

**BOARD OF SELECTMEN**  
**February 14, 2012**  
**Needham Town Hall**  
**Agenda**

	<b>6:45</b>	Informal Meeting with Citizens
<b>1.</b>	<b>7:00</b>	Public Hearing- NSTAR Scott Road <ul style="list-style-type: none"> <li>• Maureen Carroll, NSTAR</li> </ul>
<b>2.</b>	<b>7:05</b>	Public Hearing: Underground Storage of Flammables <ul style="list-style-type: none"> <li>• 84 Glendale Road</li> </ul>
<b>3.</b>	<b>7:10</b>	Public Hearing RTS Rates <ul style="list-style-type: none"> <li>• David Davison, Assistant Town Manager/Director of Finance</li> </ul>
<b>4.</b>	<b>7:40</b>	Department of Public Works <ul style="list-style-type: none"> <li>• Webster St. Phase 3 Road Rehabilitation Project</li> <li>• Traffic Management Committee Update – Webster St. Bicycle Pavement Markings</li> </ul>
<b>5.</b>	<b>7:50</b>	Sale of Alcohol Consumption off Premises <ul style="list-style-type: none"> <li>• Devra Bailin, Director of Economic Development</li> </ul>
<b>6.</b>	<b>8:05</b>	Town Manager <ul style="list-style-type: none"> <li>• Approve MWRA Sewer Grant/Loan Program Areas 16 &amp; 22</li> <li>• Extension of Use and Occupancy Agreement/Needham Center</li> <li>• Accept and Refer Zoning Amendments</li> <li>• Close Town Meeting Warrant</li> </ul>
<b>7.</b>	<b>8:20</b>	Board Discussion <ul style="list-style-type: none"> <li>• Committee Reports</li> </ul>
<b>8.</b>	<b>8:25</b>	Executive session Exceptions 3 and 6

**APPOINTMENTS**

1.	Minuteman School Building Committee	Jerry Wasserman (expires 6/30/2013)
2.	Traffic Management Advisory Committee	Robert Meltzer (expires 6/30/2014)

**CONSENT AGENDA**      **\*=Backup attached**

1.*	Approve One Day Special Wines & Malt Beverages Only license request from Mike Riley, representing the Needham Knights of Columbus for a St. Patrick's Day Party, to be held on March 10, 2012 from 6:00 p.m. to 11:00 p.m. at The Knights of Columbus on 1211 Highland Avenue, Needham.
2.*	Ratify a One Day Special Wines & Malt Beverages Only license request from James Winterman representing the Temple Beth Shalom for a comedy night event that was held on February 4, 2012 from 7:30 p.m. to 11:00 p.m. at Temple Beth Shalom, 670 Highland Avenue, Needham.

3.*	Sign the Warrant for the Annual Town Election Warrant scheduled for April 10, 2012
4.*	Approve a request from Michelle Harris of A Children's Brain Tumor Cure Foundation to hold the "Geared Up for Kids 2012" cycling/road race on Sunday, May 20, 2012 from 9:00AM to 2:00 PM. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
5.*	Ratify a One Day Special Wines & Malt Beverages Only license request from Michael R. Despres of The Village Club Building, Inc. to host a Beach Party that was held on February 11, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham.
6.*	Approve a One Day Special Wines & Malt Beverages Only license request from Michael Niden of the Citizens for Preservation of Town Hall Inc. to hold an event as part of the Needham Bank Great Hall Concert Series on Saturday, March 24, 2012 from 7:00 p.m. to 11:00 p.m. at Powers Hall in Town Hall, 1471 Highland Avenue, Needham.
7.	Accept donation made to the Needham Community Revitalization Trust Fund from the following residents: Bruce & Holly Johnstone- \$500.
8.	Accept the following donations made to the Needham Public Library for the period December 9, 2011- February 8, 2012: Katharine Savage gave the library a copy of the book, <i>Two World and In Between: The Best of Caitlin R. Kiernan</i> (\$38.00); Carolel A.Carroll and Family made a \$50.00 donation in memory of Ruth M. Vincent; Eric and Lucy Slosser donated \$100.00 to the library; Narinder Mehta gave the library a copy of his new book, <i>5 Steps to Your Next Job: A powerful Manual for Job Search and Career Development</i> (\$11.95); Tom Harkins donated a DVD of <i>A Portrait of the Artist as a Young Man</i> (\$49.98); Donations made in memory of recently deceased former Library Director Beth Rich: Emily Salaun \$25.00, Friends of the Needham Public Library \$250.00, Ann MacFate \$50.00; Lisa Levine donated \$30.00 for Children's Room book purchases; Joan D'Arcy Sheridan gave the library a copy of the book, <i>Simple Perseverance: Stories by Mothers of Adult Children with Developmental Disabilities</i> (\$14.95); Serge Blinder donated \$10.00 to the library; The Friends of the Needham Public Library donated \$5,000.00 for the purchase of DVDs; Performance Piping, Inc. donated 100.00 for new books; Barbara F. Berenson gave the library a copy of her book, <i>Walking Tours of Civil War Boston: Hub of Abolitionism</i> (\$15.00).
9.*	Approve Open Session minutes from January 10, 2012 and January 24, 2012, and Executive Session minutes from January 10, 2012 and January 24, 2012.

**Board of Selectmen**

**AGENDA FACT SHEET for February 14, 2012**

**Agenda Item:** Public Hearing: NSTAR Petition for Scott Road  
**Presenter(s):** Maureen Carroll, NSTAR

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

NSTAR requests permission to install approximately 8 feet of conduit at Pole 347/2 on Scott Road, Needham. This work is necessary to provide underground electric service for a new home at 24 Scott Road.

The Department of Public Works has approved this petition, based on NSTAR's commitment to adhere to regulation that **all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.**

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)**

**Suggested Motion:** Move that the Board of Selectmen approve and sign petition from NSTAR to install approximately 8 feet of conduit at Pole 347/2 on Scott Road, Needham. This work is necessary to provide underground electric service for a new home at 24 Scott Road.

**3. BACK UP INFORMATION ATTACHED:**

- a. Letter of Application
- b. Petition
- c. Order
- d. Petition Plan
- e. Notice Sent to Abutters
- f. List of Abutters

**4. SIGN OFF/APPROVAL REQUIRED:**

a.	<b>Town Manager</b>	yes	no	NA	_____
b.	<b>Town Counsel</b>	yes	no	NA	_____
c.	<b>Finance Director</b>	yes	no	NA	_____
d.	_____	yes	no	NA	_____

---

**Disposition by BOS**

**Action taken:** \_\_\_\_\_ **Present on future Agenda:** \_\_\_\_\_

**Refer to/Inform:** \_\_\_\_\_ **Report back to BOS on:** \_\_\_\_\_

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200 Calvary Street  
Waltham, Massachusetts 02453



January 17, 2012

Board of Selectmen  
Town Hall  
1471 Highland Ave  
Needham, MA 02192

*C:DPW 1/18/2012*

RE: <sup>#24</sup> **Scott Road  
Needham, MA  
W.O. #1856392**

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install approximately 8'± feet of conduit at pole 347/2 on Scott Road, Needham.

This work is necessary to provide underground electric service for new home @ #24 Scott Road.

Your prompt attention to this matter is appreciated. If you have any questions please contact Maureen Carroll at (617) 369-6421.

Sincerely,

William D. Lemos-Supervisor  
Rights & Permits

WDL/aw  
Attachments

*OK to  
Proceed  
Engr - DPW  
1/31/12  
OK R.P. Messin  
DPW Director  
2/1/12*

**PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR  
CONDUITS  
AND MANHOLES**

To the **Board of Selectmen** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated January 9, 2012**, and filed herewith, under the following public way or ways of said Town:

**Scott Road -** Northerly @ pole 347/2 approximately 325'± feet east of Country Way a distance of about 8'± feet - conduit

(WO. 1856392)

**NSTAR ELECTRIC COMPANY**

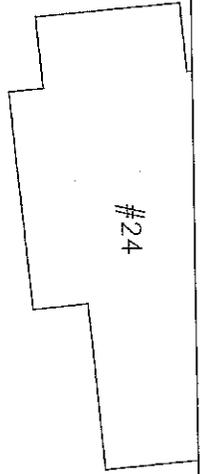
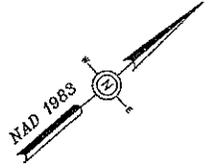
BY 

William D. Lemos  
Rights & Permits, Supervisor

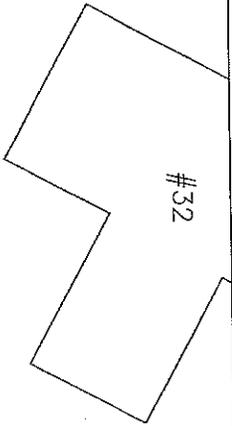
**Dated this 17th day of January 2012**

Town of **NEEDHAM** Massachusetts

Received and filed \_\_\_\_\_ 2012



#24



#32

APPROX. PT.  
OF PICKUP

CUSTOMER TO INSTALL  
1-4" PVC, SCH. 40 PIPE  
NO CONCRETE

325'± TO COUNTRY WAY

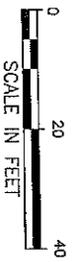
347/2

8'±

ROAD

SCOTT

347/3



BY THE USE OF THE INFORMATION CONTAINED HEREIN, YOU AGREE THAT THE INSTALLATION OF ANY AND ALL DEVICES OR SYSTEMS, IS YOUR SOLE RESPONSIBILITY. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY SERVICE OR PRODUCT. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY DECISION.

**MASS. LAW**  
REQUIRES 24 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE. 1-888-344-7233

OH	Work Order # 165302	Plan of	SCOTT ROAD
Surveyed by	TRJ	Showing	CUSTOMER TO INSTALL CONDUIT LOCATION
Checked by	NSDR	Scale	1"=20'
Approved	A. DEBENIGNONIS	Date	1-9-12
PIF		SHEET	1 of 1



615 GERRARD STREET EAST, SUITE 100, SCARBOROUGH, ONTARIO M1V 4Y7

KEENHAM

DATE 1-9-12

1-9-12

347/3



## NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on February 14, 2012** upon petition of NSTAR dated January 17, 2012 to install approximately 8 feet conduit at pole 347/2, Scott Road, Needham. This work is necessary to provide new underground electric service for a new home, 24 Scott Road. A public hearing is required and abutters should be notified.

Maurice Handel  
Gerald A. Wasserman  
Daniel P. Matthews  
John A. Bulian

BOARD OF SELECTMEN

Dated: February 1, 2012

24 SCOTT RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
					<u>OWNER CITY</u>	<u>State</u>	<u>OWNER ZIP</u>
199/213.0-0023-0000.0	155	COUNTRY WAY	ZAIS, GREGORY N. & ZAIS, DIANA F.	155 COUNTRY WAY	NEEDHAM	MA	02492
199/213.0-0024-0000.0	24	SCOTT RD	WEINSTEIN, LEWIS A & WEINSTEIN, DENISA	41 SARGENT ST	NEEDHAM	MA	02492
199/213.0-0025-0000.0	32	SCOTT RD	HALE, LINDA D.	32 SCOTT RD	NEEDHAM	MA	02492
199/213.0-0026-0000.0	48	SCOTT RD	RRNR, LLC	20 BEAUFORT AVE	NEEDHAM	MA	02492
199/213.0-0030-0000.0	47	SCOTT RD	POWERS, SALLY B.	47 SCOTT RD	NEEDHAM	MA	02492
199/213.0-0031-0000.0	141	COUNTRY WAY	WALDMAN, WENDY L & WALDMAN, DAVID L	141 COUNTRY WAY	NEEDHAM	MA	02492

Certified as list of parties in interest under Mass General Laws and Needham Zoning By-Law, to the Best of our knowledge  
For the Needham Board of Assessors.....



**Board of Selectmen**

**AGENDA FACT SHEET for 02/14/2012**

**Agenda Item:** Public Hearing: Application for a License to Store Propane Fuel Underground at 84 Glendale Road

**Presenter(s):** Wayne Trindall, Contractor- JBJ Construction

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

Mr. Trindall of JBJ Construction is requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 84 Glendale Road, Needham, MA. The Town of Needham General By-laws (Section 4.3) requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)**

**Suggested Motion:** That the Board of Selectmen vote to approve and authorize the Chairman to sign a license for JBJ Construction to store 1,000 gallons of propane fuel in an underground tank on the property at 84 Glendale Road with the following restriction: 1. That the petitioner and each succeeding homeowner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.

**3. BACK UP INFORMATION ATTACHED:**

1. Application / License Form / Map
2. Needham Times with Legal Notice
3. Certified Abutters List

**4. SIGN OFF/APPROVAL REQUIRED:**

a.	Town Manager		yes	no	NA	_____
b.	Town Counsel	yes	no	NA		_____
c.	Finance Director		yes	no	NA	_____
d.	_____		yes	no	NA	_____

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**Disposition by BOS**

**Action taken:** \_\_\_\_\_ **Present on future Agenda:** \_\_\_\_\_

**Refer to/Inform:** \_\_\_\_\_ **Report back to BOS on:** \_\_\_\_\_

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Note: Complete upper portion of form and forward to local fire department.  
Do not make application to Department of Fire Services.



# Commonwealth of Massachusetts

Department of Fire Services — Office of the State Fire Marshal



City or Town \_\_\_\_\_ Date \_\_\_\_\_

## APPLICATION FOR LICENSE

For the lawful use of the herein described building... or other structure..., application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building... or other structure... is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land 84 Glen Dale Rd (Street & Number) Nearest cross street Clark Rd

Owner of land CROSS ST REALTY TRUST Address 259 TURNPIKE SUITE 100 SOUTH BORO MA

Number of buildings or other structures to which this application applies 1 Wood Frame house

Occupancy or use of such buildings RESIDENTIAL home

Total capacity of tanks in gallons: — Aboveground \_\_\_\_\_ Underground 1000

Kind of fluid to be stored in tanks: — P

Approved  Disapproved

Mathy Kow  
(Head of Fire Dept.)

Wayne Franklin  
(Signature of Applicant)

2-10-2012  
(Date)

259 TURNPIKE SUITE 100 SOUTH BORO MA  
(Address)



# Commonwealth of Massachusetts

Department of Fire Services — Office of the State Fire Marshal



City or Town \_\_\_\_\_ Date \_\_\_\_\_

## LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land \_\_\_\_\_ (Street & Number) Nearest cross street \_\_\_\_\_

Owner of land \_\_\_\_\_ Address \_\_\_\_\_

Number of buildings or other structures to which this application applies \_\_\_\_\_

Occupancy or use of such buildings \_\_\_\_\_

Total capacity of tanks in gallons: — Aboveground \_\_\_\_\_ Underground \_\_\_\_\_

Kind of fluid to be stored in tanks: — \_\_\_\_\_

Restrictions - If any: \_\_\_\_\_

Signature of licensing authority \_\_\_\_\_

Title \_\_\_\_\_

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED PLACE ON THE LAND FOR WHICH IT IS GRANTED



TOWN OF NEEDHAM

APPLICATION FOR A LICENSE TO STORE A FLAMMABLE PRODUCT

The undersigned hereby applies for the lawful use of the herein described building/structure/property. Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws for a license to use the land on which such building/structure is/are to be situated and only to such extent on the plot plan which is filed with and made a part of this application. (Please print application form)

Name of Applicant:(must be an individual): WAYNE TRINDALL

Address of Applicant: 259 TURNPIKE SUITE 100 Southboro MA 01772

Property location this license applies to: 84 GLENDALE ROAD

Name of Owner of the property: CROSS ST REALTY TRUST

Address of Owner (if different than applicant): SAME

Telephone number of applicant: CELL 508-726-8751

Type of fuel to be stored? PROPANE

Total Capacity of tanks in gallons? 1000

Is the tank (s) located? Aboveground  Underground

Signature of Applicant [Signature] Date: JAN 5 2012

The Applicant must submit the following information before the Fire Department will schedule a public hearing with the Board of Selectmen.

1. An 8 1/2 x 11" Plot Plan showing the exact placement of the tank(s).
2. A completed License Application from the State Fire Marshal's Office.
3. A certificate of insurance showing evidence that the applicant has workers compensation insurance must be included with this completed application.

The Applicant must sign the following certification pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

[Signature]  
Signature of Applicant

\_\_\_\_\_  
By Corporate Officer (if applicable)

046917734  
Social Security # (Voluntary) or  
Federal Identification Number (one of these numbers must be included)

# TOWN OF NEEDHAM, MASSACHUSETTS

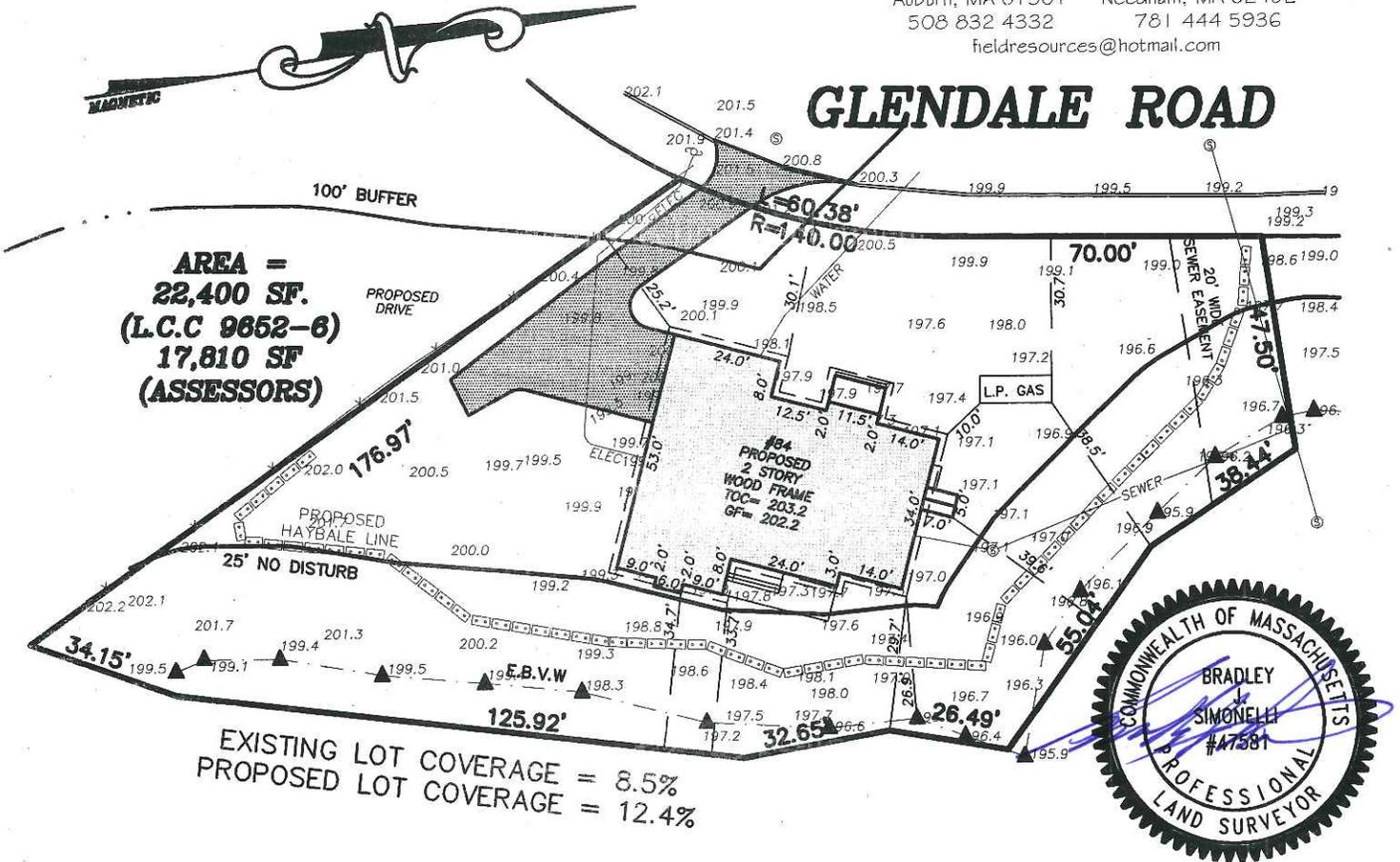
## Building Inspection Department

Assessor's Map & Parcel No. MAP 112 PARCEL 41  
 Building Permit No. \_\_\_\_\_ At No. 84 GLENDALE ROAD  
 Lot Area 22,400 SF Zoning District SRA  
 Owner CAPITAL GROUP PROPERTIES Builder \_\_\_\_\_

PLOT PLAN  
40 Scale

Field Resources, Inc.

LAND SURVEYORS  
 P.O. Box 324 281 Chestnut Street  
 Auburn, MA 01501 Needham, MA 02492  
 508 832 4332 781 444 5936  
 fieldresources@hotmail.com



Note: Plot plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.  
 (\*Accessory structures may require a separate building permit - See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.  
 The above is subscribed to and executed by me this 5TH day of JANUARY 2012  
 Name Bradley J. Simonelli, PLS Registered Land Surveyor No 47581  
 Address 281 CHESTNUT ST City NEEDHAM State MA Zip 02492 Tel No 781-444-5936  
 Approved \_\_\_\_\_ Director of Public Works Date \_\_\_\_\_  
 Approved \_\_\_\_\_ Building Inspector



**LEGAL NOTICE  
Town of Needham  
Board of Selectmen  
Public Hearing**

Public Notice is hereby given that Wayne Trindall of JBJ Construction has made an application in accordance with the provisions of Chapter 148 of the Massachusetts General Laws, for a license to store 1,000 gallons of propane fuel in an underground tank at 84 Glendale Road, Needham, MA 02492

Upon said application it is hereby ORDERED: That a Public Hearing be held at the office of the Board of Selectmen, Town Hall, 1471 Highland Avenue, Needham, MA, Tuesday, February 14, 2012 at 7:05 pm, at which time all persons interested may appear and be heard.

