manager confirmed all paperwork is in order for the Grant of Location.

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

Motion by Mr. Borrelli the Select Board approve and sign a petition from Eversource Energy to install a new pole on and approximately 21 feet of conduit in Dedham Avenue.
Second: Ms. Frail. Unanimously approved 5-0.

6:20 p.m. Public Works Week Proclamation:

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Ed Olsen, Department of Public Works – Acting Assistant Director spoke with the Board and requested the Board vote to proclaim the week of May 16th to 22nd as National Public Works Week. A brief presentation was viewed.

Mr. Nelson read a Proclamation recognizing the week of May 16th to May 22nd as National Public Works Week in the Town of Needham.

Motion by Mr. Nelson that the Select Board vote to approve and sign the Public Works Week Proclamation.
Second: Mr. Borrelli. Unanimously approved 5-0.

6:28 p.m. Public Hearing – Dangerous Dog Hearing (continued from April 13, 2022):
Police Chief John Schlittler has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog by the name of "Axel" residing at 233 West Street in Needham. Diana Rasoul-Agha, Dog Owner (via Zoom) and Jeremy Cohen, Counsel (via Zoom) spoke with the Board regarding "Axel" who was deemed a "dangerous dog."

Ms. Cooley opened the public hearing saying this is the second session regarding a dog named "Axel." She noted the Select Board imposed a number of conditions, reviewing each to understand what has been/not been done in response to conditions set by the Board. Discussion ensued on fencing, use of a dog pen, securing the property, training, neutering, proof of insurance, payment of veterinary bills, and weekly progress updates from the dog owner on the conditions set by the Board.

Ms. Rasoul-Agha agreed to provide a weekly update to Chief Schlittler on Thursdays.

Attorney Heep clarified dates of when he sent the Board's order to Attorney Cohen and when he received the first update from Attorney Cohen.

Ms. Cooley invited comments from the Board.

Mr. Borrelli said the concern of the Select Board was to make sure it had information in a timely manner. He said it is unclear to him whether the fence is in compliance and that he supports the police checking the property as often as they deem reasonable. He said the continuation of the hearing is to continue the "second chance," but once credibility is breached discussion will be different. He noted the Select Board is trying to work with Attorney Cohen and Ms. Rasoul-Agha to achieve the best outcome. Mr. Borrelli said the Town must look out and protect the neighbors surrounding the property and go by the law as written. He asked about continuing the hearing to ensure compliance before making a final ruling.

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Attorney Heep concurred continuing the hearing is a reasonable approach. He noted 9 conditions the dog owner must meet, saying a number of the conditions remain incomplete, in process, or are outstanding.

Ms. Cooley commented the Board will continue the public hearing to Tuesday, May 24, 2022. She thanked Ms. Rasoul-Agha and Attorney Cohen for the update and that the Board looks forward to continued progress and seeing photos of the dog pen.

Motion by Mr. Nelson that the Select Board vote to continue Public Hearing – Dangerous Dog Hearing to Tuesday, May 24, 2022 at 6:00 p.m.
Second: Mr. Borrelli. Unanimously approved 5-0.

6:55 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 3 items:

1. Goal Setting Preparation
   Ms. Fitzpatrick discussed with the Board the process for reviewing its goals for FY2023/FY2024. She referred to "Select Board Goal Statement, Adopted August 17, 2021, Revised January 11, 2022," saying progress has been remarkable. She commented on funding for various projects approved by Town Meeting including Ridge Hill Building Demolition, Community Farm long term planning, DPW Refresh, evaluating RTS Delivery Service model, Household Trash Removal, School Administration building renovation, among other items. She commented on sending the goals list to other boards and committees to ask them if there are specific items they would like the Select Board to discuss for potential inclusion.

   The Board thanked Ms. Fitzpatrick for the update.

2. American Rescue Plan Act (ARPA) Update
   Ms. Fitzpatrick provided the Board an update on ARPA spending, commitments, grants, and projects. She commented on the Water/Sewer Drains Infrastructure category including the Walker Pond project, the Economic Development category including the Grant Program, Rental of Tents, and Public Art, and the items under the COVID-19 Direct Impact category including hiring an epidemiologist.

   The Board thanks Ms. Fitzpatrick for the update.

3. Town Manager Report
   Ms. Fitzpatrick reported the 2022 community survey was mailed to 2,800 households and that the survey will also be available on the Town's website and social media next week.