Maurice Handel  
Gerald A. Wasserman  
Daniel P. Matthews  
John A. Bulian  
James G. Healy

BOARD OF SELECTMEN

Dated: Needham Times, February 2, 2012

**6 Thursday, February 2, 2012**

**Legal N**

84 GLENDALE ROAD  
**LEGAL NOTICE  
Town of Needham  
Board of Selectmen  
Public Hearing**

Public Notice is hereby given that Wayne Trindall of JBJ Construction has made an application in accordance with the provisions of Chapter 148 of the Massachusetts General Laws, for a license to store 1,000 gallons of propane fuel in an underground tank at 84 Glendale Road, Needham, MA 02492

Upon said application it is hereby ORDERED: That a Public Hearing be held at the office of the Board of Selectmen, Town Hall, 1471 Highland Avenue, Needham, MA, Tuesday, February 14, 2012 at 7:05 pm, at which time all persons interested may appear and be heard.

Maurice Handel  
Gerald A. Wasserman  
Daniel P. Matthews  
John A. Bulian  
James G. Healy

BOARD OF SELECTMEN

AD#12677274  
Needham Times 2/2/12

# 84 GLENDALE RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>			
					<u>OWNER</u>	<u>CITY</u>	<u>State</u>	<u>OWNER ZIP</u>
199/111.0-0031-0000.0	69	ROLLING LN	COX, CAROL A., TR	69 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0032-0000.0	75	ROLLING LN	EWALD, TERESA A.	75 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0033-0000.0	81	ROLLING LN	CHENG, ELAINE C & CHENG, KEVIN	81 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0034-0000.0	83	ROLLING LN	STUTZ, MATTHEW D & STUTZ, LAUREN R	83 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0035-0000.0	89	ROLLING LN	FIERIMONTE, MARYANN & DEMPSEY, LINDA & HINTON, DINA T.	89 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0036-0000.0	95	ROLLING LN	TANNER, SCOTT D. + TANNER, ROBIN L.	95 ROLLING LN	NEEDHAM	MA	MA	02492
199/111.0-0040-0000.0	138	FOREST ST	O'LEARY, WILLIAM M. + O'LEARY, LISA D.	138 FOREST STREET	NEEDHAM	MA	MA	02492
199/111.0-0041-0000.0	132	FOREST ST	WASHEK, JOHN T.	946 GREAT PLAIN AVE	NEEDHAM	MA	MA	02492
199/111.0-0042-0000.0	116	FOREST ST	RAMEIOR, JUDITH L.	116 FOREST ST	NEEDHAM	MA	MA	02492
199/112.0-0028-0000.0	38	GLENDALE RD	FURBUSH, POLLY M.	38 GLENDALE RD	NEEDHAM	MA	MA	02492
199/112.0-0029-0000.0	44	GLENDALE RD	MCDEVITT, WILLIAM G. & MCBRIDE, ANNE V.	44 GLENDALE RD	NEEDHAM	MA	MA	02492
199/112.0-0031-0000.0	129	CLARKE RD	LEWIS, JOHN S + LEWIS, JANET S	129 CLARKE RD	NEEDHAM	MA	MA	02492
199/112.0-0035-0000.0	130	CLARKE RD	OPEL, M RONALD	130 CLARK RD	NEEDHAM	MA	MA	02492
199/112.0-0036-0000.0	134	CLARKE RD	PROCK, ALFRED & PEGGY B., TRS. 134 CLARKE ROAD REALTY TRUST	134 CLARKE RD	NEEDHAM	MA	MA	02492
199/112.0-0037-0000.0	51	GLENDALE RD	RUSSELL, JAMES A. & RUSSELL, LORRAINE	51 GLENDALE RD	NEEDHAM	MA	MA	02492
199/112.0-0038-0000.0	43	GLENDALE RD	GRIMES, KEVIN T. C/O PAGLIA, PAUL F & ROBERTA A.	43 GLENDALE RD	NEEDHAM	MA	MA	02492

**Board of Selectmen  
AGENDA FACT SHEET  
Tuesday, February 10, 2012**

**Agenda Item:           *Public Hearing RTS Rates***

Presenter(s): Solid Waste Disposal/Recycling Advisory Committee Member  
David Davison, ATM/Finance Director  
Richard Merson, Director of Public Works  
Evelyn Poness, Treasurer/Collector

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

The Solid Waste Disposal/Recycling Advisory Committee met on January 31, 2012 to review the policy on the General Fund Contribution to the Solid Waste Enterprise as prescribed in the policy, the current RTS user rates, and the outlook for FY2013. The Committee made suggestions how to better time the change in the rates in expectation of the higher disposal costs for FY2013 which is reflected in Attachment A. The Committee will seek guidance as to possible next steps in looking at the funding structure of the RTS. We will answer questions on the attached rate proposals and discussed the recommendations with the Board.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN:   (YES)           NO   (circle one)**

The Board of Selectmen can delay voting on the proposal rates until its next regularly scheduled meeting which is Tuesday, February 28, 2012.

Should the Board of Selectmen wish to approve the rate proposal after the Public Hearing, the suggested form of the motion is:

*Move that the Board approve the rates as shown on attachment A, and further that the rates for the pay-to-throw bags be effective on April 1, 2012 and the scale rate be effective July 1, 2012.*

*Further move that the Board reaffirms and requires that the RTS sticker be affixed to the window of the vehicle for entrance into the RTS facility.*

**3. BACK UP INFORMATION ATTACHED:**

- a. Copy of the Legal Notice
- b. Memo from ATM/Director of Finance dated Friday, February 10, 2012
- c. Proposed RTS Rate Schedule (Attachment A)
- d. Solid Waste Disposal/Recycling Advisory Committee January 31, 2012 Agenda with the distributed materials.

**4. SIGN OFF/APPROVAL REQUIRED:**

Town Manager	yes	no	NA	_____
Town Counsel	yes	no	NA	_____
_____	yes	no	NA	_____

Disposition by BOS:

Action taken: \_\_\_\_\_ Present on future Agenda: \_\_\_\_\_

Refer to/Inform: \_\_\_\_\_ Report back to BOS on: \_\_\_\_\_

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**PUBLIC HEARING 2/14/12**  
**LEGAL NOTICE**  
**Town of Needham**  
**Board of Selectmen**  
**Public Hearing - RTS Rates**

The Needham Board of Selectmen will hold a public hearing on Tuesday, February 14, 2012 at 7:10 P.M. at Town Hall in the Selectmen's Chambers room. The purpose of the hearing will be to provide the public with an opportunity to comment on proposed recycling and transfer station user fees.

All interested persons and/or parties wishing to be heard will be afforded an opportunity to comment at this time. In addition, written comments may be sent to the Board of Selectmen, Town Hall, 1471 Highland Avenue, Needham, MA 02492 or email: [selectmen@needhamma.gov](mailto:selectmen@needhamma.gov)

Board of Selectmen

AD#12683913  
Needham Times 2/9/12

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# Memorandum

To: Board of Selectmen  
From: David Davison, Assistant Town Manager/Director of Finance  
CC: Solid Waste Disposal/Recycling Advisory Committee, Kate Fitzpatrick,  
Town Manager; Evelyn Poness, Treasurer/Collector; Rick Merson,  
Director of Public Works  
Date: February 10, 2012  
Re: RTS Rate Proposal

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Attached are the Recycling and Transfer Station rate recommendations. A public hearing has been scheduled for the Board's meeting on Tuesday, February 14, 2012 at 7:10 PM. The rate structure recommendation is based on the expectation of higher disposal costs in FY2013. The Town has seen an increase over last year in the cost of disposal that is driven by market and contractual conditions. The Solid Waste Disposal/Recycling Advisory Committee meet on January 31, 2012 to review recommendations from staff that would involve an increase in the rate for pay-to-throw bags and trash brought in over the scale. The Committee understood and agreed that the bag and scale rates would need to be increased because the disposal costs are higher for the Town and the Committee agreed that because recycling revenue for the year has already met the minimum target that the sticker rates do not need to be increased. However, because there is still a significant reliance on reserves and the general fund to meet to operating obligations of the RTS, sticker rates cannot be reduced.

The Committee recommends that the implementation date for the new bag rates be effective April 1, 2012 and that the new scale rate be effective July 1, 2012. The proposed rates call for a \$0.05 increase for both the small and large pay-to-throw bags and a \$5.00 per ton increase in the scale rate. If approved, the charge for a package of ten small bags would be \$9.00 and the charge for a package of ten large bags would be \$16.50. The scale rate would be \$140.00 per ton. This recommendation would maintain similar pricing ratios between the bags and the bags to scale.

The Committee is recommending no increase in the sticker rates for the upcoming April 1 renewal date (applications would be mailed out on or about March 16). The recommendation to hold rates flat for this year is in consideration of two factors 1) recycling revenue is higher this year because of some operational and bidding changes made by DPW and that the market pricing for recyclables has improved over last year, and 2) The Committee will seek guidance from the Board of Selectmen whether the Board wants the Committee to review the current funding structure of the RTS, because as noted by Management, the current funding structure is not sustainable in the long term under present conditions. Even with the sticker rate increases for FY2011 and FY2012, the RTS operation had to be subsidized by an additional general fund payment each year in order to submit the tax recapitulation to the Department of Revenue for approval. An additional \$138,457 was required in FY2011 and \$33,000 for the current year. Furthermore \$200,000 of retained earnings was appropriated to fund RTS operations for FY2012 and approximately \$273,000 is proposed for FY2013.

I will be at your meeting along with members of the Committee, and staff from DPW and the Treasurer to discuss the recommendations and to answer questions you may have. Please do not hesitate to contact me if you have any questions before hand.

**Attachment A**  
**Proposed RTS Rate Schedule**  
**February 10, 2012**

Description	2011 Current	2012 Proposed	Note	\$ Change	% Change
<b>RTS Sticker Fees</b>					
Standard Sticker	\$90.00	\$90.00		\$0.00	0.00%
Standard Sticker Half Year	\$45.00	\$45.00		\$0.00	0.00%
Standard Sticker Discount	\$10.00	\$10.00		\$0.00	0.00%
Senior Standard Sticker	\$55.00	\$55.00		\$0.00	0.00%
Senior Sticker Half Year	\$27.50	\$27.50		\$0.00	0.00%
Senior Sticker Discount	\$10.00	\$10.00		\$0.00	0.00%
Hauler Sticker	\$125.00	\$125.00		\$0.00	0.00%
Replacement Sticker	\$10.00	\$10.00		\$0.00	0.00%
Lost Sticker	\$45.00	\$45.00		\$0.00	0.00%
RTS Week Pass Program	\$20.00	\$20.00		\$0.00	0.00%
<b>Bag Rates</b>					
Large Bag 30 LB	\$1.60	\$1.65		\$0.05	3.12%
Small Bag 15 LB	\$0.85	\$0.90		\$0.05	5.88%
<b>Scale Rate</b>					
Per Ton	\$135.00	\$140.00		\$5.00	3.57%

\* Effective April 1, 2012

^ Effective July 1, 2012

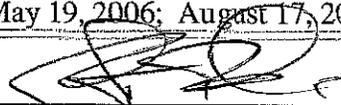
The sticker period runs from April 1 to March 31

Solid Waste Disposal and Recycling Committee  
**January 31, 2012 at 7:00 PM**  
Town Hall – Highland Room  
1471 Highland Avenue  
Needham, MA 02492

Meeting Agenda

- 1) General Fund Contribution to the Solid Waste Enterprise Policy
- 2) Review of Schedule of Fees
- 3) Revenue Outlook
- 4) Topics not reasonably anticipated 48 hours in advance of the meeting

## Board of Selectmen

<b>Policy Number:</b>	BOS-FIN-005
<b>Policy:</b>	General Fund Contribution to Solid Waste Enterprise Fund Policy
<b>Date Approved:</b>	April 18, 2006
<b>Date Revised:</b>	May 19, 2006; August 17, 2010
<b>Approved:</b>	 Chairman, Board of Selectman

### Policy:

It shall be the policy of the Town of Needham to annually support the Solid Waste Enterprise Fund by means of a transfer from the General Fund in an amount equal to the average of the "avoided cost" for the most recent past three complete fiscal years.

Avoided cost is the value of the services provided to Town Departments by the Recycling and Transfer Station. Included in these services are: receiving, processing and recycling DPW construction debris; disposal of trash from public trash receptacles; composting of leaves and yard waste which is then used by the Town; collecting and processing recyclables from Town departments, including schools; and disposal of snow and other normal trash from Town property. The expense of Recycling and Transfer Station labor, vehicles, and equipment used to provide these services and repairs and maintenance are factored into the calculation of the avoided cost.

This policy is based upon the principle that Town Departments should pay user fees for the services of the Recycling and Solid Waste Division, in the same manner that Needham residents and commercial entities pay for such use. Furthermore, if the Recycling and Solid Waste Division did not provide these services, the Town would be required to pay a commercial service provider. Accordingly, this policy establishes a method for developing an equitable transfer from the General Fund for the use of Recycling and Solid Waste services by Town Departments.

### Procedure:

1. The avoided cost value shall be calculated each year by totaling the following expenses:

Town tonnage cost: the amount of total tonnage received at or shipped from the Recycling and Transfer Station by Town Departments multiplied by the "market rate" for such services.

Market Rate cost: the average of the scale rates of proximate transfer stations and processing facilities that allow commercial deliveries or commercial sales of materials. Any change in the composition of the list of proximate transfer stations and processing facilities shall be reviewed by the Solid Waste Disposal and Recycling Advisory Committee.

**Town of Needham**

**RTS Enterprise**

**General Fund Contribution**

**General Fund Contribution  
Calculation  
FY2012**

Expense Type	FY2008	FY2009	FY2010	Average
Personnel Costs (total actual S&W cost plus benefits multiplied by the % that Town waste/recycling is of the total waste/recycling) Excluding HMEO Cost Below	\$117,593	\$174,980	\$209,197	\$167,257
Capital Costs (excluding Packer)	\$70,707	\$41,166	\$144,499	\$85,457
DPW material disposal avoidance	\$215,867	\$286,948	\$268,447	\$257,087
Materials Used by Town Operations (compost & loam)	\$55,451	\$30,513	\$32,216	\$39,393
Public Works Fill Use	\$57,351	\$61,085	\$16,293	\$44,910
<b>Group Subtotal</b>	<b>\$516,968</b>	<b>\$594,694</b>	<b>\$670,652</b>	<b>\$594,105</b>
Town Trash Disposal (tonnage cost @ \$89)	\$6,890	\$0	\$16,101	\$7,664
Town Recycling (avoided disposal tonnage cost @ \$89)	\$0	\$0	\$5,948	\$1,983
Transportation Costs for Pickup and Drop Off	\$0	\$0	\$36,036	\$12,012
Collection Packer Cost Depreciated (10 Years)	\$0	\$0	\$22,100	\$7,367
<b>Group Subtotal</b>	<b>\$6,890</b>	<b>\$0</b>	<b>\$80,185</b>	<b>\$29,025</b>
<b>Total</b>	<b>\$523,858</b>	<b>\$594,694</b>	<b>\$750,837</b>	<b>\$623,130</b>
<b>FY2012 Contribution Proposal</b>				<b>\$539,637</b>

**General Fund Contribution  
Capital Cost**

Item	FY2008	FY2009	FY2010
Drop Off Area Repairs	\$130,000		\$230,000
Front End Loader	\$230,000	\$26,000	
Trommel Screener Parts		\$225,000	\$26,609
Collection Packer			\$110,000
Facility PU #56			(\$26,609)
Material Screener #91			\$39,209
Less Capital not Related to Processing	(\$130,000)	(\$225,000)	
Less Collection Packer Special Handling	\$53,085	\$50,614	
Operating Budget Capital Expenses	<b>\$283,085</b>	<b>\$76,614</b>	<b>\$379,209</b>
	19.2%	29.0%	33.0%
<b>Total Related Capital</b>	<b>\$54,269</b>	<b>\$22,225</b>	<b>\$125,063</b>
Share of Town Waste/Recycling			
<b>Allocated Capital</b>			
Repairs and Maintenance Services	\$62,258	\$43,341	\$41,086
Repairs and Maintenance Parts	\$20,520	\$19,285	\$17,849
Repairs and Maintenance Vehicle Parts	\$2,967	\$2,671	\$0
<b>Repairs and Maintenance</b>	<b>\$85,745</b>	<b>\$65,296</b>	<b>\$58,935</b>
Share of Town Waste/Recycling	19.2%	29.0%	33.0%
<b>Allocated Repairs &amp; Maintenance</b>	<b>\$16,438</b>	<b>\$18,941</b>	<b>\$19,437</b>
<b>Capital Related Cost</b>	<b>\$70,707</b>	<b>\$41,166</b>	<b>\$144,499</b>

## General Fund Contribution Materials

Compost Usage									
Fiscal Year	Highway	Parks	S&W	Total Municipal Use	Rate	Dollar Value	Total Overall Quantity	% Used by Town	
FY2010	463.13	26.87	49.76	539.76	\$29.50	\$15,923.04	3,137.39	17%	
FY2009	241.92	35.09	33.00	310.01	\$35.50	\$11,005.36	4,528.48	7%	
FY2008	214.72	146.77	13.49	374.98	\$45.75	\$17,155.34	5,302.82	7%	

Loam Usage			
Fiscal Year	Total Municipal Use	Rate	Dollar Value
FY2010	1,481.17	\$11.00	\$16,292.87
FY2009	1,219.26	\$16.00	\$19,508.08
FY2008	1,702.03	\$22.50	\$38,295.68
			\$0.00

Public Works Fill Use						
Fiscal Year	Gravel Use	Crushed Stone Use	ASPH	Total Municipal Use	Rate	Dollar Value
FY2010	2,135.69	2.93	475.83	2,614.45	\$18.50	\$48,367.33
FY2009	1,878.98	383.44	-	2,262.42	\$27.00	\$61,085.34
FY2008	1,452.28	77.08	-	1,529.36	\$37.50	\$57,351.00

**TOWN OF NEEDHAM**

**RTS Rate Update**

**2012**

**January 31, 2012**

Discussion Only

RTS ENTERPRISE FUND  
Operating Revenues  
Table R-2

Description	2009 Estimate	2009 Actual	% of Budget	2010 Estimate	2010 Actual	% of Budget	2011 Estimate	2011 Actual	% of Budget	2012 Estimate	2012 YTD*	% of Budget
Sticker Revenue	\$425,000	\$440,410	104%	\$520,000	\$526,948	101%	\$580,000	\$563,550	97%	\$540,000	\$19,992.00	4%
Scale Revenue	\$415,000	\$391,677	94%	\$400,000	\$340,894	85%	\$289,000	\$326,365	113%	\$310,000	\$178,786.17	58%
Bag Sales	\$497,000	\$483,373	97%	\$505,000	\$432,629	86%	\$475,495	\$517,809	109%	\$490,000	\$237,236.35	48%
Miscellaneous (below)	\$263,000	\$214,682	82%	\$183,327	\$111,385	61%	\$106,780	\$153,320	144%	\$132,174	\$137,429.37	104%
<b>Operating Income</b>	<b>\$1,600,000</b>	<b>\$1,530,141</b>	<b>96%</b>	<b>\$1,608,327</b>	<b>\$1,411,856</b>	<b>88%</b>	<b>\$1,451,275</b>	<b>\$1,561,045</b>	<b>108%</b>	<b>\$1,472,174</b>	<b>\$573,443.89</b>	<b>39%</b>
Interest Income	\$7,420	\$3,435	46%	\$3,300	\$2,267	69%	\$1,500	\$2,084	139%	\$1,500	\$782.32	52%
Retained Earnings	\$26,000	\$26,000	100%	\$136,609	\$136,609	100%	\$235,000	\$235,000	100%	\$200,000		
Other Available Funds												
<b>Enterprise Fund Revenue</b>	<b>\$1,633,420</b>	<b>\$1,559,576</b>	<b>95%</b>	<b>\$1,748,236</b>	<b>\$1,550,732</b>	<b>89%</b>	<b>\$1,687,775</b>	<b>\$1,798,129</b>	<b>107%</b>	<b>\$1,673,674</b>	<b>\$574,226.21</b>	<b>34%</b>
General Fund Contributions#	\$510,270	\$510,270	100%	\$535,681	\$535,681	100%	\$654,216	\$792,673		\$547,673		
Additional GF Subsidy							\$138,457			\$33,000		
<b>Total Revenue</b>	<b>\$2,143,690</b>	<b>\$2,069,846</b>	<b>97%</b>	<b>\$2,283,917</b>	<b>\$2,086,413</b>	<b>91%</b>	<b>\$2,480,448</b>	<b>\$2,590,802</b>	<b>104%</b>	<b>\$2,254,347</b>	<b>\$574,226</b>	<b>25%</b>
Miscellaneous Revenue	\$57,000	\$62,032		\$53,627	\$28,866		\$30,000	\$50,712		\$48,069	\$55,698.62	
Recycling Revenue	\$50,000	\$38,297		\$34,000	\$23,200		\$32,000	\$50,665		\$48,000	\$33,100.87	
Other Services	\$500	\$1,350		\$1,200	\$820		\$680	\$810		\$680	\$365.00	
Recycling Bins	\$125,000	\$92,542		\$83,000	\$47,191		\$39,500	\$33,144		\$31,000	\$24,819.38	
Recycling Metal	\$14,000	\$13,150		\$11,500	\$10,006		\$4,600	\$4,442		\$4,300	\$4,312.50	
Trommel Screener	\$4,500	\$7,310			\$1,300			\$4,860		\$125	\$125.00	
Snow Dump	\$2,000										\$5,532.30	
Wood Grinding											\$5,505.40	
Recycling Single Stream (N)											\$7,970.30	
Recycling Comingled (N)												
Recycling Corrugated (N)												
<b>Total Miscellaneous</b>	<b>\$263,000</b>	<b>\$214,682</b>	<b>82%</b>	<b>\$183,327</b>	<b>\$111,385</b>	<b>61%</b>	<b>\$106,780</b>	<b>\$153,320</b>	<b>144%</b>	<b>\$132,174</b>	<b>\$137,429.37</b>	<b>104%</b>
											<b>**12/31/2011</b>	