   Ms. Fitzpatrick told the Board the Town was approved by the governor as a Housing Choice designated community, noting eligibility to apply for special

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grants. She commented the designation also recognizes the work the Town has done to encourage housing.

Ms. Fitzpatrick thanked boards and committees for their amazing support this year on the many initiatives undertaken by the Town. She commented on employee and union relations, particularly Public Safety, noting Public Safety is a reason why Needham is such a well run community. She said she is grateful for the support of Town Meeting, noting many people have worked very hard on some difficult issues.

7:14 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: No Appointments were made at this meeting.

CONSENT AGENDA *=Backup attached

1. **Approve a one-day Weekday Entertainment License for Needham Music, Inc for Saturday, May 14, 2022**
2. **Accept the following donation made to the Needham Community Revitalization Trust Fund: $100 from the Needham Diversity Initiative Inc.**
3. **Accept the following donations made to Needham Aging Services: for in-kind donation of personal care products worth $2,200 from the Boston Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated; $50 from John & Roberta Miele and $100 from Gordon & Jo-Ann Goodwin in memory of Leonard Burke.**
4.* **Approval of Minutes: April 13, 2022 (open session), April 13, 2022 (executive session), April 26, 2022 (open session), April 26, 2022 (executive session), May 2, 2022, and May 4, 2022. 5* Approve and sign Water & Sewer Abatement #1319**

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

7:15 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

7:15 p.m. Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, May 20, 2022.
Second: Mr. Nelson. Unanimously approved 5-0.

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

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

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The Next Select Board meeting is scheduled for Tuesday, May 24, 2022 at 6 p.m.

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Town of Needham
Select Board
Minutes for Tuesday, May 24, 2022
Needham Town Hall
Select Board's Chamber
and
Via ZOOM
https://us02web.zoom.us/j/85709594208

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne B. Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Christopher Heep, Town Counsel, Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

6:00 p.m. Public Comment Period: No comments were heard.

6:00 p.m. A moment of silence was observed for the victims of the recent shootings in Buffalo, New York and in Uvalde, Texas. Ms. Cooley read a poem by Lucille Clifton, titled "The Meeting After the Savior Gone," written after the death of Dr. Martin Luther King in 1968. Ms. Cooley said she is deeply sad, angry, and frustrated at all the work by many people that has resulted in nothing but more death and murder. She said she hopes and prays America can figure out what it can do differently.

6:03 p.m. Pride Month Proclamation:
Mr. Nelson read a Proclamation declaring June 2022 as Pride Month in the Town of Needham.

Motion by Mr. Keane that the Select Board declare June 2022 Pride Month in the Town of Needham and that all residents be encouraged to recognize and acknowledge the contributions of the LGBTQIA+ members of our community as we continue to advance the principles of liberty, equality, and inclusivity for all.
Second: Ms. Frail. Unanimously approved 5-0.

6:06 p.m. Public Hearing: Grant of Location - 463 South Street
Joanne Callender, Eversource Representative spoke with the Board by Zoom requesting permission to install approximately 17 feet of conduit in South Street. This work is necessary to provide electric service to 463 South Street, Needham, MA.

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

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

DRAFT

Motion by Mr. Borrelli that the Select Board approve and sign a petition from Eversource Energy to install approximately 17 feet of conduit in South Street. Second: Mr. Nelson. Unanimously approved 5-0.

6:08 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

1. Edward Olsen PPBC	**PPBC User Representative/Ridge Hill Demolition Project, Term Exp: 6/30/2025**
2. Timothy McDonald	**PPBC User Representative/Center at the Heights Space Utilization Study, Term Exp: 6/30/2025**
3. Barry Dulong PPBC	**PPBC User Representative/Center at the Heights Space Utilization Study, Term Exp: 6/30/2025**
4. Thomas Ryder	**PPBC User Representative/Public Works Facilities Improvements, Term Exp: 6/30/2025**
5. Carys Lustig	**PPBC User Representative/Public Works Facilities Improvements, Term Exp: 6/30/2025**

CONSENT AGENDA *=Backup attached

1.* **Accept the following donation made to the Needham Health Division, Domestic Violence Action Committee (DVAC): $30 from Claire Blum**
2. **Accept the following donations received by the Needham Public Library: The Needham Garden Club donated $25 in memory of Fran Phillips, past president of the Club, and Jan Drake donated a copy of her book, Remember Me to All the Friends (estimated value of $60).**
3. **Accept the following donations made to Needham Aging Services: $50 from Kana Mitra and $16,023.95 from The Friends of the Center at the Heights.**
4. **Accept the following donations made to the Needham Community Revitalization Trust Fund: $100 from the Rotary Club of Needham, Inc., and $1,500 from The Exchange Club of Needham.**
5. **Approve the Race Amity Day Celebration by the Needham Human Rights Committee to be held on Sunday, June 12, 3:00-6:00 p.m. at Amity Path.**
6. **Approve the AAPI Spring Arts and Craft Event by the Chinese Friends of Needham to be held on Saturday, June 4, 10:00 a.m. – 12:00 p.m. on the Town Common, pending review by the following departments: Police, Fire, and Public Works.**
7. **Ratify approval for the British Invasion by the Plugged-In Band Program held on Saturday, May 21 from 7:00-10:00 p.m. on the Town Common.**
8. **Grant permission for the following residents to hold block parties:**

Name	Address	Party	Party	Party	Party

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		Location	Date	Rain Date	Time
Ratify - Angela Ledbury	58 Beaufort Ave.	Between Bond & Nicolas on Beaufort Ave.	5/20/22	5/22/22	5pm-8pm
Jennifer Bannon ***Live Music***	61 Jarvis Circle	Jarvis Circle	6/17/22	N/A	5pm-10:30pm

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

6:09 p.m. Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Latin-A Group, LLC d/b/a Latina Kitchen located at 30 Dedham Avenue
Antonio De Trizio, Manager spoke with the Board regarding an application to expand the licensed premises to include a 700 square foot outdoor seating area located in the alley next to the restaurant.

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Borrelli that the Board vote to approve the Amendment for Alteration of Premises application received from Latin-A Group, LLC dba Latina Kitchen, contingent upon final approval of special permit from the Planning Board and (if so approved), vote to forward the Amendment application to the ABCC for review and final approval.
Second: Mr. Keane. Unanimously approved 5-0.

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

Mr. Borrelli said Latina Kitchen is an asset to Needham and he is pleased the restaurant is doing well.

6:15 p.m. Public Hearing: Modification, Suspension or Revocation of Alcohol License – Zucchini Gold, LLC d/b/a The Rice Barn
Chalermpol Intha, Manager spoke with the Board regarding the possible modification, suspension, or revocation of the alcoholic beverage license issued to Zucchini Gold, LLC d/b/a The Rice Barn.

Discussion ensued on the Rice Barn's hearings with the Board of Health (a separate matter) and the alcohol beverage license under consideration by the Select Board, as well as the status of the Rice Barn restaurant. Mr. Intha acknowledged the Board of Health order to suspend food operations for the time being, until a number of items are addressed. It was noted food and alcohol was sold after the order to suspend operations on April 20, 2022.

Christopher Heep, Town Counsel clarified the timeline of the Board of Health's Summary Suspension Order dated April 20, 2022 to cease and desist operations due to violations of the state sanitary code, the public hearing held on April 25, 2022,

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and a follow up inspection by the Board of Health on April 30, 2022. He noted a complaint was filed in Superior Court seeking a preliminary injunction to enforce the Summary Suspension Order, which was issued by the court on May 11, 2022 and remains in effect. Attorney Heep commented the underlying violation of failing to comply with the Summary Suspension Order from the Town of Needham is the reason for the modification, suspension, or revocation of the alcohol license.

Discussion ensued by the Select Board to find out the facts and decide whether or not a violation of the Summary Suspension Order occurred.

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

Motion by Mr. Borrelli that:

Motion 1:
That the Select Board find sufficient evidence that Zucchini Gold, LLC, d/b/a The Rice Barn, located at 1037 Great Plain Avenue in Needham and its licensed manager Chalermpol Intha violated:

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204 CMR 2.05(2) permitting an illegality to occur on premises, to wit, failure to comply with the Summary Suspension Order of the Town of Needham Public Health Division dated April 20, 2022; and
204 CMR 2.05(8) maintaining the premises in an unsanitary manner as detailed in the Summary Suspension Order of the Town of Needham Public Health Division dated April 20, 2022.