**RTS ENTERPRISE FUND**  
**Rate Structure Sheet**  
**Preliminary**  
**January 26, 2012**

Description	2008	2009	2010	2011	2012	2013
	Approved	Approved	Approved	Approved	Proposed	Outlook
	\$	\$	\$	\$	\$	\$
					Change	Change
						%
						Change
<b>RTS Sticker Fees</b>						
Standard Sticker	\$50.00	\$60.00	\$75.00	\$90.00	\$90.00	\$0.00
Standard Sticker Half Year				\$45.00	\$45.00	\$0.00
Standard Sticker Discount	\$20.00	\$30.00	\$22.00	\$10.00	\$10.00	\$0.00
Senior Standard Sticker	\$30.00	\$35.00	\$43.75	\$55.00	\$55.00	\$0.00
Senior Sticker Half Year				\$27.50	\$27.50	\$0.00
Senior Sticker Discount	\$20.00	\$30.00	\$22.00	\$10.00	\$10.00	\$0.00
Hauler Sticker	\$100.00	\$100.00	\$125.00	\$125.00	\$125.00	\$0.00
Replacement Sticker	\$20.00	\$30.00	\$5.00	\$10.00	\$10.00	\$0.00
Lost Sticker			\$45.00	\$45.00	\$45.00	\$0.00
RTS Week Pass Program	\$10.00	\$10.00	\$10.00	\$20.00	\$20.00	\$0.00
<b>Bag Rates</b>						
Large Bag 30 LB	\$1.50	\$1.50	\$1.60	\$1.60	\$1.60	\$0.05
Small Bag 15 LB	\$0.75	\$0.75	\$0.85	\$0.85	\$0.85	\$0.05
<b>Scale Rate</b>						
Per Ton	\$130.00	\$130.00	\$135.00	\$135.00	\$135.00	\$5.00

The sticker period runs from April 1 to March 31

**Board of Selectmen**

**AGENDA FACT SHEET for 2 / 14 / 12**

**Agenda Item: 1.** Discuss Webster Street Phase 3 Road Rehabilitation Project

**Presenter(s):** Richard P. Merson, DPW Director

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

The DPW is preparing to undertake the third phase of the overall project from Dedham Ave. to Highland Ave. Phase 3 is work between West Street and Highland Avenue. The unique aspect of this section is due to a wider layout. There is the possibility of widening the paved road to accommodate on-street parking on both sides of the road and maintain two-way traffic. This would come at the expense of some tree removals and utility locations which would delay the work one season to 2/4/2013.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES  NO  (circle one)**

*Suggested Motion:*

N/A

**3. BACK UP INFORMATION ATTACHED:**

- 1. Draft Project Schedule
- 2. Draft Neighborhood Notice

**4. SIGN OFF/APPROVAL REQUIRED: (circle one)**

- a. Town Manager    Yes  No     NA    \_\_\_\_\_
- b. Town Counsel    Yes  No     NA    \_\_\_\_\_
- c. Finance Director    Yes  No     NA    \_\_\_\_\_
- d. Town Accountant    Yes  No     NA    \_\_\_\_\_

Staff use: Disposition by BOS:

Action taken: \_\_\_\_\_

Present on future Agenda: \_\_\_\_\_

Refer to/Inform: \_\_\_\_\_

Report back to BOS by: \_\_\_\_\_

**DRAFT**  
**Proposed Project Schedule**  
**Webster St. Rehabilitation Project**  
**Phase – 3 (West St to Greendale Av)**

January 19, 2012	DPW Superintendent Meeting to Review Project Status
January 23, 2012	Police, Fire, Park & Rec, DPW Meeting
February 1, 2012	Mail Neighborhood Meeting Notices (Meeting proposed for 2/16/12)
<del>February 16, 2012</del> MARCH 1, 2012	Neighborhood Meeting proposed (7:30 to 9:30 PM PSAB –CRR)
<del>March 16, 2012</del> 30	Review Engineering Draft Plans
<del>March 23, 2012</del> April	DPW Site Walk to Determine Impacts on Utilities, Trees & Private Property
<del>April 13, 2012</del> 23	Review Webster St Draft Plans & Impacts with DPW Director
<del>April 27, 2012</del> 30	Review Revised Plan / Summary Report of Proposed of Scope & limit
TBD	Town Manager/ BOS -Report
TBD	Utility Pole Hearing – Tree Hearing
TBD	Review Utility Pole & Tree hearing items & Propose Project Schedule
TBD	Submit Letter for Chapter-90 Funding after determining final Roadway Plan
TBD	Notice to Newspapers (Project Press Release)
TBD	Abutter Notice, Dig Safe, Begin Installing Construction Work Zone Signs, Engineering Provides Mark Outs
TBD	Roadway Work Begins



TOWN OF NEEDHAM, MASSACHUSETTS  
PUBLIC WORKS DEPARTMENT  
470 Dedham Avenue, Needham, MA 02492  
Telephone (781) 455-7534 FAX (781) 449-9023

February, 2012

**DRAFT**  
RE: Webster Street Road Rehabilitation – Phase 3

Dear Resident:

The Department of Public Works invites you to a meeting to discuss design considerations for the roadway rehabilitation of Webster Street between West Street and Highland Avenue. The meeting is scheduled for Thursday, March 1, 2012 from 7:30 PM to 9:30 PM in the Charles River Room of the Public Service Administration Building located at 500 Dedham Avenue.

The Department of Public Works (DPW) is preparing to undertake the next phase of Webster Street. This is the third and final phase of the project between Dedham Avenue and Highland Avenue. The prior two phases were completed over a four year period between 2007 and 2010.

The DPW is seeking feed back on a design that could involve paving a portion of the roadway wider than the prior phases. If supported by the neighborhood the wider paving would result in the removal of several trees and the relocation of utility poles and drainage structures. The DPW is also considering improvements to provide safer on-street parking for users of Avery Field by indenting the parking adjacent to the field.

After receiving citizen input the DPW will determine if a wider roadway width should be considered. Following the meeting a draft roadway design plan will be prepared. The draft plan will be presented at a second neighborhood meeting. Your participation is important and encouraged so that all design elements and concerns can be heard and considered in the plan.

Sincerely,

Richard P. Merson, Director  
Needham Public Works

Board of Selectmen

AGENDA FACT SHEET for 2 / 14 /12

Agenda Item: 2. Traffic Management Committee Update – Webster Street Bicycle Pavement Markings

Presenter(s): Richard P. Merson, DPW Director

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Needham Bikes has been working through the TMAC and DPW for the past few years to implement the Bicycle Plan approved in 2000. In connection with road reconstruction throughout Town, white edge lines delineating the travel lane from the shoulder provide for what is in effect a bike lane. In narrower road locations "shore to road" signage has been installed on the first two (2) phases of the Webster Street rehabilitation project. The installation of edge lines were an issue and withheld. The use of "Sharrows" has been suggested as an alternate marking. The TMAC has recommended that a neighborhood meeting be held prior to these markings being painted. The TMAC has allowed Needham Bikes to have this public meeting as part of the March or April TMAC Meeting.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES  NO (circle one)

Suggested Motion:

N/A

3. BACK UP INFORMATION ATTACHED:

- 1. Needham Bikes Presentation Package – Oct. 12, 2011 TMAC
- 2. Typical Shared Lane Marking (Sharrow)
- 3. Typical Marking Stencil Catalog sheet

4. SIGN OFF/APPROVAL REQUIRED: (circle one)

- a. Town Manager Yes  No NA \_\_\_\_\_
- b. Town Counsel Yes  No NA \_\_\_\_\_
- c. Finance Director Yes  No NA \_\_\_\_\_
- d. Town Accountant Yes  No NA \_\_\_\_\_

Staff use: Disposition by BOS:

Action taken: \_\_\_\_\_ Present on future Agenda: \_\_\_\_\_

Refer to/Inform: \_\_\_\_\_ Report back to BOS by: \_\_\_\_\_

**TMAC MEETING**  
**Oct. 12, 2011**

**Signage and Road Markings**  
**Needham Bikes**

ITEM # 10  
GARY LEVINE

**Background**

Since its formation, Needham Bikes has been an advocate for the health and safety benefits of bicycling in Needham. One of its first initiatives was to begin to implement some of the ideas that had been approved by the TMAC in the Oct. 2000 Bicycling Plan for the Town of Needham.

The Bicycle Plan contemplates a combination of road signs and road markings to increase the level of safety for automobiles and bicycles to share public roadways.

Step One - 2010 - Signage

Needham Bikes signs have been installed on certain roads that have been designated as Phase 1 roads from the Bicycle Plan. The number of signs and the number of roads in Phase 1 was limited by the funds available to make the signs. They were installed by the Needham DPW under the supervision of Tony Del Gaizo.

Step Two - 2011 - Road Markings

Webster Street has been designated as the first place to add bicycle road markings. This was based on the proximity to the High School, the fact that Webster St had been originally designed to have white lines on each side to enable a safe bike lane, and it is designated on the Bicycle Plan.

Since the white lines were not added to Webster Street, it has been proposed that "Sharrows" be used to mark a lane for bicycles to ride. Sharrows are a symbol that combines arrows with a bicycle to indicate the road is to be "shared" by bicycles and automobiles.

Additional roads such as Harris Ave. as well as roads that already have white lines (such as Great Plain or Greendale) will be considered for additional Sharrows after the first phase on Webster St.

TMAC Meeting - June 8, 2011

Gary Levine made a presentation regarding Sharrows on Webster St. at the June 8, 2011 TMAC meeting. The committee asked for additional details such as the design, locations, and photos of how Sharrows would look on Webster St.

### Design

The proposed design is as shown on the photos.

The diagram shows a Sharrow image 30" wide and 80" high.

Needham Bikes is seeking approval for 20% flexibility in the size of the image since minor changes may be needed as the template is created.

Proposed Size: 30-36" wide and 80-96" high.

Proposed Design: As shown or replacing standard bicycle with Needham Bikes image plus same two arrows.

### Sharrow Image

See attached image and photos. Final design will be similar without material changes.

Pictures of a sample Sharrow on Webster St are provided to the committee.

### Location:

Sharrows will be located approx. 12" from the side of the road.  
See scale drawing.

Webster St is 1.2 miles in length from Great Plain to Highland Ave.

Proposal A: Arrows will be approx. 1 sharrow per each 0.1 mile section for a total of 12 arrows in each direction (approx. every 500 feet). This proposal is recommended by Needham Bikes since it is better for safety.

Proposal B: Arrows will be approx. 1 sharrow per each 0.2 mile section for a total of 6 arrows in each direction (every 1,000 feet). This proposal is an alternative since it is less intrusive, but less safe for riders and automobiles.

Map shows suggested locations for Proposal B. Proposal A adds 1 sharrow between each location. These may be changed based on the discretion of the DPW.

## Signs

It is suggested that two additional Needham Bikes signs be added on Webster:

- 1) Corner of Great Plain and Webster heading North.
- 2) Corner of Highland Ave and Webster Heading South.

- as shown on map

- these 2 signs will be added if they are currently available from DPW stock (of Needham Bikes signs) or later when money is available to print more signs.

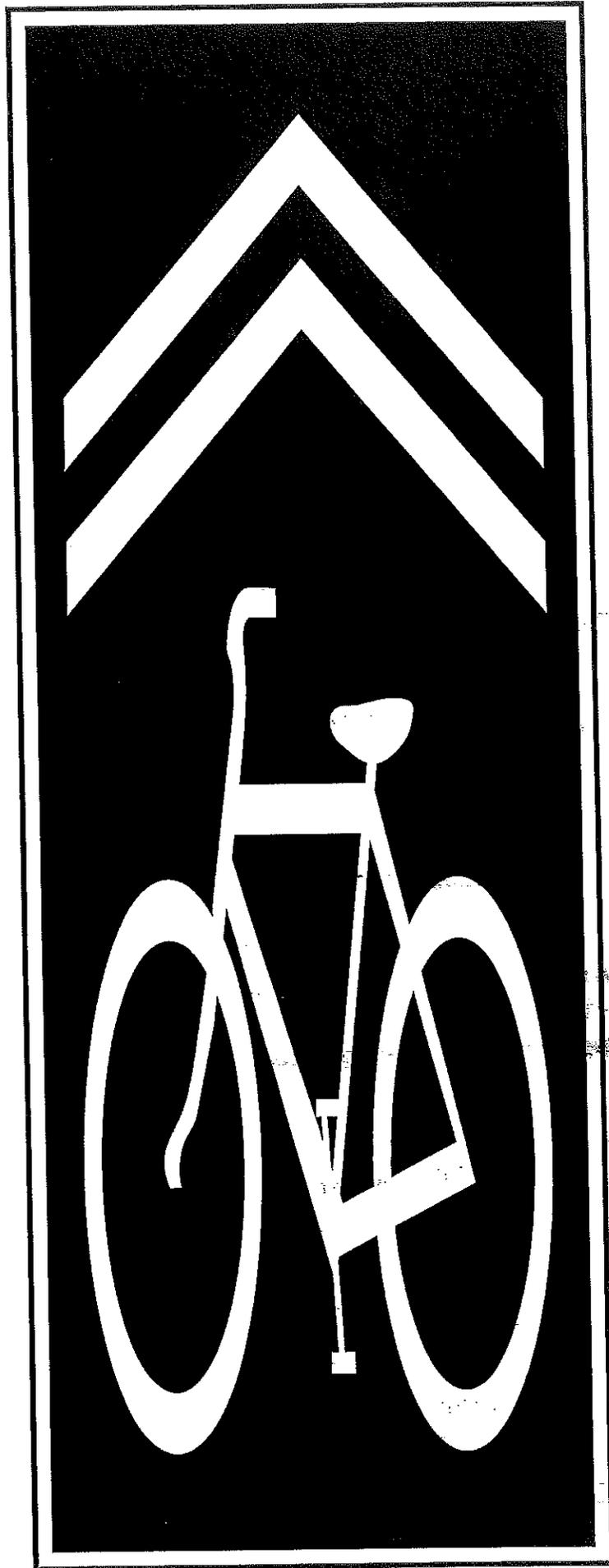
## Stencil - Needham Bikes

Stencil to be designed and paid for by Needham Bikes and delivered to DPW.

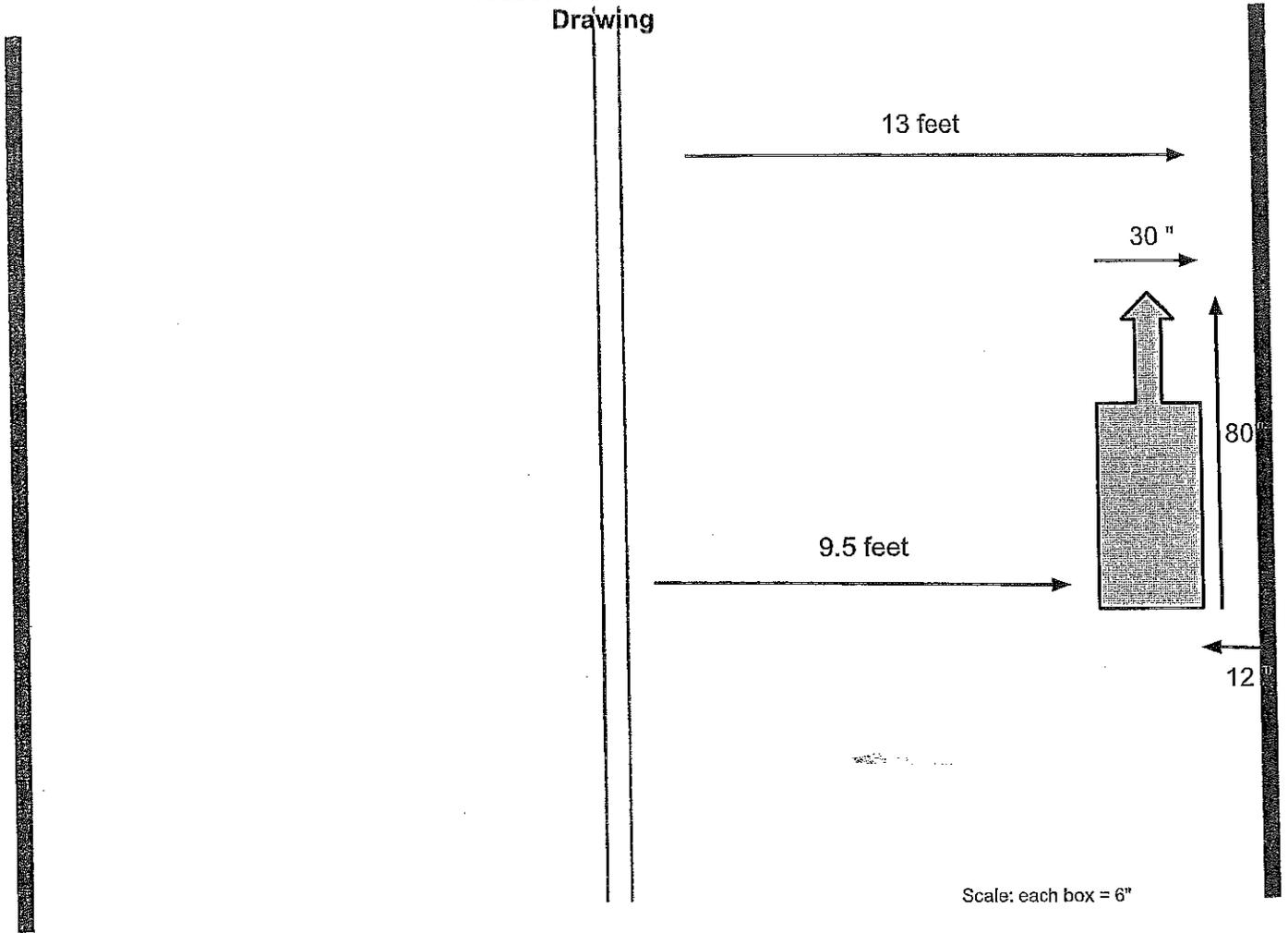
## Road Markings - DPW

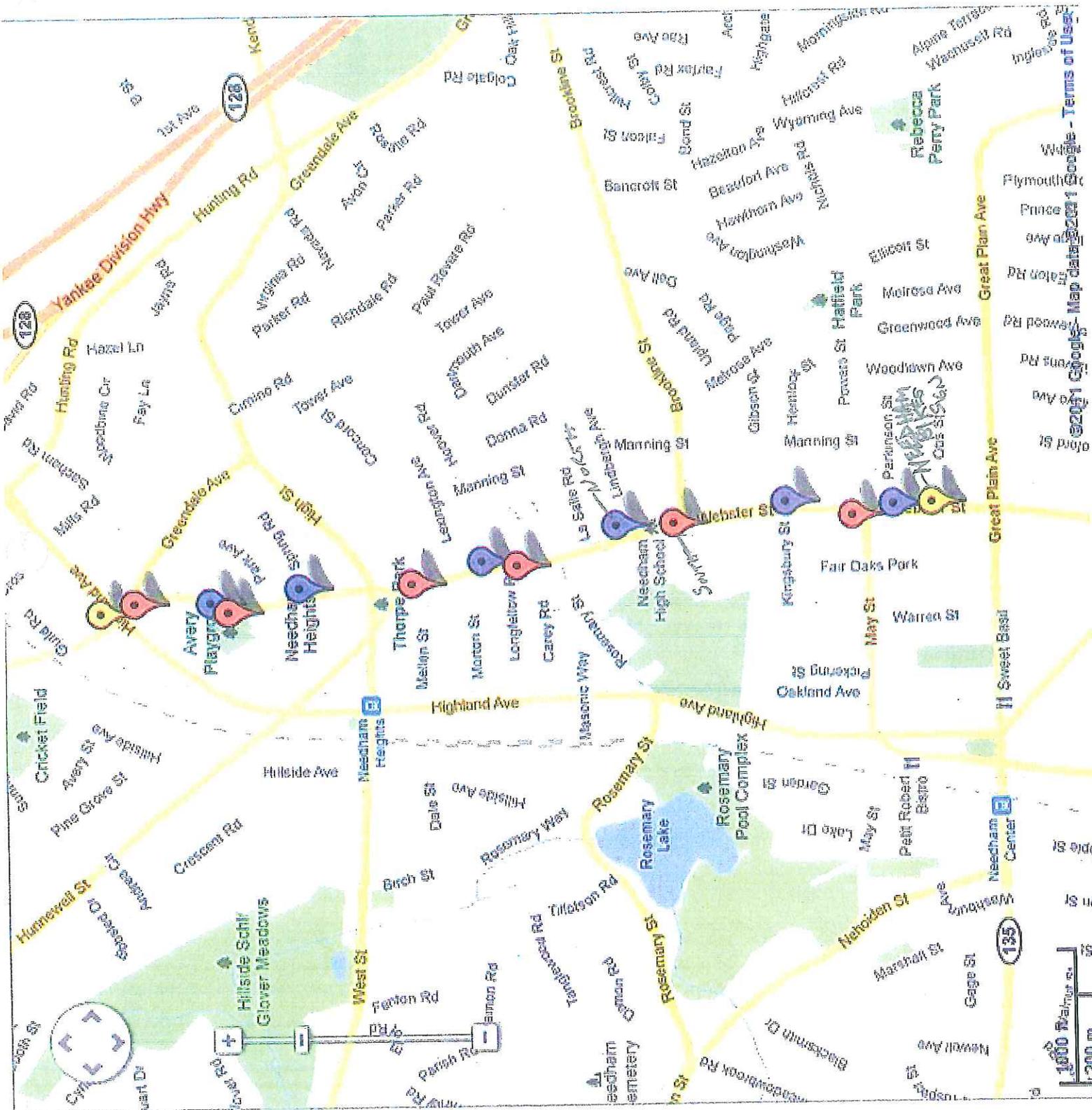
Sharrows to be painted on roads by the DPW.