Motion 2:
That the Select Board, pursuant to M.G.L. c.138 sections 23 and 64, suspend forthwith the license of Zucchini Gold, LLC d/b/a The Rice Barn, located at 1037 Great Plain Avenue in Needham, with the term of the suspension to run for 30 days commencing when the Needham Public Health Division or Board of Health reinstates the licensee's food establishment permit, for violating 204 CMR 2.05(2) permitting an illegality to occur on the premises, to wit, failure to comply with a Summary Suspension Order of the Town of Needham Public Health Division dated April 20, 2022 and 204 CMR 2.05(8) maintaining the premises in an unsanitary manner as detailed in said Summary Suspension Order.

Motion 3:
That the Select Board vote to authorize the Town Manager to draft and send notice of the Select Board's decision to the licensee with a copy to the Alcoholic Beverages Control Commission.

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

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6:45 p.m. Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022)
Jeremy Cohen, Attorney for Diana Rasoul-Agha, dog owner, spoke with the Board on the complaint about a dog by the name of "Axel" residing at 233 West Street in Needham.

Discussion ensued on open questions regarding the conditions set by the Select Board including insurance, veterinary behaviorist, neutering, and fencing around the entire premises. Ms. Cooley noted the Select Board has received regular updates since the last public hearing on May 10, 2022.

Motion by Mr. Borrelli that the Select Board vote to continue Public Hearing - Dangerous Dog Hearing to Tuesday, June 14, 2022 at Needham Town Hall at a time to be determined.
Second: Ms. Frail. Unanimously approved 5-0.

6:56 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 3 items:

1. Remote Participation by Members of Public Bodies Policy Discussion
Katie King, Assistant Town Manager/Operations commented that since the start of the pandemic, the State has provided certain flexibilities to the Open Meeting Law (M.G.L. c.30A, §§18-25). Those flexibilities are set to expire on July 15, 2022. As of this date, all public bodies will be required to provide in-person access for the public and all members of public bodies would be required to attend meetings in person. The Town can adopt a policy under 940 CMR 29.10 to allow members of public bodies to participate remotely in limited circumstances. Ms. King reviewed information contained in her memo to the Select Board dated May 20, 2022 and the draft policy (SB-ADMIN-0008).

Mr. Borrelli noted he favors in person participation at meetings by board and committee members, as well as by the general public.

Mr. Keane said the policy is a good blend, noting remote access to meetings via Zoom will be with us forever.

Ms. King noted the IT department and the Needham Channel have made many rooms at Town Hall, Library, Rosemary Complex, and PSAB hybrid ready.

Ms. Fitzpatrick said additional comments by Select Board members are welcome, noting the Board is scheduled to vote on the new policy at its next meeting on June 14, 2022.

Ms. Cooley suggested sharing the draft policy with other Town boards and committees.

2. Home Rule Petition: Off-Premises Alcohol Licenses

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Ms. Fitzpatrick reminded the Board of its priority to seek to have the Town's off premises licenses increased to equal to the state quota. She commented on H4283, the Needham liquor license bill currently before the House Committee on Bills in the Third Reading, noting the Committee has proposed an amendment to the bill. She said because this amendment would make substantive changes, the Town must submit a letter from the Town Clerk stating that the Select Board voted to approve the amendment before it can be approved in the House. Ms. Fitzpatrick said she has reviewed the floor amendment with Town Counsel and reviewed the findings.

Motion by Mr. Borrelli that the Select Board vote to approve the language of the amendment relative to H4283 as follows:

"SECTION 1. Chapter 207 of the Acts of 2012 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Section 17 of chapter 138 of the General Laws shall govern the number of licenses that may be granted pursuant to this act. The licensing authority may establish the days and hours during which the license may operate. Except as otherwise provided in this act, such licenses shall be subject to the provisions of said chapter 138.

SECTION 2. Notwithstanding any general or special law to the contrary, this act shall be submitted for acceptance by the voters of the town of Needham at an annual or special election in the form of the following question: "Shall an act passed by the General Court in the year 2022, entitled 'An Act authorizing the Town of Needham to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises' be accepted?" Below the question shall appear a fair and concise summary of the act prepared by town counsel and approved by the Select Board. If the majority of votes in answer to the question is in the affirmative, section 1 shall take effect, but not otherwise.

SECTION 3. Section 2 shall take effect upon its passage.";

and by striking out the title and inserting in place thereof the following title:- An Act authorizing the Town of Needham to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises."

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

3. Town Manager Report

Ms. Fitzpatrick said many events occurred this past weekend, including "Touch the Trucks," the Fishing Derby, and "Needham Unplugged." She noted the Town is preparing for Memorial Day remembrances and the annual Needham Soccer Tournament. She thanked all Town staff for their work in making the Needham shine this time of year.

DRAFT

7:15 p.m. Board Discussion:
557 Highland Avenue Project (Muzi site) Comments for Planning Board Hearing Committee Reports

The Board discussed comments that it may wish to submit to the Planning Board as part of the permitting process for the 557 Highland Avenue project. Items that have been raised with the Board to date include the amount of parking that is proposed, recreational improvements, access to the proposed community use path from Needham Heights to Newton, sustainable development, and others.

Ms. Frail commented the parking requirements far exceed the anticipated use of the development, suggesting possibly reducing the requirements for parking and lowering the height of the parking garage.

Ms. Cooley said Ms. Frail has a valid concern which should be discussed. She noted the possibility that the developer could put solar panels on the top floor of the parking garage if parking spaces are not required.

Mr. Borrelli said mitigation funds for shuttle or multi-modal service to the Heights and Newton should be negotiated as part of the development, which is a "gateway" to Needham. He commented on recreational amenities suggesting consultation from the Park and Recreation Department is necessary. He concurred with Ms. Frail and her comments regarding parking.

Ms. Fitzpatrick said she would prepare a draft letter to the Planning Board with comments from the Select Board.

7:30 p.m. Executive Session - Exception 6 (Interest in Real Property):
Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.

Exception 6: To consider the purchase, exchange, lease, or value of real property 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: Ms. Frail. Unanimously approved 5-0 by roll call vote.

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

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

The Select Board has scheduled a special meeting to be held on Tuesday, May 31, 2022 at 6:00 p.m. at Town Hall.

DRAFT

Town of Needham
Select Board
Minutes for Tuesday, May 31, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM
https://us02web.zoom.us/j/81453983558

6:30 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne B. Cooley. Those present were Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Vice Chair Marcus Nelson was not present. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

6:30 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: No Appointments were made at this meeting.

CONSENT AGENDA *=Backup attached

1.* **Approve a Special One Day All Alcohol License for Monique Goodrow-Trach of Needham Pool and Racquet Club to host "New Members Welcome Event", Friday, June 3, 2022 from 5:00-10:00 PM. The event will be held at the Needham Pool and Racquet Club, 111 Richardson Drive.**
2. **Ratify a Weekday Entertainment License for Eastern Bank for May 24, 2022**
3.* **Approve a grant request application from the Needham Commission on Disabilities for an intensive learning center at the Pollard Middle School**
4. **Accept the following donation made to the Needham Community Revitalization Trust Fund: $100 from the Needham Diversity Initiative, Inc.**
5. **Accept the following donation made to the Needham Health Division, Domestic Violence Action Committee (DVAC): $2,000 from the Beth Israel Deaconess Hospital – Needham.**
6. **Ratify acceptance of the following donation received by the Needham Public Library originally accepted at the Board's May 24, 2022 meeting: Jan Drake donated two copies of her book, Remember Me to All the Friends (estimated value of $60).**

Second: Mr. Keane. Unanimously approved 4-0.

6:31 p.m. Downtown Design Infrastructure/Streetscape Project:
Edward Olsen, Acting Assistant Director of Public Works, Rhain Hoyland, Highway Superintendent, Thomas Ryder, Town Engineer, Cecilia Simchek, Director of Finance/Administration, Bob Mackie, BETA Project Officer, and

Melissa Recos, BETA Project Manager spoke with the Board as to the status of the Downtown Design Infrastructure/Streetscape Project.

Mr. Olsen gave a brief introduction of the project, saying it began years ago and is a testament to the vision and work of Richard Merson, former DPW Director and Tony Del Gaizo, former Town Engineer. Mr. Olsen introduced the BETA team members and asked Mr. Mackie for a history of the project, the initial charge given to BETA, and the changes made over the years, and in particular, how COVID-19 has changed the design.

Mr. Mackie stated the project began in 2009 with replacement of the Chapel Street watermain and when Tony Del Gaizo suggested it may make sense to consider updating the streetscape of Chapel Street. He said the design of the streetscape began in 2013 and showed an overview of what the downtown could look like. Mr. Mackie said many meetings were held, noting the basic charge was flow of traffic and the preemption signals of the commuter rail crossings. He noted pedestrian safety, visibility, and appearance of the downtown area was also part of the charge. Discussion ensued on the 5 phases of the project and a brief PowerPoint presentation with renderings was shown. Mr. Mackie also discussed the speed of traffic through downtown, parking, accommodations for bicycles, ADA compliance, the quiet zone, and gateways as drivers approach the downtown area.