Webster Street Scale  
Drawing

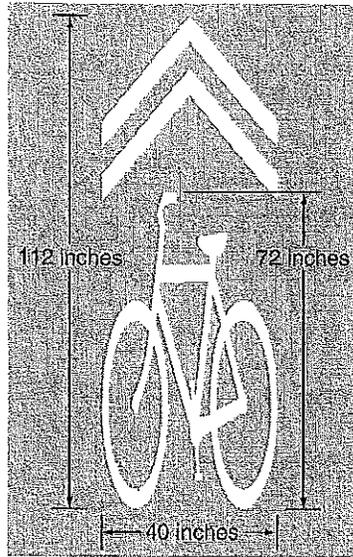




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Figure 9C-9. Shared Lane Marking



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Items: 0 Total: \$0.00



# Alphabet Signs

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## Bicycle Sharrow Stencil (40 x 112)

Item: 70060SH



In Stock  
Price: **\$275.00**

Quantity:

Usually ships 1 work days.  
Size: 122" x 54"  
Ship Weight: 20.00 pounds

### Volume Price

Quantity	Price Each
1	\$275.00
2-3	\$261.25
4-10	\$247.50
11+	\$233.75

0.0

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### Reusable material is thicker than the competitors

All stencils are made of 1/10" thick semi-rigid plastic and can be used over and over again. Our stencils are better than the competitors because the material is specially formulated for pavement stencils so it weighs a little more and lays flatter. This helps prevent under-spray. This is not an off the shelf plastic, the pavement stencil material has a specific resin, produced at exact specifications, so it is virtually waveless and has a very smooth surface. These properties make the stencil lay flatter and clean up easily.

### These are the best stencils designed for professional pavement stripers

The BICYCLE LANE STENCIL is 40"W x 112"H and its overall measurement is 54"W x 122"H. There is a 5" wide border to prevent overspray. The graphic is made to the Federal Highway Administration MUTCD standards for bicycle shared lane symbols and has been designed and field tested for maximum legibility.

### How to apply paint

Paint can be applied by using spray equipment, brush or roller. You can get spray equipment from Graco Sprayers. Sherwin Williams Dura Clad or Pervo Paint Ultra 9000 offer a conventional dry (non-heated application) water-based paint intended for marking interior and exterior curbing and lanes on driveways, sidewalks, factory floors, parking lots and airport runways. Please consult their paint specialist for you application.

### Storage and maintenance

Stencils are made for easy clean up. When paint is dry just bend stencil or hit against hard surface and paint will flake off easily. The stencils are typically shipped rolled and should be layed flat in a warm location over night to get any 'memory' curl out. It is best to store them flat and without any weight on it. There is some UV protection in them but direct sunlight or the back of a pick-up cab would cause them to crack.

### Manufacturer guarantee

This item comes with a one year manufacturer's guarantee against tears or rips. Product life is typically 3-5 years under normal use.

This item is Made in America which reduces transportation costs, supply time and its environmental impact and keeps American jobs.

Updated: Feb 01, 2012

### Customers Who Bought This Item Also Bought



[Parking For Bicycles Sign](#)  
\$19.95



[Bicycle Parking D4-3](#)  
\$37.80



[Bike Route D11-1](#)  
\$24.50



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Alphabet Signs, Inc. 91 Newport Pike, Suite 102, Gap, PA 17527

US Toll Free 800-582-6366, Local 610-979-0174, Fax 610-979-0066, Hours Weekdays 8:30am - 5:30pm EST

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**Board of Selectmen**

**AGENDA FACT SHEET for 2/14/2012**

**Agenda Item:** Sale of Alcohol for Consumption off Premises

**Presenter(s):** Devra Bailin, Director of Economic Development

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

Ms. Bailin will update the Board on research conducted by the Wine Shop Subcommittee of the Council of Economic Advisors relative to whether small stores and/or stores limited to wine and beer can be profitable.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES (NO) (circle one)**

**3. BACK UP INFORMATION ATTACHED:**

a. Report of the Wine Shop Subcommittee to the Council of Economic Advisors, 2-1-2012

**4. SIGN OFF/APPROVAL REQUIRED:**

a.	Town Administrator	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

---

**Disposition by BOS**

**Action taken:** \_\_\_\_\_ **Present on future Agenda:** \_\_\_\_\_

**Refer to/Inform:** \_\_\_\_\_ **Report back to BOS on:** \_\_\_\_\_

---



TOWN of NEEDHAM  
MASSACHUSETTS

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

**Economic Development**

781-455-7500 x213

REPORT OF THE WINE SHOP SUBCOMMITTEE TO THE COUNCIL OF ECONOMIC ADVISORS

**Introduction**

The CEA asked the Subcommittee to find out from people in the industry whether small and/or stores limited to wine and beer could be profitable. The Subcommittee spoke to Needham resident Rich Cataldo, who works for Murrays and has been in the business for over 30 years. The Subcommittee met with Steve Rubin, a Needham resident, who owns Huntington Wine & Spirits and Nik Ligris, also a Needham resident, who is affiliated with the Brookline Fine Wine & Gourmet on Harvard Street in Brookline Village. The focus of the discussion was to make sure that any recommendations from the CEA resulted in businesses which could be profitable, even if limited as to product or size.

**Discussion Regarding Economic Impact of Retail Sales of Wine, Beer and/or all Alcohol with Invited Guests**

Steve Rubin explained that he owns a large facility that sells wines, beers and spirits on Huntington Avenue in Boston. He is personally in favor of a specialty wine and beer with associated gourmet products (cheese, bread, and the like) for Needham. He noted that, although there will be a lot of interest in potential stores in Needham, the industry is simply not that profitable. Assuming licenses go to grocery stores in Town, which they should, there would only be a couple of licenses left and the market, therefore, diluted. The gross margin on beer is about 22%, wine 33%, and spirits 25%. Depending on rent, liquor stores target average gross margins of 20-28%. In order to make a profit, stores need to reach \$1.5 million in annual sales. (Janet noted that she has the same numbers and there simply is not much money to be made. From a grocery store perspective, it is more about offering consumer convenience.) Steve noted that Gary's Liquor, for example, runs one page ads to get people in; half the cost is covered by distributors. Gary's margins on those advertized items are very low but they make money on the sheer quantity of sales. Steve added that those types of discounts are simply not available to the small vendor.

Nik Ligris explained that the Brookline Fine Wine was borne out of an error by Brookline. His company, which has other full liquor stores elsewhere, received a full license from Brookline. Before they could open, they were told a mistake had been made and Brookline could not issue any more all alcohol retail licenses. They were forced to create a new model with wine and beer only in their Brookline Village store. The store is too small, as Steve also noted, to offer the discounts that the large operations can make. They had to create a niche. Their alcohol sales are 60% wine and 40% beer (mostly microbrew and other specialty beers; they don't sell thirty can cases). Because these items themselves do not have sufficient margins to be profitable, they decided to sell balsamic vinegars and

olive oils from dispensers. They also sell local jams, cheeses and other prepackaged foods, products which require much less oversight from the Health Department than foods made and packaged onsite. They sell a lot of gift boxes/baskets and also cigars. The store is profitable, in part because they leased it when the market was low. The store is only 1300 sq. ft. and Nik advised that 1200 to 1300 is adequate for a profitable wine and beer store, provided there is also additional storage space. The economics are there but you have to have a plan. Most people think selling wine and beer is hugely profitable; it isn't. You need experience in the industry and amateurs will quickly find out that they can't operate a profitable store. In response to issues about full liquor stores, they have a location on the backside of Fenway which turned around the retail space around it. In terms of figuring out the synergy affect, it is very difficult to quantify but people coming into their Brookline store often come in with shopping bags from stores in the immediate area. He noted that it is important for small operations, like that in Brookline, to get involved with the community.

Nik and Steve both thought the most likely to succeed enterprise selling wine and beer would have to tie their plan to specialty food items as well. Adding hard liquor, given the margins on sales, would unlikely provide sufficient bases for a profitable small store. To profit on alcohol sales alone, you need, according to Nik and Steve, a very large store, which relies on volume and discounts.

Nik noted that if stores are limited to wine and beer here, there will continue to be a habit to go to full liquor stores which will have to change. Steve and Nik estimated that between 35-50% of purchases, even for wine and beer, will continue to be made out of Town should product be limited. Nik noted that to break habits, you have to provide something unique; a specialty wine and beer store with specialty food items will be able to accomplish that over time. The prepackaged food stuffs and gift items (including baskets) are where the real profit in the operation is.

The question was raised as to whether the Subcommittee should recommend limiting the sales area to 1000-2000 sq. ft., exclusive of storage. Steve thought 1500 would be sufficient if the Town wanted to discourage large discount vendors and incent grocery stores and small specialty wine and beer. Because most customers are shopping for a bottle of wine at an average of \$11.99, a wine store has to carry other items offering much higher margins (e.g., gift baskets, prepackaged food items). Such a plan creates a model that works.

Rich Cataldo's comments were relayed to the Subcommittee. Rich, who presently works for Murrays, explained that he personally feels that wine and beer is the way to go. He has been in the business for over 30 years; expanding to full liquor brings a host of regulation and potential problems not present with wine and beer stores. He thought Weston's wine and beer store is a good model. He believes the profit margin is in wine sales. He noted that the markup on wine is 50%, beer 20%, and liquor 20%. To make a profit one has to do about \$1.5 million in business so that, out of total or gross sales, you can get between 20-25% margin. The margins on beer and hard alcohol make it very difficult to turn a profit unless you sell substantial quantities, which would be difficult to do in a small store. He would recommend, whichever way the Town goes on the issue, to ban the sale of single-serving small hard alcohol bottles and also limit the hours of operation.

Steve agreed that one would need to hit the \$1.5 million in sales to make a profit in a store. He also commented on the current changes in the industry. Licensees can now have five rather than three

licenses statewide with two additional ones in 2016. This may make it much for difficult for independently-owned small liquor stores to compete with large package stores.

The Subcommittee discussed what parameters it thinks it should recommend. It was thought by some members that the size (square footage) of the store area for such sales should be restricted or the Town won't see the specialty store the Subcommittee and CEA envisioned for the downtown. Steve agreed; the size shouldn't exceed 1500 sq. ft. The Subcommittee and invitees estimated All Star is about 2000 sq. ft; Upper Falls is 7000 sq. ft; and Higgins Market (Dover) 2000 sq. ft. Steve suggested that there should be regulation in place limiting the hours for wine-tastings (e.g., not after 10:00 p.m.). He also thought, even if the initial approval is for wine and beer, the Town will likely follow Arlington's experience and eventually open it up to spirits. Steve and Nik noted that the key to concerns about late night alcohol sales is to limit the hours of alcohol sales. Steve commented you could allow sales until 9 p.m. weekdays and 10 p.m. on Saturday. (As previously noted, sales on Sunday are prohibited except during the "holiday" season.)

The Subcommittee noted that, except for the multiplier inherent in locally owned/independent businesses, the filling of vacancies and the hiring of employees that the Subcommittee had previously identified, there is simply not any identifiable economic impact from retail sales of alcohol. **Unless** the existence of the retail presence of such a use serves to provide a synergy to an area, the positives are difficult to assess. Thus, as the CEA had originally thought, a small specialty store in the downtown or heights might well provide a positive impact.

### **Enforcement Costs**

As to enforcement costs, Steve said that this is a highly regulated industry. Enforcement is by the local police, who on average come to do spot checks about four times a year. Additional spot checks or stings are conducted by the Century Council, which funds them. Nik noted that one police officer is usually designated to be in charge of enforcement operations.

### **Identify Questions to be Addressed to Town Counsel**

Subcommittee would like to know whether the Home Rule Petition Amendment or alternatively the regulations later adopted by the BOS can (1) limit the size of the facility? (2) mandate prior experience and/or expertise in the industry by a licensee? (3) require specialty food items to be sold in the facility? (4) hold open applications for a period of time in order to create an initial filing period? (4) require owners/operators to be onsite during alcohol sales hours? (5) limit hours of operation? and (6) limit the alcohol products for sale (e.g., prohibit single-serving size hard liquor bottles)?



# Memorandum

To: Board of Selectmen  
From: David Davison, Assistant Town Manager/Director of Finance  
CC: Kate Fitzpatrick, Town Manager; Evelyn Pones, Treasurer/Collector;  
Rick Merson, Director of Public Works  
Date: February 10, 2012  
Re: Massachusetts Water Resources Authority (MWRA) Financial Assistance

---

The Town is under Administrative Order from the State to identify and remove Infiltration and Inflow (I/I) from the sewer system. Infiltration is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures. Inflow is defined as clean, non-septic water, which enters the system. This water is generally produced by residential sump pumps that drain basements.

Under Article 45 of the May 2007 Annual Town Meeting \$1,806,800 was appropriated for the purpose of infiltration and inflow removal. Another portion of this work has been approved by the MWRA for financial assistance under its grant/loan program. The grant/loan program is offered to help communities remove I/I from existing sewer systems. The Town executed a Financial Assistance Agreement with the MWRA for \$401,800 of which \$180,810 is a direct grant and \$220,990 is in the form of a loan. The loan is to be repaid over five years without interest. The funds will be put towards the infiltration work in Subareas 16 and Lower 22. The Town had received a similar grant-loan for such work back in May 2010 in the amount of \$515,100, and the Town received \$392,200 through the program for the Richardson Drive Pump Station elimination project back in January 2010. The Town, and by extension Needham sewer customers, saved thousands in interest expense because of this program and is allowing the Town to move more aggressively in tightening the sewer system. The removal of infiltration and non-paying inflows from the sewer system provides benefits such as a lower MWRA sewer assessment than would otherwise would be incurred if the work was not done, and protection of sensitive environmental areas.

The Board will be asked to approve the issuance of a five-year zero interest Bond with MWRA. Upon approval, the Board will need to execute the certificate and the Bond. The documents will be brought to the meeting by the Town Treasurer.

Please do not hesitate to contact me if you have any questions prior to the meeting.



# MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard  
100 First Avenue, Building 39  
Boston, MA 02129

RECEIVED  
TOWN OF NEEDHAM  
BOARD OF SELECTMEN

2012 FEB -3 P 12:38

Telephone: (617) 242-6000  
Fax: (617) 788-4899  
TTY: (617) 788-4971

Frederick A. Laskey  
Executive Director

February 3, 2012

Kathleen P. Fitzpatrick  
Town Manager  
Town Hall  
1471 Highland Avenue  
Needham, MA 02492

**RE: MWRA I/I Local Financial Assistance Program: February 2012 Funding Distribution  
Needham Phase III I/I Rehabilitation Construction – Subareas 16 / 22 and Others  
MWRA Project No. WRA-P7-23-3-751 (Needham Contract No. FY 12-14-01)**

Dear Ms. Fitzpatrick:

Please find enclosed six original MWRA I/I Local Financial Assistance and Loan Agreements for signature. These agreements detail the terms and conditions associated with the MWRA's I/I Local Financial Assistance Program for Needham's Subareas 16 / 22 and Others I/I Rehabilitation Project. The approved project encompasses I/I reduction within the Town's wastewater collection system.

The MWRA will provide the community a total financial assistance amount of \$401,800, of which \$180,810 shall be in the form of a grant and \$220,900 shall be in the form of an interest-free loan. Financial assistance distribution is scheduled for March 1, 2012. To achieve this distribution date, all agreements must be executed and returned to the Authority by February 17, 2012.

Once the agreements are signed, please notify me to outline the delivery of the agreements to the community's bond counsel. If you have any questions or comments relating to this matter, please do not hesitate to contact me at (617) 788-4358.

Sincerely,  
Massachusetts Water Resources Authority

Jon F. Szarek, P.E.  
Project Manager  
Community Support Program





Transit Realty Associates

77 Franklin St. 9th Flr  
Boston, MA 02110

February 03, 2012

RECEIVED  
TOWN OF NEEDHAM  
OFFICE OF SELECTMEN  
2012 FEB -6 P 3:36

Town of Needham  
Kate Fitzpatrick, Town Manage  
Town Hall  
Needham, MA 02492

RE: Expiration of License for Entry #B5965 / MBTA-10243  
Needham Center Commuter Rail Station      Needham

The above-referenced LICENSE agreement with the Massachusetts Bay Transportation Authority has expired or is due to expire on **February 28, 2012.**

Please notify this office **in writing** with any intent to hold over during the extended term. The license fee will be adjusted based on the terms stated within the holdover section of the agreement. If you have vacated the premises on or before the expiration date, please sign below and send supporting documentation so that your agreement can be terminated accordingly.

Also, please note that your certificate of insurance has expired or is due to expire on . As per the Insurance requirements of this agreement, a current certificate of insurance must be maintained at all times while accessing MBTA property. **The MBTA must be listed as additional insured. If still occupying the property,** please send Renewal Insurance Certificates to:

MBTA  
c/o Transit Realty Associates  
77 Franklin Street 9th Floor  
Boston, MA 02110  
Attn: B5965

Thank you for your cooperation in this matter. Should you have any questions, please contact me at (617) 482-2525, extension 226 or sdimeo@transitrealty.com.

Sincerely,

Occupancy still in use: (Date)

OR

As per the holdover section in the above agreement

Occupancy vacated as of: (Date)

Please forward any supporting documentation regarding the removal of occupancy

Signature:

Printed Name:

Title:

Vante

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**  
**USE AND OCCUPANCY AGREEMENT –MBTA #10243**  
**RAILROAD PROPERTIES**  
**NEEDHAM, MASSACHUSETTS**

**1. Use and Occupancy Agreement**

The Massachusetts Bay Transportation Authority, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, established and existing pursuant to Chapter 161A of the Massachusetts General Laws, with a usual place of business at 10 Park Plaza, Boston, Massachusetts (hereinafter referred to as "MBTA"), hereby grants to the Town of Needham (referred to as "OCCUPANT" or "LICENSEE"), Massachusetts, the right and privilege to use and occupy land near the MBTA Needham Center commuter rail road station in, Needham, Massachusetts as shown on Exhibit A attached hereto, and incorporated herein, (hereinafter referred to as the "Premises") for the purposes described in the Scope of Use and Occupancy below. Such use and occupancy may be conducted only during the Term.

**2. General Conditions**

- 2.1 Date:** February 1, 2011
- 2.2 OCCUPANT:** Town of Needham
- 2.3 Term:** March 1, 2011 to February 28, 2012; except that the MBTA may terminate this Agreement at any time with thirty (30) days written notice.
- 2.4 Occupancy Fee:** \$1,312.50 monthly payable in advance, without demand.
- 2.5 Administrative Fee:** N/A
- 2.6 Premises:** A certain parcel of land, approximately 10,500 square feet located near the MBTA Needham Center commuter rail station, Needham, Massachusetts and shown in Exhibit A attached hereto.
- 2.7 Scope of Use and Occupancy Agreement:**  
To use and occupy the Premises solely for purpose of parking, subject to the remainder of this Agreement. No construction or improvements are permitted hereunder without the express written consent of the MBTA, which may include additional terms and conditions. OCCUPANT shall have the right to permit its employees, contractors and agents to use the Premises as permitted hereunder and acting by and through the OCCUPANT, subject to all of the terms and conditions of this License.

OCCUPANT shall have control of the Premises; except that the MBTA may enter the Premises at any time with forty-eight (48) hours notice to OCCUPANT (except in case of emergency when the MBTA shall give whatever notice is feasible.)

OCCUPANT shall operate and maintain the Premises and its installations thereon in a safe manner and immediately notify the MBTA if any problem occurs which may result in a safety hazard. If any unsafe situation should occur as a result of the OCCUPANT's use of the Premises, OCCUPANT will correct the situation by eliminating any safety hazard immediately or, if the situation cannot be reasonably cured immediately, then in such longer time as is reasonably required, and in all such unsafe situations, MBTA Railroad Operations Safety Procedures shall be followed.