Ms. Cooley commented on the possibility of eliminating a lane for traffic. She said her understanding is that if the Town wants to increase the size of sidewalks for pedestrians, then something must be eliminated (i.e., traffic or bicycles). She asked if there was an option to provide for wider sidewalks, along with a recommended route for bicyclists to go around the center of town on a through route? She also commented on the possibility of making Chapel Street and part of Highland Avenue one way in each direction.

Mr. Mackie pointed out two basic routes through Needham for staunch bicyclists, noting there are ways to get through the downtown without riding directly through the Center. Mr. Mackie commented on making Chapel Street and part of Highland Avenue one-way streets, however he noted the thought was to give drivers as much freedom as possible without restrictions. He said Chapel Street and Highland Avenue are both adequately wide to accommodate two-way traffic and signals are properly timed. He stated it is possible to make each road one way, however a traffic study would be required.

Ms. Frail asked Mr. Mackie to elaborate on recreational bikers and how they can safeguard their bicycles. She said people should be encouraged to do errands on foot and by bicycle.

Mr. Mackie said at each end of Great Plain Avenue, a bike corral will be provided for riders going to Needham Center.

Mr. Borrelli said he likes the design as presented as it is much more streamlined than previous iterations. He said he is concerned with tweaking the design and forcing drivers to go around the center of town onto neighborhood streets, noting people must be encouraged to use Great Plain Avenue. He commented on crosswalks, particularly at the railroad tracks. Mr. Borrelli suggested having electric power at some of the kiosks.

Mr. Keane said he likes the design. He asked if the area around the Sweet Basil restaurant would be one way in each direction? Mr. Keane asked about 45-degree parking spaces. Mr. Mackie said Great Plain Avenue in the location of Sweet Basil restaurant would be one lane in each direction in order to accommodate for larger sidewalks. Mr. Mackie noted safety is the reason 45-degree angled parking spaces are not being considered. He also commented on Quiet Zones and the requirement for 4-way gates at railroad crossings. Mr. Mackie commented on previous iterations of the gateways vs. the less intrusive design.

Ms. Cooley said she is unsure of the gateways and their purpose. She noted tonight's meeting was scheduled to allow members of other boards and committees to attend. She invited comments.

Jeanne McKnight of the Planning Board said she is glad to see the improvements to the gates at the railroad crossings. She said multi-family housing should also be encouraged. She clarified the use of Chapter 90 funding for quad gates and that bicyclists can ride on sidewalks, except in the downtown. She said the design accommodates bicycles at a corral, also commenting on sidewalk dining. She asked whether the current plan takes into account the lessons from the COVID-19 era? Mr. Mackie said the plan does consider the lessons learned from dining outside during the pandemic, as well as including parklets. Ms. McKnight concurred with Ms. Cooley on the purpose of the gateways.

Justin McCullen of the Traffic Management Advisory Committee and Transportation Committee said he is concerned that cycling may be compromised, as Needham has tried to adopt a complete-streets, multi modal vision. He said the town must be vigilant in its presentation to the community. Mr. McCullen noted cars turning left from Garden Street onto Great Plain Avenue, commenting the issue should be studied. He said the plan is good.

Moe Handel of the former Downtown Streetscape Committee said the Town Meeting strongly supported banners in the downtown. He said there is value in the ability to announce events and occasions across the street, noting it is a nice New England flare. He said outdoor dining should be maximized.

Paul Good of the Needham Community Revitalization Trust Fund spoke about a bike lane through the downtown connecting the network as one system. He acknowledged "connecting the dots is difficult."

Artie Crocker of the Planning Board concurred with Mr. Handel's comments on the importance of using banners to announce events.

Discussion ensued on the timeline, a parking study, and use of parking meters before design is completed.

Ms. Cooley invited public comment.