**2.8 Notices:**

**MBTA:**

Real Estate Department  
Massachusetts Bay Transportation Authority  
10 Park Plaza, Room 5720  
Boston, Massachusetts 02116  
Attn: Assistant General Manager for Development

and

MBTA Railroad Operations Department  
45 High Street  
Boston, Massachusetts 02110  
Attn: Director

and

DESIGNATED REPRESENTATIVE:  
Transit Realty Associates, LLC  
77 Franklin Street, 9<sup>th</sup> floor  
Boston, Massachusetts 02110  
Attn: Executive Director

and,

**OCCUPANT:**

Town Manager  
Town of Needham  
Town Hall  
Needham, MA

**3. Consideration**

The rights contained in this Agreement are granted for good and valuable consideration, the sufficiency of which is hereby acknowledged.

**4. Terms and Conditions of Agreement**

This Agreement is subject to the following terms and conditions:

**4.1 Scope of Use and Occupancy**

(a) Scope of Use and Occupancy

Subject to the terms and conditions in this Agreement, the OCCUPANT, its agents, employees, contractors, subcontractors and/or representatives are hereby granted

the right to enter upon, use and occupy the Premises for the purposes more fully described in Paragraph 2.7.

(b) Utilities

OCCUPANT acknowledges that there may be surface and subsurface utilities on and adjacent to the Premises and agrees to exercise extreme caution in performance of any activity. OCCUPANT shall comply with Massachusetts General Laws, Chapter 82, Section 40 (said statute also know as the "Dig Safe" law) and the regulations promulgated pursuant thereto. Including, but not limited to, the Code of Massachusetts Regulations, more particularly, 220 CMR 99.00 et seq. Any damage to any utilities on or near the Premises caused by OCCUPANT shall be the sole responsibility of OCCUPANT including but not limited to transit utilities, facilities and appurtenances thereto, caused by OCCUPANT shall be the sole responsibility of OCCUPANT. The MBTA, without being under any obligation to do so and without waiving the OCCUPANT's obligation hereunder, may repair any utilities damaged by the OCCUPANT immediately and without notice in case of emergency. In the event the MBTA exercises such right, the OCCUPANT shall pay to the MBTA immediately upon demand all of the MBTA's reasonable cost of performing such repairs plus a fee equal to ten percent of the MBTA's cost of performing such repairs to reimburse the MBTA for its administrative costs.

(c) Subordination to MBTA's Operating Requirements

The activities permitted hereby shall be subordinate to the requirements of the MBTA in maintaining and operating a transportation system and may be stopped or delayed, at any time, in response to each requirement. The MBTA shall not be responsible for any damages incurred by OCCUPANT as a result of any such stoppage or delay. In such event there shall be an equitable reduction in the Occupancy Fee.

(d) Environmental Cooperation

If, as a result of OCCUPANT's activities permitted hereunder, "oil" or "hazardous materials", as those terms are defined in Massachusetts General Laws Chapter 21E ("Chapter 21E") and the regulations promulgated pursuant thereto, the Massachusetts Contingency Plan, 310 CMR 40.0000 et seq. (the "MCP") (collectively, "Hazardous Materials") are discovered on the Premises and pursuant to the remainder of this Agreement, the OCCUPANT is not responsible for the remediation of the Hazardous Materials that were discovered, then OCCUPANT agrees to cooperate with the MBTA in the determination of the party liable for the remediation of the Premises under applicable Federal and/or state law. Such cooperation may include the temporary adjustment of the rights granted to OCCUPANT hereunder. The MBTA shall not be responsible for any damages incurred by the OCCUPANT as a result of said temporary adjustment. In such event there shall be an equitable reduction in the Occupancy Fee.

(e) Remediation Obligation of the OCCUPANT

Whenever OCCUPANT causes and is liable for remediation costs for Hazardous Materials on the Premises (or on MBTA owned land abutting the Premises) pursuant to this Agreement (including, but not limited to, obligations that stem from the indemnifications herein stated below in Section 4.2) or pursuant to State or Federal law, then upon written demand of the MBTA, OCCUPANT shall conduct,

at OCCUPANT's sole cost and expense (or, at the MBTA's election, reimburse the MBTA for the reasonable cost and expense incurred by the MBTA in connection with the MBTA's conduct of), all response actions required by Chapter 21E and the MCP with respect to the Hazardous Materials (including the hiring of a Licensed Site Professional) discovered on the Premises or on MBTA owned land abutting the Premises. Any such response action, if performed by OCCUPANT, shall be performed in accordance with Chapter 21E, the MCP, any other applicable statutes and regulations, and in accordance with plans and specifications approved by the MBTA, shall be completed in a timely manner to the reasonable satisfaction of the MBTA, and shall allow the MBTA to use the Premises, and/or adjacent or contiguous property, for its present use and for any future transportation use. OCCUPANT shall also be responsible for the reasonable costs incurred by the MBTA in hiring consultants to review, supervise and inspect any plans, specifications, proposed method of work, installation, operation and results.

#### **4.2 Indemnification and Release of MBTA**

- (a) OCCUPANT shall indemnify, defend (at the option of the MBTA) and save the MBTA, harmless from and against any and all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever including, without limitation, those related to Hazardous Materials that may be imposed upon, incurred by, or asserted against the MBTA by reason of any of the following occurrences:
- (1) the activities of the OCCUPANT hereunder or the exercise by the OCCUPANT of any rights or privileges hereby granted; or
  - (2) the presence, discovery or revealing of any pre-existing Hazardous Materials on the Premises (or other property of the MBTA adjacent to the Premises) (i) which is a result of the LICENSEE'S activities hereunder; (ii) where said Hazardous Materials are present because of LICENSEE'S previous occupancies of the Premises, whether those occupancies were unauthorized or permitted pursuant to prior agreements between the parties; or (iii) where those pre-existing Hazardous Materials migrated from land now or previously owned, leased, occupied or operated by the LICENSEE; or
  - (3) the discovery of Hazardous Materials arising from the activities of OCCUPANT during the Term hereof (and all extensions thereof) on the Premises or on land owned by the MBTA adjacent to the Premises; or
  - (4) any use, condition or occupation of the Premises or any part thereof by OCCUPANT; or
  - (5) any failure of OCCUPANT to perform or comply with any of the terms hereof, or of any contracts, agreements or restrictions, statutes, laws, ordinances or regulations affecting the activities or any part thereof.

- (b) OCCUPANT has inspected the surface conditions of the Premises and decided that the surface conditions of the Premises are suitable for the uses OCCUPANT contemplates. OCCUPANT assumes all the risk of entry on to the Premises.
- (c) OCCUPANT hereby releases the MBTA from any responsibility for OCCUPANT's losses or damages related to the condition of the Premises, and OCCUPANT covenants and agrees that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action (whether by way of original claim, cross claim, counterclaim, contribution claim, indemnification claim, third-party claim or fourth-party claim, or any other claim) (hereinafter "Claims") against the MBTA, including, without limitation, claims for response actions, response costs, assessments, containment removal and remedial costs, governmental oversight charges, including any overhead or response action costs incurred or assessed by DEP, fines or penalties, permit and annual compliance fees, reasonable attorney and expert fees, natural resource damages, property damages, including diminution in property value claims, and personal injury damages and damages related to a person's death relating to, or arising from, the OCCUPANT'S use of the Premises.
- (d) In clarification of the above release and covenants of defense and indemnification, and not in limitation of them, OCCUPANT shall indemnify, defend (at the option of the MBTA) and save the MBTA harmless from and against any and all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments related to the injury, illness or death of any employee of OCCUPANT or of an employee of OCCUPANT's contractors or consultants; except if the "Claim" arose because of the MBTA's grossly negligent or willful misconduct. It shall not be grossly negligent to allow access to the Premises that are in substantially the condition they were in when OCCUPANT inspected the Premises before accepting this Agreement.

OCCUPANT shall obtain a written release of liability similar to the one in this Section 4.2(d) [and including the language of Section 4.2(c)] in favor of the MBTA from each of OCCUPANT's consultants and contractors before they enter onto the Premises for purposes of construction or repair, if such use is allowed.

- (e) OCCUPANT shall be notified, in writing, by the MBTA within a reasonable time from the MBTA's receipt of the assertion of any claim against the MBTA of the assertion of any claim against it that OCCUPANT has agreed to indemnify above (the "Indemnified Claim").

If the MBTA decides to have OCCUPANT defend the Indemnified Claim or handle the response action, the MBTA shall notify OCCUPANT of that decision in writing and the OCCUPANT shall bear the entire cost thereof and shall have sole control of the defense of any Indemnified Claim and all negotiations for its settlement or compromise provided that the MBTA is fully indemnified by the OCCUPANT and provided further that the settlement or compromise shall not include the admission of guilt (or comparable plea), wrongdoing or negligence or the permitting or imposition of civil or criminal penalties or indictments, or the entering of consent decrees or orders of any kind by the OCCUPANT on behalf of the MBTA or any other action that would materially prejudice the

rights of the MBTA without the MBTA's express written approval. The MBTA shall cooperate with the OCCUPANT in the defense of any Indemnified Claim.

If any response action due to the presence of Hazardous Waste or the threat of release of Hazardous Waste onto the Premises (or other property of the MBTA, which abuts the Premises) is performed by OCCUPANT, the response action shall be performed in accordance Section 4.1 (e) herein.

- (f) OCCUPANT shall provide to the MBTA financial assurance in a form satisfactory to the MBTA guaranteeing OCCUPANT's performance of the obligations set forth in Section 4. of this Agreement.

For purposes of this Section 4, the MBTA shall include the MBTA and its directors, officers, employees, agents, successors and assigns.

The provisions of Sections 4.1 and 4.2 shall survive the termination or expiration of this Agreement.

#### **4.3 Insurance**

Prior to entry hereunder, OCCUPANT and its consultants and contractors shall provide the MBTA with a certificate or certificates of insurance and shall, during the term hereof, renew and replace any expired certificate, evidencing the insurance of the activities permitted hereunder, and OCCUPANT's covenant of indemnification hereinabove, with companies that are reasonably acceptable to the MBTA, as stated below, in which OCCUPANT and others hereinafter specified are either additional insureds as their interests may appear or named insureds and which provide minimum liability coverage as follows:

- (a) Commercial General Liability Insurance  
Insuring the OCCUPANT, the MBTA, the Premises and all activities allowed hereunder as well as OCCUPANT's indemnification obligations contained in Section 4 with minimum liability coverage for personal injury, bodily injury and property damage with limits not less than One Million Dollars (\$1,000,000.00) per occurrence and Three Million Dollars (\$3,000,000.00) in aggregate. Umbrella liability coverage with limits of not less than Five Million Dollars (\$5,000,000.00) covering all work performed must also be provided. Such insurance shall be written on an occurrence basis (as opposed to a claims made basis). These policies shall name the MBTA as an additional insured.
- (b) Worker's Compensation Insurance  
Insuring all persons employed by OCCUPANT in connection with any work done on or about the Premises with respect to which claims for death or bodily injury could be asserted against the MBTA or the Premises with limits of liability of not less than those required by Massachusetts General Laws Chapter 152, as amended. The policy shall contain a clause waiving the right of subrogation in favor of the MBTA. Each of OCCUPANT's subcontractors and consultants shall have similar policies covering their employees.
- (c) Railroad Protective Liability Insurance - Intentionally Omitted
- (d) Automobile Liability Insurance

Automobile liability insurance with limits of not less than One Million Dollars (\$1,000,000.00) covering all owned, non-owned, hired, rented or leased vehicles of OCCUPANT and its consultants and contractors that are used in the activities permitted hereunder.

The required insurance coverages hereinbefore specified shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and having a Best's rating of B+ or better, shall be taken out before the Contract is commenced and be kept in full force and effect throughout the term of the Contract, shall be primary to and non-contributory to any insurance or self-insurance maintained by the MBTA, and shall require that the MBTA be given at least 30 days advance written notice in the event of any cancellation or materially adverse change in coverage. All such required insurance, with the possible exception of Pollution Liability Insurance, if required, shall be written on an occurrence basis form, as opposed to a claim made basis form. The MBTA shall be named as an additional insured under the Commercial General Liability, Automobile Liability, Umbrella Insurance Policies. The Workers' Compensation and Employers' Liability Insurance Policies shall include a waiver of subrogation in favor of the MBTA which precludes these insurers from being able to make any subrogation claims against the MBTA. All such required insurance shall not contain any exclusions for acts of terrorism, and shall fully cover any acts of terrorism, irrespective of whether such acts of terrorism are caused by domestic or foreign terrorists, and irrespective of whether such acts of terrorism are certified or non-certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. All such insurance as is required of the Contractor shall be provided by or on behalf of all subcontractors to cover their operations performed. The Contractor shall be held responsible for any modifications, deviations or omissions in the compliance with these requirements by the subcontractors. At the inception date of the Contract and throughout the term of the Contract, the MBTA shall be provided with certificates of insurance evidencing that such insurance policies are in place and provide coverage as required.

#### **4.4 Compliance with Laws**

OCCUPANT shall comply with, and shall cause all activity performed on the Premises to comply with all applicable Federal, state, county, municipal and other governmental statutes, laws, rules, orders, regulations and ordinances.

OCCUPANT shall also be responsible for obtaining any and all Federal, state, and/or local permits and/or approvals necessary to carry out the activities permitted hereunder.

#### **4.5 Non-Exclusive Use**

The MBTA makes no representations or warranty, express or implied, that the OCCUPANT shall have sole or exclusive use of the Premises under this Agreement. In the event other leases, licenses or easements have been or are granted, the OCCUPANT shall be responsible for coordinating its work and activities with that of other occupants; except that no license or easement shall substantially negatively impact OCCUPANT'S operations. Notwithstanding the preceding, if the MBTA grants a license or easement to install a utility

or telecommunications conduit, OCCUPANT'S operations may be temporarily impacted and OCCUPANT may either terminate this Agreement or negotiate a fair adjustment. The MBTA shall not be liable for delays, obstructions, or like occurrences affecting the OCCUPANT, arising out of the work of the MBTA or other occupants.

OCCUPANT's rights herein are granted subject to easements and rights of record.

**4.6 No Warranty**

OCCUPANT accepts the Premises "As Is" and the MBTA makes no warranty, express or implied, as to the condition of the Premises.

**4.7 Termination**

At the termination of this Agreement, OCCUPANT agrees to restore the Premises to the condition it was in at the commencement of the term hereof, and to remove all of OCCUPANT's personal property and debris from the Premises. Should OCCUPANT not perform such restoration at the end of the Term, the MBTA may perform any and all necessary restoration at the sole expense of the OCCUPANT. Any personal property not so removed shall, at the option of the MBTA, either become the property of the MBTA or be removed by the MBTA and disposed of without any liability in the MBTA for such removal and disposition, all at the sole expense of OCCUPANT.

**4.8 Assignment**

OCCUPANT shall not, without the prior written consent of the MBTA, transfer or assign this Agreement or any part hereof. Such consent may be withheld in the sole discretion of the MBTA.

**5. Notices**

All notices, demands, requests, consents, approvals and other instruments required or permitted to be given pursuant to the terms hereof (hereinafter "Notice"), shall be in writing and shall be deemed to have been properly given when deposited in registered or certified United States mail, postage prepaid, return receipt requested, addressed, as described in Section 2.8 or when delivered by messenger or overnight mail service to the correct addressee. Notice shall be deemed received when actually received or when the proffered Notice has been refused by the Addressee. The signature of an employee, servant or agent of the Addressee shall be determinative on the issue of actual receipt.

OCCUPANT and the MBTA shall, at any time and from time to time, have the right to specify as their proper addresses for purposes of this Agreement any other address or addresses giving fifteen (15) days' written notice thereof to the other party.

**6. Default and Termination**

**(a) Termination for Non-Payment**

In the event that OCCUPANT shall neglect or fail to pay the Agreement Fee, Administrative Fee or any other sum herein specified to be paid upon the due date hereunder, OCCUPANT shall be in default and the MBTA shall have the right at any time thereafter to terminate this Agreement by giving OCCUPANT two (2) weeks written notice of the MBTA's decision to terminate for non-payment ("Termination Notice"). OCCUPANT shall not be entitled to cure any such default by tendering payment after the expiration of the two (2) week grace period which starts upon OCCUPANT or OCCUPANT's servants, agents or employee's receipt of (or refusal to accept) the MBTA's Termination Notice.

(b) Default of Terms and Conditions

OCCUPANT shall also be in default if OCCUPANT:

- (1) fails to perform or observe any of the other covenants or agreements contained in this instrument and on its part to be performed or observed, or
- (2) makes any assignment for the benefit of creditors or files petition for relief under bankruptcy law, or
- (3) has a bankruptcy petition filed against it that is not dismissed within sixty (60) days, or
- (4) has its estate taken by process of law, proceeding in bankruptcy or insolvency or otherwise,

and if such defaults continue after two (2) weeks' written notice given by the MBTA to OCCUPANT to cure, the MBTA may terminate this Agreement by written notice to Occupant and/or deny access to the Premises and expel OCCUPANT and those claiming through or under OCCUPANT and remove OCCUPANT's effects from the Premises without prejudice to any remedies which might otherwise be available for such breach of covenant, and, upon entry as aforesaid, the rights of OCCUPANT created by this Agreement shall terminate. OCCUPANT agrees to pay any expense including reasonable attorneys' fees incurred by the MBTA in enforcing any of OCCUPANT's obligations hereunder.

In the event this Agreement is terminated pursuant to this Paragraph 6, the MBTA shall retain the Agreement Fee as partial damages, without prejudice to its right to claim additional damages as a result of the breach.

Notwithstanding the preceding, if the default is one that threatens the safety of the public or the ability of the MBTA to operate the railroad, then it shall be considered an Emergency Default and if LICENSEE does not effect an immediate cure, the MBTA may terminate the License upon reasonable notice and use self help at the expense of LICENSEE and LICENSEE shall be responsible for such expenses.

**7. Holding Over**

If OCCUPANT desires to continue to use and occupy the Premises as defined in the Scope of Use and Occupancy after the end of the Term of this Agreement, the resulting Agreement shall be on a month-to-month basis. Such Agreement may be terminated by either Party at any time by providing the other Party with thirty (30) days prior written notice of termination. During such extended term, OCCUPANT shall be bound by all applicable provisions of this Agreement. During the first year of the extended term, OCCUPANT shall pay an Occupancy Fee based on a monthly fee equal to the annualized Occupancy Fee in Section 2.4 increased by the percentage increase in the Consumer Price Index for the Boston Metropolitan Area ("CPI) during the Term. Each year thereafter the monthly fee will increase from the fee paid in the prior year by the percentage increase in the CPI during said prior year. If the MBTA terminates the Agreement in the middle of an annual term, OCCUPANT shall be entitled to a refund of a proportionate share of the Occupancy Fee it has already paid for the then month.

**8. Work in Harmony**

OCCUPANT agrees that in any work performed in or about the Premises, it will employ only labor that can work in harmony with all elements of labor being employed by the MBTA.

**9. Promotional Material**

OCCUPANT shall not, without the prior written approval of the MBTA, refer to the MBTA in any promotional matter or material, including, but not limited to advertising, letterheads, bills, invoices and brochures.

**10. Nondiscrimination**

With respect to its exercise of all rights and privileges herein granted, OCCUPANT shall undertake affirmative action as required by Federal and state laws, rules and regulations pertinent to Civil Rights and Equal Opportunity unless otherwise exempted therefrom. OCCUPANT agrees that it shall comply with any and all required affirmative action plans submitted pursuant to the directives of any Federal agency and in accordance with applicable Federal Law and applicable state laws, rules and regulations.

OCCUPANT shall not discriminate against any person, employee or applicant for employment because of race, color, creed, national origin, age, sex, sexual orientation, disability or Vietnam era veteran status in its activities at the Premises, including without limitation, the hiring and discharging of employees, the provision or use of services and the selection of suppliers, contractors, or subcontractors.

OCCUPANT shall use reasonable efforts to contact, encourage and utilize minority and female business enterprises in the procurement of materials and service under this Agreement.

**11. Taxes**

OCCUPANT shall be solely responsible for the payment of any taxes, levies, betterments or assessments, fees or charges, whether in existence on the date hereof or becoming applicable during the Term, which may be assessed against OCCUPANT or the MBTA which are directly attributable to OCCUPANT'S installations in, or use of, the Premises, or any personal property or fixtures of OCCUPANT located thereon (collectively referred to as "Taxes"). OCCUPANT shall pay all Taxes directly to the taxing authority before delinquency and before any fine, interest, or penalty shall become due or be imposed by operation of law for their nonpayment. Such payments shall constitute an additional Agreement Fee hereunder.

OCCUPANT may contest, in good faith for its own account and at its own expense, the validity or amount of any Taxes, provided OCCUPANT shall indemnify the MBTA against any resulting loss, cost and expense. OCCUPANT shall not permit a lien or encumbrance on the Premises by reason of failure to pay any Taxes.

**12. No Third Party Beneficiaries**

This Agreement shall not be construed to create any third party beneficiary rights in favor of any other parties or any right or privilege for the benefit of any other parties.

**13. Entire Agreement**

This Agreement contains the entire agreement of the parties hereto with respect to the subject matter hereof, and no representations, inducements, promises, or agreements, oral or otherwise, between the parties hereto with respect to the subject matter hereof not embodied herein shall be of any force or effect.

**14. Governing Law**

This Agreement shall be construed and interpreted under and pursuant to the laws of the Commonwealth of Massachusetts, and the Massachusetts and Federal conflict of laws provisions shall not be applied if the result is that other than Massachusetts law shall govern.

**15. Successors and Assigns**

The provisions of this Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns.

**16. Limitation On Damages**

The MBTA shall not be liable to OCCUPANT for any loss of business or any indirect, incidental, special, consequential or exemplary damages or lost profits unless specified herein. The OCCUPANT shall not be liable to MBTA for any loss of business or any indirect, incidental, special, consequential or exemplary damages or lost profits unless specified herein.

**17. Termination of Prior Agreements**

The execution of this Agreement shall terminate any prior agreements that may exist between the parties that pertain to the premises subject to this License.

**18. Special Provisions**

Special Provisions to this Agreement, if any, are attached as Exhibit D hereto and incorporated herein. In any instances where any Special Provision shall conflict with preceding provisions of the Agreement or Exhibits attached hereto; the Special Provisions shall prevail.

**19. No Waiver** No failure by Licensor to insist upon strict performance of any term, covenant or condition hereof, or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of any such term, covenant or condition. The acceptance by Licensor of any amount less than the full amount due to Licensor hereunder shall not be deemed a waiver by Licensor of its right to collect the full amount due. Licensor may deposit checks or drafts that state "final payment", "payment in full" or the like without being deemed to have waived its right to receive all amounts due hereunder. Any waiver by Licensor of any term, covenant or condition hereof shall not be effective unless such waiver is in writing.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this \_\_\_\_\_ day of \_\_\_\_\_.

**OWNER:  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY**

**OCCUPANT:**

By: \_\_\_\_\_  
Mark E. Boyle  
Assistant General Manager for Development

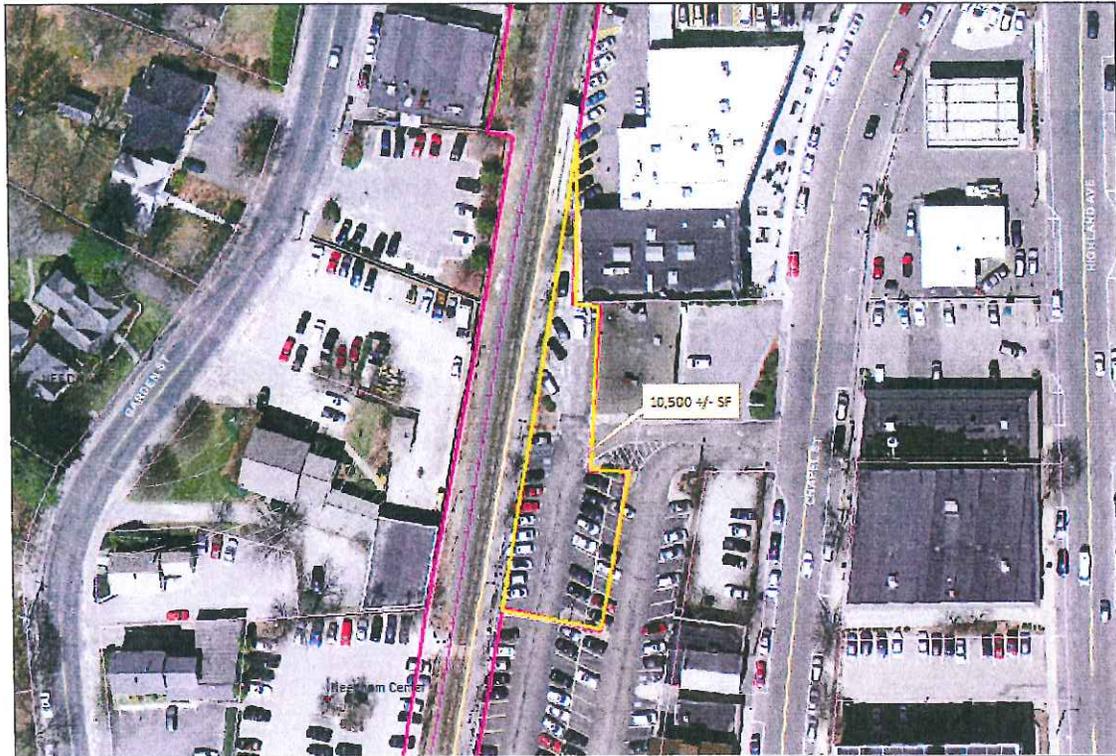
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

(Duly Authorized)

EXHIBIT A  
PLAN OF PROPERTY



Needham Center Station Area  
Needham, MA



**TRA**  
WORLDWIDE, INC. 01903  
Engineering, Mapping & Construction  
47000 N. Maple Street 200P  
Mesa, AZ 85206  
December 6, 2020/16

## EXHIBIT B

### SCOPE OF USE AND OCCUPANCY

**(1) Use of the Premises.**

The Premises shall be used solely for the purposes described in Paragraph 2.7.

OCCUPANT shall have control of the Premises; except that the MBTA may enter the Premises at any time with forty-eight (48) hours notice to OCCUPANT (except in case of emergency when the MBTA shall give whatever notice is feasible.)

OCCUPANT shall operate and maintain the Premises and its installations thereon in a safe manner and immediately notify the MBTA if any problem occurs which may result in a safety hazard. If any unsafe situation should occur as a result of the OCCUPANT's use of the Premises, OCCUPANT will correct the situation by eliminating any safety hazard immediately or, if the situation cannot be reasonably cured immediately, then in such longer time as is reasonably required, and in all such unsafe situations, MBTA Railroad Operations Safety Procedures shall be followed.

**(2) Special Requirements for Construction, Repairs and Maintenance of Premises.**

In the event that OCCUPANT is entitled to construct anything on the Premises, OCCUPANT shall provide at least ten (10) days prior written notice of its intent to enter the Premises for such purpose to the MBTA'S Railroad Operations Department.

In addition, prior to beginning the construction, installation, repair or maintenance, OCCUPANT shall submit a plan and detailed specifications (including the materials to be used) and the proposed methods of performing the work, or any part thereof (the "Plan") to the MBTA. OCCUPANT shall not begin construction until the Plan has been approved by the MBTA. Such approval may be withheld in the MBTA's sole discretion. The Scope of Use and Occupancy for said construction, repairs, maintenance, operation and/or replacement will be more fully defined in the approved Plan, which approved Plan will automatically be incorporated herein by reference and made part of this Agreement. The OCCUPANT shall also provide the MBTA with a detailed schedule of times when OCCUPANT, its employees, contractors, subcontractors, or agents would like to be on the Premises to undertake the Scope of Use and Occupancy (the "Access Plan"). The MBTA must have full power to make a final determination of when OCCUPANT may be on the Premises as it is necessary to coordinate the work of all those desiring or having the right to access to the Premises.

Unless entry is made pursuant to an Access Plan approved by the MBTA, OCCUPANT agrees to give each time it desires entry, at least seven (7) days' prior written notification to the MBTA (except in cases of emergency when notice shall be given to the MBTA as quickly as possible) of its need to access the Premises for all work to be performed under this Agreement by contacting the MBTA Subway Operations Department, of its desire for access. OCCUPANT understands that the more notice given to the MBTA, the more likely it will be that OCCUPANT can gain access at the times requested. OCCUPANT shall present evidence of the required insurance coverage before each entry. In the case of an emergency, OCCUPANT shall as soon as possible contact the MBTA Railroad Operations Department.

No activities permitted herein may be performed by OCCUPANT except as approved in writing by the MBTA; and no method of repair, maintenance, or construction shall be used by OCCUPANT except with prior written approvals or written approvals received in the field from the MBTA's representatives at the time the work is performed.

If at any time during the work of repairs and maintenance, the MBTA should, in its sole and absolute discretion, deem flagmen, watchmen, communications/signaling personnel, electric traction personnel, inspectors assigned to construction crews, and/or other measures, including but not limited to train re-routing, desirable or necessary to protect its operations, its property or its employees or other persons on or near the Premises, the MBTA shall upon notice to OCCUPANT (where such notice is feasible) have the right to place such personnel, including personnel of the MBTA's agents or to take such measures, at the sole cost and expense of OCCUPANT. Such cost and expense shall include the current wages and fringe benefits due and owing to such personnel in and for the performance of such measures. OCCUPANT hereby covenants and agrees to bear the full cost and expense thereof and to reimburse the MBTA within thirty (30) days of receiving an itemized, written invoice for such reimbursement. The MBTA's failure to furnish such personnel or take such measures shall not relieve OCCUPANT of any obligation or liability it might otherwise have assumed, and shall not give rise to any liability to OCCUPANT on the part of the MBTA. Upon being notified that the personnel or measures referred to in the first sentence of this Paragraph have been deemed desirable or necessary by the MBTA, OCCUPANT shall not commence or continue construction or repair measures, as the case may be, unless and until such personnel or measures are in place.

If OCCUPANT shall deem any requirement for flagging or the like by the MBTA or one of their agents for supervision of the activity hereunder as unreasonable, OCCUPANT shall nevertheless pay for such flagging and the like, but shall take exception in writing thereto as an unreasonable requirement in each instance. The parties agree to review such exceptions at the times of billings for such services and attempt to adjust them as the MBTA may deem appropriate. This reimbursement is in addition to the Agreement Fee and Administrative Fee required hereunder.

OCCUPANT shall comply with the MBTA Special Instructions, April 2003 attached hereto as Exhibit C and made a part of this Use and Occupancy Agreement, all of which documents are incorporated by reference herein and made a part of this Use and Occupancy Agreement.

**(3) Other Uses of the Premises.**

If other uses are permitted herein, then OCCUPANT shall either (a) follow the requirements in Section (2) above, or (b) meet all requirements of the MBTA to place barriers between the Premises and the Right of Way.

Commuter Parking Lot Utilization by Lot  
 May, 2011 through January, 2012

DATE	TIME	LOT	OCCUPANCY	CAPACITY	%	NOTES
5/31/2011	9:30AM	Avery	12	15	80%	
6/14/2011	1:35PM	Avery	9	15	60%	
6/29/2011	11:10AM	Avery	11	15	73%	
7/14/2011	7:30AM	Avery	7	15	47%	
7/27/2011	1:35PM	Avery	12	15	80%	
8/10/2011	10:45AM	Avery	7	15	47%	
8/24/2011	9:05AM	Avery	8	15	53%	
9/7/2011	7:30AM	Avery	7	15	47%	
9/22/2011	1:30PM	Avery	12	15	80%	
10/5/2011	10:45AM	Avery	9	15	60%	
10/19/2011	9:25AM	Avery	15	15	100%	
11/2/2011	7:55AM	Avery	10	15	67%	
11/16/2011	1:40PM	Avery	14	15	93%	
12/6/2011	10:40AM	Avery	13	15	87%	
12/21/2011	9:40AM	Avery	13	15	87%	
1/4/2012	7:30AM	Avery	9	15	60%	
1/25/2012	1:30PM	Avery	14	15	93%	
5/31/2011	9:30AM	Heights	38	229	17%	12 school buses parked in lot also
6/14/2011	1:40PM	Heights	39	229	17%	11 school buses parked in lot also
6/29/2011	11:05AM	Heights	47	229	21%	3 school buses parked in lot also
7/14/2011	7:35AM	Heights	18	229	8%	2 school buses parked in lot also
7/27/2011	1:40PM	Heights	45	229	20%	2 school buses parked in lot also
8/10/2011	10:50AM	Heights	44	229	19%	1 school bus & 1 school van parked in lot also
8/24/2011	9:10AM	Heights	29	229	13%	3 school buses parked in lot also
9/7/2011	7:35AM	Heights	21	229	9%	3 school vans & 13 school buses parked in lot also
9/22/2011	1:35PM	Heights	55	229	24%	4 school vans & 11 school buses parked in lot also
10/5/2011	10:50AM	Heights	49	229	21%	5 school vans & 12 school buses parked in lot also
10/19/2011	9:30AM	Heights	64	229	28%	5 school vans & 7 school buses parked in lot also
11/2/2011	8:00AM	Heights	62	229	27%	2 school vans & 1 school bus parked in lot also
11/16/2011	1:45PM	Heights	58	229	25%	6 school vans & 11 school buses parked in lot also
12/6/2011	10:45AM	Heights	47	229	21%	5 school vans & 13 buses parked in lot also
12/21/2011	9:45AM	Heights	42	229	18%	3 school vans & 13 school buses parked in lot also
1/4/2012	7:35AM	Heights	36	229	16%	1 school bus parked in lot
1/25/2012	1:35PM	Heights	46	229	20%	No school buses or vans parked in lot

Commuter Parking Lot Utilization by Lot  
 May, 2011 through January, 2012

5/31/2011	10:00AM	Hersey	206	318	65%
6/14/2011	2:00PM	Hersey	176	318	55%
6/29/2011	11:30AM	Hersey	179	318	56%
7/14/2011	8:00AM	Hersey	74	318	23%
7/27/2011	1:55pm	Hersey	148	318	47%
8/10/2011	11:10AM	Hersey	176	318	55%
8/24/2011	9:30AM	Hersey	141	318	44%
9/7/2011	7:55AM	Hersey	112	318	35%
9/22/2011	1:55PM	Hersey	237	318	75%
10/5/2011	11:10AM	Hersey	233	318	73%
10/19/2011	9:50AM	Hersey	235	318	74%
11/2/2011	8:20AM	Hersey	201	318	63%
11/16/2011	1:55PM	Hersey	234	318	74%
12/6/2011	11:05AM	Hersey	263	318	83%
12/21/2011	10:00AM	Hersey	210	318	66%
1/4/2012	7:50AM	Hersey	139	318	44%
1/25/2012	1:50PM	Hersey	244	318	77%
5/31/2011	9:45AM	Junction	163	175	93%
6/14/2011	1:50PM	Junction	140	175	80%
6/29/2011	11:20AM	Junction	164	175	94%
7/14/2011	7:45AM	Junction	100	175	57%
7/27/2011	1:50PM	Junction	153	175	87%
8/10/2011	11:00AM	Junction	159	175	91%
8/24/2011	9:15AM	Junction	119	175	68%
9/7/2011	7:45AM	Junction	126	175	72%
9/22/2011	1:40PM	Junction	171	175	98%
10/5/2011	10:55AM	Junction	173	175	99%
10/19/2011	9:40AM	Junction	167	175	95%
11/2/2011	8:05AM	Junction	159	175	91%
11/16/2011	1:50PM	Junction	156	175	89%
12/6/2011	10:55AM	Junction	154	175	88%
12/21/2011	9:50AM	Junction	159	175	91%
1/4/2012	7:40AM	Junction	168	175	96%
1/25/2012	1:40PM	Junction	172	175	98%





# TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

500 Dedham Ave  
Needham, MA 02492  
781-455-7500

## PLANNING

February 6, 2012

Ms. Kate Fitzpatrick  
Town Manager  
Town Hall  
Needham, MA 02492

Re: Zoning Articles for 2012 Annual Town Meeting

Dear Kate:

The Planning Board at its meeting of January 24, 2012 voted to place the following articles on the warrant for the May 2012 Annual Town Meeting: (1) Amend Zoning Bylaw: Definitions; (2) Amend Zoning By-Law: Dimensional Regulations; (3) Amend Zoning By-Law – Off-Street Parking Requirements; (4) Amend Zoning By-Law: Establishment of Residential Overlay MU-128 District; and (5) Amend Zoning By-Law – Map Change to Residential Overlay MU-128 District. Accordingly, please find the above-named articles as approved by the Board for inclusion in the warrant of the 2012 Annual Town Meeting.

As you know, the Board of Selectmen will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Selectmen act on the enclosed articles at their next meeting of Tuesday, February 14, 2012, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Tuesday, March 6, 2012.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman  
Director of Planning and Community Development

cc: Planning Board

Enclosure

**Article :        Amend Zoning By-Law - Definitions**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by adding the following term and definition in appropriate alphabetical order as follows:

“Studio - premises used by a professional artist as a workroom and/or as a workplace where art is taught to, practiced by, or studied with others.”

Or take any other action relative thereto.

**Article :        Amend Zoning By-Law – Dimensional Regulations**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.1 Basic Requirements, Subsection 4.1.3, Reduction of Area and Frontage Requirements, by revising the paragraph, so that the entire subsection shall now read as follows: (new language underlined):

“4.1.3 Reduction of Area, Frontage, and Setback Requirements

No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more non-conforming as to setback) by a taking by eminent domain or conveyance for a public way or access way or by the approval of a subdivision way for a third-party, said structure shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming structures.”

Or take any other action relative thereto.

**Article : Amend Zoning By-Law – Off-Street Parking Requirements**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 5.1 Off-Street Parking Requirements, Subsection 5.1.3 Parking Plan and Design Requirements, by modifying the first Sentence of Section 5.1.3 (a) Parking Lot Illumination by deleting the words “at least one foot candle” and replacing them with the words “an average of one foot candle” so that the sentence shall now reads as follows:

“(a) Parking Lot Illumination – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle.”

Or take any other action relative thereto.

**Article :        Establishment of Residential Overlay MU-128 District**

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

1. In Section 2.1, Classes of Districts, by adding a new Overlay District designation and category as follows:

“RO-128 - Residential Overlay MU-128”

2. In Section 3, Use Regulations, by inserting a new Subsection 3.8, Residential Overlay MU-128 (RO-128) District, to read as follows:

3.8        Residential Overlay MU-128 (RO-128)

3.8.1     Purpose and Intent.

To permit residential use in the MU-128 district in a manner that does not cause conflict with established commercial uses, takes advantage of the riverfront assets in the MU-128 district, and provides for more diverse and affordable housing opportunities in Needham.

3.8.2     Establishment of the District and Relationship to Underlying Districts

The RO-128 is established as an overlay district to be applied over a portion of the Mixed Use - 128 District. The RO-128 shall not restrict the rights of landowners which are provided in the underlying zoning district. However, if the owner elects to use the rights provided by the RO-128 for development purposes, all development shall conform to the regulations of this subsection.

3.8.3     Uses Permitted by Right.

In the RO-128 district multifamily residential development consistent with the dimensional criteria of this section, up to a Floor to Area Ratio (FAR) of 1.0, is permitted as of right.

3.8.4     Uses Permitted by Special Permit.

The RO-128 shall permit multifamily residential development consistent with the dimensional criteria of this section up to a floor area ratio of 2.0, if the special permit conditions of section 7.5.2 of this bylaw and the following additional conditions, are met.

a. Twenty-five percent (25%) of the residential units constructed, beyond the number of units that can be constructed as of right, shall be provided as low and moderate income housing consistent with the affordable housing policies of the Town of Needham.

3.8.5     Accessory Uses.

All accessory uses permitted in the General Residence (GR) district shall be permitted in the RO-128 district.

3.8.6     Dimensional Criteria.

a. Density: Residential development shall not exceed one dwelling unit per 1,250 sq. ft. of total lot area.

a. Minimum Lot Area: 20,000 sq. ft.

c. Minimum Lot Frontage: 100 feet

d. Minimum Front, Side and Rear Setback: 20 feet

a. Maximum Height: 6 stories and 65 feet

a. Maximum Lot Coverage: 50%

a. Minimum Open Space for landscaping or recreation purposes: 50%

### 3.8.7 Parking Requirements

Off-Street Parking shall conform to section 5.1.4 of the Needham Zoning Bylaw.

### 3.8.8 Relationship to Site Plan Review

All development undertaken through the use of the RO-128 District shall be reviewed and shall be subject to the criteria of the Needham Zoning Bylaw, Section 7.4 Site Plan Review.

Or take any other action relative thereto.

**Article :**

**Map Change to Residential Overlay MU-128 District**

To see if the Town will vote to revise the Zoning Map by placing in the Residential Overlay MU-128 (RO-128) district those portions of the underlying Mixed Use-128 District (MU-128), as described in Article 4 above, that are located within 350 feet of the Needham Bank of the Charles River, said area bounded and described as follows:

Beginning at the point of intersection located 350 ft. westerly of the west bank of the Charles River and the centerline of the MBTA right-of-way, thence running easterly by the centerline of said MBTA right-of-way to the centerline of the Charles River, thence turning and running southeasterly by the centerline of said Charles River to a point of intersection with a line 100 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence turning and running by said parallel line to its intersection with the southerly most centerline of Highland Circle, thence running northwesterly and westerly by said centerline to the point of intersection of a line 200 feet northerly from and parallel to the northerly sideline of Highland Avenue, thence running westerly by said parallel line to the point of intersection with a line 350 ft. westerly of the west bank of the Charles River, thence turning and running northwesterly by a line 350 ft. westerly of and parallel to the west bank of the Charles River to the point of beginning.

Or take any other action relative thereto.