Jackie DeWolfe, 242 Dedham Avenue, noted her letters to the Select Board over the last 5 years on this project, commenting she is glad discussion has been renewed. She urged the Select Board to rethink the design, noting many aspects of the project are over 10 years old. Ms. DeWolfe said the notion that the Town is actively discouraging biking is upsetting to her, as more people are choosing to bike for fun, health, climate, to support businesses, and to live locally. Ms. DeWolfe urged the Select Board to ask more questions on how to achieve equity for all modes of transportation, rather than having excess capacity for any one mode. She commented that she does not have an opinion on the banners. However, she said it is frightening to her to have banners over crosswalks, while asking drivers to look up at the same time when they should be slowing down and concentrating to see whether anyone is trying to cross the street. Ms. Dewolfe said she will follow up with the Select Board by letter with further comments. Ms. DeWolfe said $5 million is a lot of money and there are opportunities for the town to pilot and test different configurations, along with public engagement.

Discussion ensued on bike trips through and to town and diagonal crosswalks on the renderings.

Mr. Borrelli reiterated the layout of the area is very restricted. He suggested using caution in changing the plan for the sake of the businesses and surrounding streets. He said a study of the number of bikes through town would be beneficial, concluding that, in an ideal world, Needham would want all modes of transportation. He said the committee did a great job finding a balance and the plan will work as modeled by BETA. Mr. Borrelli said he supports banners across the street, as long as retail shops are not impeded.

Mark Gluesing, 48 Macintosh Avenue, commented on bikers approaching the center of town from Dedham Avenue and Highland Avenue. He said the banners and towers will act as a traffic calming measure to slow drivers down as they approach the center of town. He urged careful design of the towers and suggested parklets could function in different ways (children play area, seating, etc.)

Ms. Cooley reiterated the need for a traffic count to move the project forward. She suggested making Chapel Street and Highland Avenue at the Town Common one-way, taking safety and traffic into account.

Discussion ensued on one-way traffic and protected bike lanes between the curb and parked cars along Great Plain Avenue.

Mr. Handel said one-way streets could improve traffic flow, but may increase driving speed in the downtown. He said while Chapel Street "feels tight" it does calm traffic, which is safer for everyone.

Ms. Frail referred to students biking to school, suggesting wider sidewalks to accommodate a bike lane on the sidewalk. She said the reality is the kids will be riding on the sidewalk, but not at all times, and that the additional space could be used by pedestrians. Mr. Mackie said a bike lane on the sidewalk is an interesting idea.

Mr. Borrelli suggested caution on the use of one-way streets, wondering about the effect on businesses and public safety vehicles. He concurred with Ms. Frail that other accommodations could be made for bikes.

Discussion continued on traffic through and to the downtown, biking, walking, and encouraging different modes of transportation in the plan.

Mr. Keane noted Great Plain Avenue should not have to be and do everything for everyone. He suggested a wider project scope in order to accommodate different facets so Great Plain Avenue is not overburdened.

Ms. Cooley concluded the pandemic has shown that people want to use the center of town differently, which she hopes will benefit merchants.

Ms. Cooley thanked the presenters for the discussion.

7:50 p.m. Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, May 31, 2022.
Second: Mr. Keene. Unanimously approved 4-0.

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

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The Select Board has their next scheduled meeting on Tuesday, June 14, 2022 at 6:00 p.m. at Town Hall.

NEEDHAM PUBLIC HEALTH

Prevent. Promote. Protect.

Memorandum

To: Select Board
From: Tara Gurge, Assistant Public Health Director -Environmental and Community Health
CC: Timothy McDonald, Director of Health and Human Services
Myles Tucker, Support Services Manager, Town Managers office
Date: May 22, 2022
Re: Request for Traveling Meals Seasonal Driver approval for existing part-time staff

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I write to request approval to allow our Public Health Division part-time staff member, Jazmine Hurley, who currently works in the Public Health Division office as a Program Support Assistant III for the Substance Prevention Alliance of Needham (SPAN) program, to work as a seasonal part-time Traveling Meals driver this summer. The Traveling Meals Program is short-staffed, and we will need sufficient drivers this summer to continue our meal delivery program to provide meals to our most vulnerable residents.

We are aware that Ms. Hurley is allowed to work over 19.5 hours, and take on two part-time positions, if this new position will be for a temporary amount of time. The Traveling Meals seasonal driver position takes place over the summer months, which starts on Monday, June 20th and ends on Friday, September 2, 2022. The seasonal driver position is approximately nine hours per week.

Please refer to enclosed signed and dated 20B exemption form, attached for your reference.

Thank you for considering this request. I am available at any time to answer questions or concerns that you may have.

Sincerely,

Tara Gurge
Assistant Public Health Director – Environmental and Community Health
Town of Needham

Attachment:

- Signed and dated 20(b) Form