Print

**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE VII** CITIES, TOWNS AND DISTRICTS

**CHAPTER 40A** ZONING

**Section 5** Adoption or change of zoning ordinances or by-laws; procedure

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six

months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

**Board of Selectmen**

**AGENDA FACT SHEET for 2/14/2012**

**Agenda Item:** Close Annual Town Meeting Warrant

**Presenter(s):** Kate Fitzpatrick, Town Manager

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

We will review with the Board the articles contained in the Annual Town Meeting Warrant.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)**

*Suggested Motion:* That the Board approve and close the 2012 Annual Town Meeting Warrant as presented by the Town Manager subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

**3. BACK UP INFORMATION ATTACHED:**

- a. Draft Warrant 2.13.12
- b. Citizens' Petitions

**4. SIGN OFF/APPROVAL REQUIRED:**

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

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**Disposition by BOS**

**Action taken:** \_\_\_\_\_ **Present on future Agenda:** \_\_\_\_\_

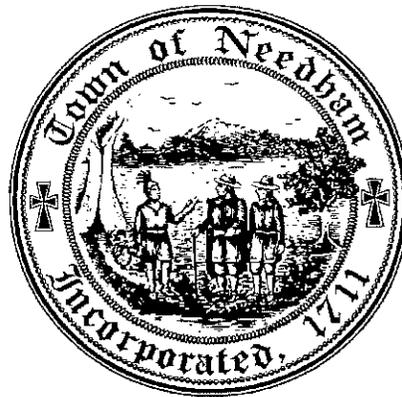
**Refer to/Inform:** \_\_\_\_\_ **Report back to BOS on:** \_\_\_\_\_

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# TOWN OF NEEDHAM

## MASSACHUSETTS

### 2012 Annual Town Meeting Warrant



**ELECTION: Tuesday, April 10, 2012**

**Business Meeting at 7:30 P.M. on Monday, May 7, 2012**

**at the James Hugh Powers Auditorium, Needham Town Hall**

DRAFT 2.10.2012

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Additional information on particular warrant articles will be made available from time to time at [www.needhamma.gov/townmeeting](http://www.needhamma.gov/townmeeting) during the weeks leading up to the Annual Town Meeting.

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**WARRANT FOR THE ANNUAL TOWN MEETING  
TUESDAY, APRIL 12, 2011  
TOWN OF NEEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	Hillside School - Cafeteria
Precinct B	-	Hillside School - Cafeteria
Precinct C	-	High Rock School – Room 239/Art Room
Precinct D	-	High Rock School – Room 239/Art Room
Precinct E	-	Pollard Middle School – Inner Room
Precinct F	-	Stephen Palmer Community Room
Precinct G	-	Broadmeadow School - Performance Center
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE TENTH DAY OF APRIL, 2012

from forty-five minutes after six o'clock in the forenoon, until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

**ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

One Moderator for One Year;

Two Selectmen for Three Years;

One Selectman for Two Years;

One Assessor for Three Years;

Two Members of School Committee for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;

Two Trustees of Needham Public Library for Three Years;

One Member of Board of Health for Three Years;

One Member of Planning Board for Five Years;

One Commissioner of Trust Funds for Three Years;

Two Members of Park and Recreation Commission for Three Years;

Twenty-Four Town Meeting Members from Precinct A;

Twenty-Four Town Meeting Members from Precinct B;

Twenty-Four Town Meeting Members from Precinct C;

Twenty-Four Town Meeting Members from Precinct D;

Twenty-Four Town Meeting Members from Precinct E;

Twenty-Four Town Meeting Members from Precinct F;  
Twenty-Four Town Meeting Members from Precinct G;  
Twenty-Four Town Meeting Members from Precinct H;  
Twenty-Four Town Meeting Members from Precinct I;  
Twenty-Four Town Meeting Members from Precinct J.

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**Warrant for the Annual Town Meeting**

**MONDAY, MAY 7, 2012 AT 7:30 P.M. AT NEEDHAM TOWN HALL**

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**ARTICLE 2: COMMITTEE AND OFFICER REPORTS**

To hear and act on the reports of Town Officers and Committees.

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**HUMAN RESOURCES ARTICLES**

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**ARTICLE : ESTABLISH ELECTED OFFICIALS' SALARIES**

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2012, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	
Town Clerk with 6 years of service in that position	
Selectmen, Chairman	
Selectman, Others	

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$XXXXX, the accumulation of 15 days of non-occupational sick leave per fiscal year; and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$XXXXX. The annual salary of \$XXXX includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$XXXX. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$XXXX; or take any other action relative thereto.

INSERTED BY: Personnel Board  
FINANCE COMMITTEE RECOMMENDS THAT:  
PERSONNEL BOARD RECOMMENDS THAT:

*Article Information: In accordance with MGL Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six*

years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits as close to that of other full-time employees as possible. Payment for longevity, as well as buy-back of sick leave and vacation at the time of separation from Town service, is now included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000, such payment to be made at the time of separation from Town service.

The annual stipends for the members of the Board of Selectmen have remained unchanged since 1977.

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**ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – FIRE UNION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Fire Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2013; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:  
PERSONNEL BOARD RECOMMENDS THAT:

*Article Information:* At the time of the printing of the warrant, the parties had not reached agreement on this contract.

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**ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – PUBLIC FACILITIES  
CUSTODIAL AND TRADES**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Public Facilities Custodial and Trades Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2013; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:  
PERSONNEL BOARD RECOMMENDS THAT:

*Article Information:* At the time of the printing of the warrant, the parties had not reached agreement on this contract.

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**FINANCE ARTICLES**

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**ARTICLE : TRANSFER OF BUDGETARY FUND BALANCE**

To see if the Town will vote to transfer \$5,366,720 from the Budgetary Fund Balance Account (Free Cash) to meet, in part, appropriations made at this Town Meeting, and to authorize the Board of Assessors to use such sum as available funds to meet appropriations in its computation of the tax rate for the fiscal year 2013; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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**ARTICLE : ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986**

To see if the Town will vote to accept, for fiscal year 2013, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the General Laws relative to real estate property tax exemptions, and approve an increase in the amount of 95% for each eligible exemption; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information: Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, surviving minors of deceased parents, persons over the age of 70, certain veterans and disabled veterans and their surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one of the following clauses of Section 5 of Chapter 59 of the General Laws: Clauses 17, 17C, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 or 43. The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid on the preceding year, except through the application of General Laws, Chapter 58, Section 8A or Chapter 59, Section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair cash value. Town Meeting must approve the additional exemption on an annual basis. In fiscal year 2012 the cumulative increase above the statutory limit was 90%.*

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**ARTICLE : APPROPRIATE FOR SENIOR CORPS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:* The Senior Corps is a program whereby qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, the individuals are paid approximately \$800, which is applied to their property tax bills. Eligible individuals are entitled to one payment per fiscal year.

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**ARTICLE : APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$13,353 for the purpose of funding the Needham Property Tax Assistance Program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:* The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The voluntary fund received \$13,353 in fiscal year 2011.

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**ARTICLE : APPROPRIATE FOR WIRELESS MUNICIPAL MASTER BOX FIRE ALARM FEASIBILITY STUDY**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$10,000 for a feasibility study of the elimination of the Town's fire box system, to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:* This article would provide \$10,000 in funding for evaluation of the benefits and costs of eliminating the Town's older style fire alarm master boxes and replacing some with a new style wireless radio master box system. The current telephone pole and pedestal-mounted fire alarm boxes would be eliminated. Over time, buildings with master boxes would be replaced with wireless radio transmitters.

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**ARTICLE : APPROPRIATE THE FY 2013 OPERATING BUDGET**

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from the parking meter fund in the amount of \$40,000, from the Overlay Surplus in the amount of \$495,654, from amounts reserved for debt exclusion offsets of \$56,328, and \$550,000 to be raised from CPA receipts; and

further that the Town Manager is authorized to make transfers from line item 9 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 4 in order to meet expenses for post employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as Shown on Pages XX - XX

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**ARTICLE : APPROPRIATE THE FY 2013 RTS ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Solid Waste and Recycling Division of the Department of Public Works during fiscal year 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

and to meet this appropriation that \$547,100 be raised from the tax levy and transferred to the RTS Enterprise Fund, and \$273,483 be transferred from RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE THE FY 2013 SEWER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

and to meet this appropriation that \$493,392 be raised from the tax levy and transferred to the Sewer Enterprise Fund, or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE THE FY 2013 WATER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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**ARTICLE : CONTINUE DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote to authorize and continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2012:

Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2013 Budget
Memorial Park	Memorial Park Trustees	Food Concessions	Improvements to Memorial Park	\$4,100
Local Transportation	Council on Aging Director	MBTA, Grants, Program Receipts	Transportation program for COA	\$60,000
Yard Waste Processing Program	DPW Director	Town and Participating Communities	Multi-Community yard waste processing program	\$75,000
Home Composting Bin Account	DPW Director	Sale of Bins	Purchase of additional home composting bins	\$3,000
Senior Center Activities	Council on Aging Director	Program Receipts	Costs related to social programs for elderly	\$1,000
Youth Services Activities	Youth Services Director	Program Receipts	Costs related to youth service and community programs	\$25,000
Traveling Meals Program	Health Director	Program Receipts	Costs related to Traveling meals	\$75,000

Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2013 Budget
Immunization Fund	Health Director	Program Receipts	Costs associated with immunization and educational programs	\$25,000
School Transportation Program	School Committee	Fee-Based Transportation Program Receipts	Pupil and other District-wide transportation	\$819,000

or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information and Summary of M.G.L., Chapter 44, Section 53E ½: A revolving fund established under the provisions of M.G.L., Chapter 44, Section 53E ½ must be authorized annually by vote of the Town Meeting. The fund shall be credited only with the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation, subject to the provisions of Section 53E ½. The Annual Town Meeting authorization for each revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; and (4) a limit on the amount which may be expended from such fund in the ensuing year. In any fiscal year, the Board of Selectmen and the Finance Committee may approve an increase in the amount to be spent from the revolving fund, but in no event shall any agency, board, department or officer be authorized to expend in any one fiscal year more than one percent of the amount raised by the Town by taxation in the most recent fiscal year for which a tax rate has been certified pursuant to M.G.L., Chapter 59, Section 23.*

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**ARTICLE : AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS**

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. At the time of the printing of the warrant, the FY 2013 award amounts had not been released.*

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**ZONING / LAND USE ARTICLES**

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**ARTICLE : AMEND ZONING BY-LAW – DEFINITION OF A STRUCTURE**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3, Definition of a Structure, as indicated below. The added text is underlined.

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or water surface area of at least one hundred (100) square feet when filled to capacity, including an attached pool deck, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.

INSERTED BY: Citizens' Petition – John A. Jensen et.al  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : AMEND ZONING BY-LAW – DEFINITIONS**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by adding the following term and definition in appropriate alphabetical order as follows:

“Studio - premises used by a professional artist as a workroom and/or as a workplace where art is taught to, practiced by, or studied with others.”

Or take any other action relative thereto:

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.1 Basic Requirements, Subsection 4.1.3, Reduction of Area and Frontage Requirements, by revising the paragraph, so that the entire subsection shall now read as follows: (new language underlined):

“4.1.3 Reduction of Area, Frontage, and Setback Requirements

No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more non-conforming as to setback) by a taking by eminent domain or conveyance for a public way or access way or by the approval of a subdivision way for a third-party, said structure shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming structures.”

Or take any other action relative thereto.

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : AMEND ZONING BY-LAW – OFF-STREET PARKING REQUIREMENTS**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 5.1 Off-Street Parking Requirements, Subsection 5.1.3 Parking Plan and Design Requirements, by modifying the first Sentence of Section 5.1.3 (a) Parking Lot Illumination by deleting the words “at least one foot candle” and replacing them with the words “an average of one foot candle” so that the sentence shall now reads as follows:

“(a) Parking Lot Illumination – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle.”

Or take any other action relative thereto.

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : ESTABLISHMENT OF RESIDENTIAL OVERLAY MU-128 DISTRICT**

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

1. In Section 2.1, Classes of Districts, by adding a new Overlay District designation and category as follows:

“RO-128 - Residential Overlay MU-128”

2. In Section 3, Use Regulations, by inserting a new Subsection 3.8, Residential Overlay MU-128 (RO-128) District, to read as follows:

3.8 Residential Overlay MU-128 (RO-128)

### 3.8.1 Purpose and Intent.

To permit residential use in the MU-128 district in a manner that does not cause conflict with established commercial uses, takes advantage of the riverfront assets in the MU-128 district, and provides for more diverse and affordable housing opportunities in Needham.

### 3.8.2 Establishment of the District and Relationship to Underlying Districts

The RO-128 is established as an overlay district to be applied over a portion of the Mixed Use - 128 District. The RO-128 shall not restrict the rights of landowners which are provided in the underlying zoning district. However, if the owner elects to use the rights provided by the RO-128 for development purposes, all development shall conform to the regulations of this subsection.

### 3.8.3 Uses Permitted by Right.

In the RO-128 district multifamily residential development consistent with the dimensional criteria of this section, up to a Floor to Area Ratio (FAR) of 1.0, is permitted as of right.

### 3.8.4 Uses Permitted by Special Permit.

The RO-128 shall permit multifamily residential development consistent with the dimensional criteria of this section up to a floor area ratio of 2.0, if the special permit conditions of section 7.5.2 of this bylaw and the following additional conditions, are met.

a. Twenty-five percent (25%) of the residential units constructed, beyond the number of units that can be constructed as of right, shall be provided as low and moderate income housing consistent with the affordable housing policies of the Town of Needham.

### 3.8.5 Accessory Uses.

All accessory uses permitted in the General Residence (GR) district shall be permitted in the RO-128 district.

### 3.8.6 Dimensional Criteria:

a. Density: Residential development shall not exceed one dwelling unit per 1,250 sq. ft. of total lot area.

Minimum Lot Area: 20,000 sq. ft.

c. Minimum Lot Frontage: 100 feet

d. Minimum Front, Side and Rear Setback: 20 feet

Maximum Height: 6 stories and 65 feet

Maximum Lot Coverage: 50%

Minimum Open Space for landscaping or recreation purposes: 50%

### 3.8.7 Parking Requirements

Off-Street Parking shall conform to section 5.1.4 of the Needham Zoning Bylaw.

### 3.8.8 Relationship to Site Plan Review

All development undertaken through the use of the RO-128 District shall be reviewed and shall be subject to the criteria of the Needham Zoning Bylaw, Section 7.4 Site Plan Review.

Or take any other action relative thereto.

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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#### **ARTICLE : MAP CHANGE TO RESIDENTIAL OVERLAY MU-128 DISTRICT**

To see if the Town will vote to revise the Zoning Map by placing in the Residential Overlay MU-128 (RO-128) district those portions of the underlying Mixed Use-128 District (MU-128), as described in Article 4 above, that are located within 350 feet of the Needham Bank of the Charles River, said area bounded and described as follows:

Beginning at the point of intersection located 350 ft. westerly of the west bank of the Charles River and the centerline of the MBTA right-of-way, thence running easterly by the centerline of said MBTA right-of-way to the centerline of the Charles River, thence turning and running southeasterly by the centerline of said Charles River to a point of intersection with a line 100 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence turning and running by said parallel line to its intersection with the southerly most centerline of Highland Circle, thence running northwesterly and westerly by said centerline to the point of intersection of a line 200 feet northerly from and parallel to the northerly sideline of Highland Avenue, thence running westerly by said parallel line to the point of intersection with a line 350 ft. westerly of the west bank of the Charles River, thence turning and running northwesterly by a line 350 ft. westerly of and parallel to the west bank of the Charles River to the point of beginning.

Or take any other action relative thereto.

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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#### **GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES**

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#### **ARTICLE : AMEND GENERAL BY-LAW**

To see if the Town will vote to amend the General By-laws by:

1. Renumbering Section 3.1.12 to 2.2.5.5;
2. Renumbering Renumber Sections 3.1.13, 3.1.13.1, 3.1.13.2 and 3.1.13.3 to 2.2.5.6, 2.2.5.6.1, 2.2.5.6.2 and 2.2.5.6.3;
3. Inserting a new Section 3.1.12 as follows: "Discharge of Bow and Arrows. No person shall discharge bow and arrow within the limits of any park, playground, public way, public building or other property except with the consent of the Board of Selectmen, or hunt by bow and arrow on any private property except with the written consent of the property's owner or legal occupant.";
4. Deleting Section 3.1.13 and inserting a new Section 3.1.13 as follows: "Fines. Whoever violates the provisions of Section 3.1 shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense unless otherwise provided.";
5. Deleting Section 3.14;
6. Amending the fine schedules in Sections 8.2.2.4 B, G, I, J, L, N, P and Q to \$50 per offense;
7. Inserting in Section 8.2.2.4 E the words "\$50 per offense";
8. Deleting Section 8.2.2.4 S and inserting a new Sub-Section 8.2.2.8 C as follows: "Water Emergencies: Violations (Sub-Section 2.2.5.5) Fine Schedule: \$50 per offense, and renumbering the subsequent subsections accordingly;
9. Deleting Section 8.2.2.4 V and inserting a new Sub-Section 8.2.2.8 D as follows: "Private Ways (Sub-Section 2.2.5.6) Fine Schedule: \$50 per offense" and renumbering the subsequent subsections accordingly;
10. Inserting a new Section 8.2.2.4 V as follows: "Discharge of Bow and Arrow (Section 3.1.12) Fine Schedule: \$50 per offense."

or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : CONSERVATION RESTRICTION/CONVEYANCE OF REAL PROPERTY**

To see if the Town will vote to change the use of the land between Great Plain Avenue, the Dedham Town line, the Charles River and I-95 from highway and water supply to purposes to conservation and recreation purposes and to convey same to the Commonwealth of Massachusetts, or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : HOME RULE PETITION - OFF-PREMISES SALE OF ALCOHOL**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court. The Town Manager is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO AUTHORISE THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES UNDER ARTICLE OF AMENDMENT XLIX.

**SECTION 1.** Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Needham shall cause to be placed on the ballot at a regular or special election the following question:-

“Shall the licensing authority in the town of Needham be authorized to grant licenses for the sale of all alcoholic beverages in packages not to be drunk on the premises?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen.

**SECTION 2.** If a majority of the votes cast in answer to that question is in the affirmative, the Town of Needham shall be taken to have authorized the granting of licenses for the sale of all alcoholic beverages not to be drunk on the premises subject to the following:

Except as otherwise provided herein, such licenses shall be subject to the provisions of said chapter 138.

The licensing authority may establish the days and hours during which the license may operate.

**SECTION 3.** This act shall take effect upon its passage.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : ADOPTION OF STRETCH ENERGY CODE**

To see if the Town will vote to amend its General By-Laws by adding thereto Section 3.10 entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, as set forth below; or take any action relative thereto.

**Section 3.10**

**STRETCH ENERGY CODE**

**3.10.1 Definitions**

International Energy Conservation Code (IECC) The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**3.10.2 Purpose** The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**3.10.3 Applicability** This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

**3.10.4 Authority** A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law.

**3.10.5 Stretch Code** The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this Section.

**3.10.6 Enforcement** The Stretch Code shall be enforced by the Building Inspector.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : PESTICIDE FREE ZONE ON LAND OWNED OR MANAGED BY THE TOWN OF NEEDHAM**

**To see if the Town of Needham will vote to transition away from the use of herbicides and pesticides\* on land owned, managed or leased by the Town of Needham.** Within two years The Town of Needham will take the next step in reducing pesticide use on town owned property by instituting a no-use policy concerning chemical synthetic herbicides and pesticides as defined by the Federal Insecticide, Fungicide,

and Rodenticide Act. Included in the no-use policy are fertilizers known as weed 'n feed products which contain herbicides and pesticides.

**Needham owned, managed and leased land includes** but is not limited to school grounds and playing fields, town commons and parks as well as conservation land and The Needham Community Farm. It also includes the grounds of The Needham Town Hall, The Needham Public Library, The Needham Senior Center and the town building facilities and the berms along town sidewalks.

**There will be an exemption** for emergency outbreaks of stinging or biting insects.

**A Standing Committee will be created** to study and implement a Best Practices Policy and Manual of land care and landscaping policy for the Town of Needham. The Committee is to be made up of five Needham residents plus one elected or appointed official from the Conservation Commission, School Committee, and Board of Health, Park and Recreation. The Committee will meet at least four times a year.

**The Standing Committee will create A Best Practices Manual for Land Care** which would include the following practices: soil testing, the use of organically certified soil amendments, compost and compost tea. Approved bio-pesticides may be considered for use.\*\* Cultural practices will be included: using the appropriate height for lawn mowing, planting of clover, what to do with grass clippings, the use of carbon neutral machinery in landscaping and the use of water savings measures. Landscape design will consider lawn size and placement, fertilizer use and the use of water recycling and rain gardens.

**The Committee will create educational forums and materials** to implement the Best Practices for Land Care Manual and no-use pesticide policy and educate Needham residents and employees of the Town of Needham on these topics.

\*Pesticide, as defined in FIFRA section 2(u) (PDF) (109 pp, 288k), means: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer. It includes pesticides, herbicides, insecticides, rodenticides, and fungicides.

\*\*FIFRA exemption of minimal risk pesticides [http://www.epa.gov/PR\\_Notices/pr2000-6.pdf](http://www.epa.gov/PR_Notices/pr2000-6.pdf) Products which contain certain low-risk ingredients, such as garlic and mint oil, have been exempted from Federal registration requirements, although State regulatory requirements may still apply.

INSERTED BY: Citizens' Petition – Susan W. Abbott et.al.  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : CITIZENS' PETITION – CITIZENS UNITED RESOLUTION**

To see if the Town will vote the following resolution;

Whereas, the expenditure of excessive and unlimited money in the political realm is a threat to our local self determination, our local aid from both the state and federal government, our local economy and is an obstruction to our individual, free, and fair participation in our electoral and governing processes and

Whereas, the U.S. Supreme Court 5:4 ruling on January 21, 2010 in Citizens United v. Federal Election Commission rolled back remaining legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, and thereby drowning out the voice of "We the People" and threatening citizens constitutional right of self-governance.

Now, therefore, let it be resolved that this Town Meeting calls upon the Massachusetts congressional delegation to support an amendment to the US Constitution that would overturn the Supreme Court decision in this matter.

Be it further resolved that this Town Meeting calls upon our State Legislature to seek the support of our federal delegation for the amendment and to support the amendment if Congress sends it to the states for ratification.

INSERTED BY: Stacie Shapiro et.al.  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**COMMUNITY PRESERVATION ACT ARTICLES**

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**ARTICLE :      ARTIFACT STORAGE UPGRADE / NEEDHAM HISTORICAL SOCIETY**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for historic artifact archiving, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE :      SOUTH STREET HOME / CHARLES RIVER ARC**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$500,000 for the construction by the Charles River Center of a 3,000 square foot accessible home for individuals with disabilities, to be spent under the direction of the Town Manager, and that \$485,000 be transferred from the Community Housing Reserve, and \$15,000 be raised from 2013 Community Preservation Receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : HERITAGE PROJECT / HISTORICAL INVENTORY**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for the development of the historic homes inventory, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : TOWN OF NEEDHAM HISTORICAL VITAL RECORDS PRESERVATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$30,000 for preservation and conservation of vital records of the Town, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE TO COMMUNITY PRESERVATION FUND**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to M.G.L. Chapter 44B from the estimated FY 2013 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

**Appropriations:**

A. Administrative and Operating Expenses of the Community Preservation Committee \$82,000

**Reserves:**

B. Community Preservation Fund Annual Reserve \$1,023,160  
C. Community Housing Reserve \$218,420

D. Historic Resources Reserve  
 E. Open Space Reserve

\$0  
 \$233,420

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information: The Town Meeting and the voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the CPC and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve. In addition to the projects proposed to be funded through reserves under Articles X, the CPC recommends approval for 11% to be appropriated to the Community Housing Reserve and the Open Space Reserve. Allocation to the Historic Reserve is satisfied by the payment of the debt for the Town Hall project which is included in the motion to appropriate the Operating Budget under Article X. The CPC also recommends an appropriation of 5% for administrative and operating expenses.*

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**CAPITAL ARTICLES**

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**ARTICLE : RESCIND DEBT AUTHORIZATIONS**

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Total				

or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information: When a project is financed by borrowing, the project has been completed, and all the bills have been paid, the balance of the authorization that was not borrowed can be rescinded. A Town Meeting vote to rescind the balance of a borrowing prevents any further borrowing for the project, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids.*

**ARTICLE : APPROPRIATE FOR GENERAL FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate a sum for General Fund Cash Capital, to be spent under the direction of the Town Manager, and raised from the tax levy; or take any other action relative thereto:

General Fund	Description	Recommended	Amendment
Community Services	Athletic Facility Improvements	\$ 207,500	
Community Services	DeFazio Fields Resodding	\$ 90,000	
Community Services	Rosemary Camp Trail Improvement	\$ 50,000	
General Government	Desktop Virtualization	\$ 130,000	
General Government	Network Hardware, Servers & Switches	\$ 30,000	
Public Facilities	Core Fleet	\$ 50,318	
Public Facilities	Energy Efficiency Upgrades	\$ 34,815	
Public Facilities	Facilities Maintenance Program	\$ 450,000	
Public Safety	Structural Fighting Gear	\$ 40,000	
Public Safety	Deputy Chief of Operations Vehicle	\$ 35,000	
Public Schools	Technology & Equipment	\$ 828,000	
Public Schools	Administration Building Study	\$ 30,000	
Public Works	Core Fleet	\$ 315,000	
Public Works	Snow & Ice Equipment	\$ 171,000	
Public Works	Large Specialty Equipment	\$ 271,500	
Public Works	Small Specialty Equipment	\$ 41,000	
	Total Appropriation	\$ 2,774,133	

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Athletic Facility Improvements** The Department of Public Works and Park and Recreation Departments have developed a maintenance plan for all fields, which includes new or total reconstruction, partial renovation, irrigation, drainage improvements, and equipment replacement or repair (bleachers, fences/backstops, player benches and miscellaneous equipment) for multi-use fields and ball diamonds. Projects planned for fiscal year 2013 include new fabric and repairs on both backstops and fencing at Claxton Field, installation of an irrigation system for Greene's Field, installation of bleachers and a bleacher pad for Claxton Diamond #2, installation of an irrigation system for Claxton Field, and installation of an irrigation system for the Pollard School multi-purpose field.

**Defazio Field Re-Sodding** This capital request is for field improvements at the DeFazio Complex. The Healy and Warner fields were seeded twice during the Field of Dreams project. After two seeding applications, the grass still did not fill in. As a result, the fields have taken almost entirely to weeds (large and smooth crabgrass and white clover). The best option to ensure safety and playability is to sod the fields

with Kentucky Bluegrass, similar to what was done on the other two fields at DeFazio – Conroy and McLeod.

**Rosemary Trail Improvement Design** The trail system that begins in the parking lot at Rosemary Pool and extends through the camp property and over to Nehoiden Street is used on a daily basis by residents. The beginning section is in the most urgent need for restoration; however, there are other areas of concern, particularly along the steep stretch adjacent to the lake. A portion of this project will be completed by volunteers, and only the larger portions requiring construction will need to be performed by a contractor. At this time, the project is not eligible for CPA funding, but if proposed changes to the wording of the legislation are approved, this project would become eligible. This appropriation would fund the design and permitting phase of the project. It is anticipated that the construction portion will be in the \$100,000 range.

**Desktop Virtualization** This request is for virtualizing approximately 100 employee workstations by adding additional licenses and hardware. Licensing would also be purchased to enable certain users to access their workstations remotely. All of the applications used by employees (e.g. Microsoft Office, Adobe Acrobat, or Internet Explorer) are stored on servers controlled by the Information Technology Center (ITC). Any specific application is then served to the employee's desktop through the network. Because the applications are bundled in one location, the ITC Network Manager can more efficiently and productively roll-out upgrades, allowing for consistent versions of software. Virtualization will help make existing staff more productive and help to support the growing demands of the current workforce. Workstation Support is more streamlined because issues with applications served out to the workstations are managed in the ITC, and only serious hardware issues will need to be addressed at the employee workstation. The hardware that is used by employees at their desks can be replaced at a lower cost than current workstation hardware.

**Network Servers And Switches** The request is to replace older servers, application and data, with newer, faster, and more energy-efficient models. This can also include the replacement of the spam filter, virus firewall, and Internet filtering. The request includes funding for the replacement of older network switches to connect buildings, departments, and workstations throughout the Town. Newer models of both servers and switches will be better able to take advantage of the Town fiber and increase the speed of data within the Town's fiber network. Not replacing or updating this equipment can have a negative impact on email, financial applications, internet access, and data accessibility.

**Public Facilities Core Fleet** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicle scheduled to be replaced in FY2013 is a 2001 Ford F-450 Rack Body Truck that is primarily used for grounds keeping services, trash runs, moving School and Town property, and setting up the stage for the High School graduation.

Unit	Division	Year	Description	Miles	Cost
703	PFD	2001	Ford F-450/Grounds Rack Body Truck	50,952	\$50,318

**Public Facilities Energy Efficiency Upgrade Improvements** The results of a recent energy efficiency upgrade study indicate that if the Town makes an initial investment for energy upgrades in the ten buildings identified in the study, the cost of these upgrades will be recovered through energy savings within five years. Projects proposed for FY2013 include replacing the exterior lighting at Hillside School. The lighting consists of high intensity discharge lamps and will be replaced with induction lighting. Similar work will be performed at the Mitchell School, along with improved insulation levels in the attic.

**Public Facilities Maintenance Program** This project funds annual maintenance of public buildings throughout the Town and School Department including but not limited to: asbestos abatement, small equipment replacement, duct cleaning, painting, and other repairs and necessary upgrades. Funding in fiscal year 2013 is intended for duct cleaning at the A & B Buildings of the High School, asbestos abatement at the Mitchell School, flooring replacement at the Broadmeadow School and the Library, and Xeriscaping at the High School. Additional work at the Hillside School will include remediation of flooding issues, upgrades to the boiler room, repair to the floor and stairs, and upgrading of AC units. At the Mitchell School, repairs to gutters and downspouts, fuel oil containment work (or conversion to natural gas), handrail upgrades, and egress analysis will be performed.

**Structural Fire Fighting Gear** Structural firefighting protective gear has a recommended life expectancy of 10 years depending on exposure and wear. The Fire Department is requesting replacement of this gear for twenty (20) staff members who will be using gear that is over 11 years old at the time of replacement.

**Deputy Chief Vehicle/C-3** This request is to replace a 2004 Ford sedan that is used daily by the Deputy Chief of Operations. Currently the car has over 56,000 miles of service, and at the time of replacement is estimated to have over 70,000 miles of service. At the time of replacement, the vehicle will be nine years old, up to two years beyond its scheduled replacement. A new vehicle will be purchased and put into service as C-1. The current C-1 will then be passed down to replace C-3. (Submitted by: Fire Department)

Unit	Division	Year	Description	Miles	Cost
C-3	Fire	2004	Crown Victoria/Replace with SUV	56,500	\$35,000

**School Furniture, Musical Instruments, And Graphic Arts Equipment** The School Furniture Replacement Program began in fiscal year 2005 and is geared toward replacing furniture in school facilities which are not scheduled to undergo capital renovation/ addition projects in the near future (Hillside, Mitchell, Newman and Pollard). In these schools, furniture is 10-20+ years old and in a state of disrepair after decades of heavy use. By FY2015, all furniture in 'poor' condition will have been replaced at all four schools. The FY2013-FY2017 funding request begins the replacement of furniture in fair condition at these schools.

Fiscal year 2013 represents the eighth year of the musical equipment replacement cycle. The scheduled replacements in FY2013 are additional middle school percussion instruments, additional string instruments, and assorted elementary school Orff percussion instruments. The purpose of the program is to replace musical instruments, especially large string instruments and pianos, which are over 25 years old. After decades of heavy use, many of the School Department's string instruments are no longer usable or repairable. The older pianos, while still usable, are becoming increasingly costly to repair and maintain. Although students do purchase some of the less expensive instruments (clarinets, trumpets, etc.), a quality band and/or orchestra program needs to ensure balanced instrumentation to deliver the proper musical experience required by the curriculum.

Fiscal year 2013 is the first year of a request to establish an equipment replacement cycle for the Graphics Production Center at Needham High School. Although the Center received new equipment during the recent renovation at the High School, the School Department has determined that an ongoing source of funding is needed to sustain and update program equipment. During the summer of 2011, a complete inventory analysis of all equipment was completed. The equipment proposed for replacement in fiscal year 2013 includes a screen print dryer and wide format printer.

**Interactive Whiteboard Technology And Technology Replacement** This interactive whiteboard project would fund the purchase and installation of interactive technology (SMART and Mimio boards) at Needham

*schools. The \$148,300 in funding requested for interactive whiteboards includes the completion of the SMART Board purchase and installation at the Newman School to coincide with the return to the renovated building. Included in this purchase for Newman are 11 additional SMART Boards as well as the permanent installation of 23 existing boards and the purchase and installation of wall-mounted short throw projectors. In addition to the completion of Newman, interactive whiteboards will be added at Broadmeadow (1), Hillside (1), and Pollard (2) to advance the District's inventory towards its goal of full interactive whiteboard implementation for grades one through twelve.*

*The School technology replacement program includes the replacement of 300 teacher, administrator, student, lab and laptop computers that have reached or are functioning beyond the end of their seven-year lifecycle: 169 of these computers are for teachers and administrators throughout the district; 68 are for classroom computers at Broadmeadow, Eliot, Mitchell, and Newman; and at Pollard there is a cart with 30 laptops that is being replaced. Although the majority of the computers being purchased are for the elementary schools and Pollard, FY2013 represents the first year of replacement of computers and LCD projectors that have reached the end of their lifecycle at the High School. The replacement of the High School technology will be phased in over five years. Funding in FY2013 would support 75 teacher and administrator computers, included in the previous count of 169 teacher and administrator computers, as well as 33 student laptop computers in the library. Also included in the replacement cycle are 10 LCD projectors.*

*Beyond the 300 teacher, administrator, student, lab and laptop computers mentioned above, this request also includes the replacement of two district data servers that are housed at the ETC. These servers have been running 24/7 for three and four years and will be repurposed to less critical functions for two and three years respectively. Also in this category is the replacement of eight UPS batteries that support critical servers throughout the district. Replacement of 19 printers across the district is also included within the technology replacement cycle. The request also includes funding for the impact of conversion to Lion, Apple's new operating system.*

**Emery Grover Renovation/Relocation Feasibility Study** *This funding will support a feasibility study of the renovation of Emery Grover and a lease/purchase alternative to the building renovation. The Emery Grover School Administration Building is in need of additional office and storage space as well as extensive repair and modernization. The Town Facilities Master Plan had estimated the renovation cost at \$11.4 million in 2008 dollars. The scope of the original renovation was to reorganize the layout of offices, make the building fully ADA accessible, remove remaining asbestos and lead paint, replace deteriorating systems, and allow for full utilization of all four floors. The feasibility study will include studying options in the marketplace as well as alternatives for the Emery Grover Building.*

**Public Works Core Fleet** *The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:*

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
45	Engineering	2006	Ford E-150/8 Passenger Van	52,990	\$25,000
43	Highway	2007	Ford F-350/4WD Pick-up	51,354	\$52,000
39	Highway	1999	Ford F-350/One Ton Dump Truck	102,062	\$67,000
8	Highway	1996	IH S4900/6 Wheel Dump Truck	45,520	\$171,000

**Snow and Ice Equipment** *This request will provide funding for equipment used primarily in the Snow and Ice Program. Unless circumstances require otherwise, the vehicles and equipment proposed for replacement in FY2013 are as follows:*

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
8A	Highway	1988	10 Ft. Material Spreader	N/A	\$31,000
111	Highway	1995	Trackless Sidewalk Tractor	N/A	\$140,000

**Large Specialty Equipment** Public Works specialty equipment consists of power-assisted equipment or other specialized tools used by the Department in the performance of its work. Unless circumstances require otherwise, the vehicles scheduled to be purchased in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
181	Highway	1998	Elgin Pelican Sweeper	N/A	\$210,000
New	Parks	New	Groundmaster Mower	N/A	\$61,500

**Small Specialty Equipment** This program provides funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of the Department's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. Unless circumstances require otherwise, the equipment scheduled to be replaced in FY2013 includes:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
254	Parks	1989	Brush Chipper	N/A	\$41,000

**ARTICLE : APPROPRIATE FOR OAKCREST ROAD CONSTRUCTION**

To see if the Town will vote to raise and/or transfer and appropriate a sum for the reconstruction of Oakcrest Road from Henderson Street to Blake Street, under the laws authorizing the assessment of betterments, to be spent under the direction of the Town Manager, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE : APPROPRIATE FOR PROPERTY ACQUISITION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 for acquisition of the parcel 37-39 Lincoln Street, and associated improvements, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE FOR PROPERTY ACQUISITION**

To see if the Town will vote to raise and/or transfer and appropriate a sum for acquisition real property, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE FOR FIRE LADDER TRUCK**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$750,000 for the acquisition of a Fire ladder truck, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$600,000 for improvements and repairs to the Town's infrastructure including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Street Resurfacing:** This program is essential to improve the structural and surface integrity of the Town's network of accepted streets. The primary strategy of this program is asphalt paving and incidental work. Incidental work may include asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings and signs. Applying this repair strategy in a timely manner will extend the useful life of the roadway for up to 15 years. The requested street resurfacing funding in FY2013 is \$296,000.

**Traffic Signal & Intersection Improvements:** This program funds traffic signal improvements and intersection improvements and new traffic signal installations where none currently exist. No funding is proposed in FY2013 in this category.

**Combined Sidewalk Program:** This Program addresses the failing network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvements including the installation of handicapped ramps. The requested Combined Sidewalk Program funding in FY2013 is \$279,000.

**Storm Drain Capacity Improvements:** This program provides funding to improve roadway drainage capacity. The Stormwater Master Plan identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Locations for improvements have been prioritized within the plan. Since the issuance of this report, numerous multi-unit developments have been built or planned in the Town. These developments incorporate new roads with drainage structures and roof or sump connections which are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and causes flooding in some areas. No funding is requested in this category for FY2013.

**Brooks and Culverts – Repair and Maintenance:** This program addresses the issue of flooded and poorly draining brooks, streams, waterways and culverts throughout the Town that have been severely damaged by heavy rains/storms for many years. Prior funding has funded cleaning and debris removal. Recent flooding caused the failure of retaining walls. Brooks have become silted, allowing the overgrowth of vegetation that has impacted the level of the water flows and resulting in the loss of useable abutting property and flooded basements. Projects proposed for FY2013 include the continued wall repair along Rosemary Brook in the amount of \$25,000.

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**ARTICLE : APPROPRIATE FOR DPW COMPLEX RENOVATIONS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$580,000 for engineering and construction of eight garage bays and associated site improvements at the DPW Complex, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate a sum for RTS Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, said sum to be transferred from RTS Enterprise Fund retained earnings; or take any other action relative thereto:

Group	Description	Recommended	Amendment
RTS	Large Specialty Equipment	\$ 175,200	
	Total Appropriation	\$ 175,200	

INSERTED BY: Board of Selectmen  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

**Large Specialty Equipment** Public Works specialty equipment consists of power-assisted equipment or other specialized tools used by the Department in the performance of its work. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

Unit	Division	Year	Description	Miles	Cost
53	RTS	1992	Roll-Off	65,012	\$175,200

**ARTICLE : APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate a sum for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, said sum to be transferred from Sewer Enterprise Fund retained earnings; or take any other action relative thereto:

Group	Description	Recommended	Amendment
Sewer	Small Specialty Equipment	\$ 34,000	
Sewer	Core Fleet	\$ 33,100	
Sewer	Infiltration & Inflow Program	\$ 550,000	
Sewer	SCADA System	\$ 30,000	
	Total Appropriation	\$ 647,100	

INSERTED BY: Board of Selectmen  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

**Small Specialty Equipment** This program provides funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of the Department's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. Unless circumstances require otherwise, the equipment scheduled to be replaced in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
170	Sewer	2000	Trailer Mounted 4" Pump	N/A	\$34,000

**Core Fleet** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
11	Sewer	2007	Ford F-150/2WD Pick-up Truck	48,370	\$33,100

**Sewer System Infiltration and Inflow Program** This program supports the identification and removal of Infiltration and Inflow (I/I) in existing sewer systems. The requested funding for FY2013 is for the evaluation of infiltration, which is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures. On the basis of volume of flow and knowledge of local sewer system overflows (SSO) or basement flooding, an order of priority has been established to determine the scheduling of the engineering, design and remediation work. The highest priorities relate to locations of known surcharging with sewage overflow or release or basement flooding. The remediation proceeds in stages starting with the preliminary engineering, followed by the rehabilitation design and concluding with the rehabilitation construction.

Work in prior years has been undertaken in Areas 11, 14, 19-1, 22, 3, 4, 30, 31, 2, 24, 21L, 1, 16. The priority was based on areas that had recorded the highest levels of infiltration. The field work was conducted in 1984, and supplemented in 1986 and 1987. The study results are now approaching 25 years old. The earliest repair work that was undertaken is approaching 20 years old, and the remaining sections identified in the original study show significantly less I/I per length of sewer main. There is a strong probability that the original high leakage areas are contributing greater amounts of infiltration than the remaining sections left to repair as identified in the original study. Therefore, the study must be updated at this time to ensure effective expenditure of Town resources to address current infiltration and inflow. The components of the first phase of the study will include engineering (\$240,000), permanent and portable flow meter installation (\$210,000), and rented flow meters (\$100,000). The components of a future phase of the evaluation will include engineering and closed circuit TV services.

**Sewer SCADA System** The Department's goal is to provide a communication and alarm system to replace the current system that is outdated and unreliable. Currently there is no linked communication between or among pump stations. The goal is to collect data from the nine sewage pumping stations, then communicate that data to a central location (likely the West Street Pump Station), allowing for efficient management and control of the sewer pumping operations. This system will alert the appropriate emergency response for on-call personnel to remotely access the system, making changes to pump stations as necessary. The current alarm call system uses an outdated verbatim call box at the four major sewage pumping stations and a light and siren system at the five smaller stations. The verbatim system is programmed to call the Police Department dispatcher when an alarm condition has occurred, who then alerts the Sewer Division on-call person. The five smaller stations rely on neighbors to call the Police

Department when an alarm occurs. This funding is for a feasibility study to determine the best mode of communication for the SCADA system. (Submitted by: Department of Public Works)

**ARTICLE : APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate a sum for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, said sum to be transferred from Water Enterprise Fund retained earnings; or take any other action relative thereto:

Group	Description	Recommended	Amendment
Water	Core Fleet	\$ 117,000	
Water	Filter Media Replacement	\$ 72,500	
Water	System Rehabilitation Program	\$ 99,300	
Water	Service Connections	\$ 200,000	
Water	Fire Flow Improvements	\$ 350,000	
	Total Appropriation	\$ 838,800	

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Core Fleet** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

Unit	Division	Year	Description	Miles	Cost
1	Water	1999	Ford F-350/One Ton Dump Truck	67,128	\$67,000
2	Water	2000	Ford F-350/Utility Pick-up	91,719	\$50,000

**Filter Media Replacement** Filter media is used for manganese removal at the Charles River Water Treatment Facility. All four filters at the Treatment Facility were replaced with natural greensand in 2008. This program is intended to establish a five year replacement cycle for the replacement of the filter media, with a new synthetic product called Greensand Plus, a substitute for natural greensand. Greensand Plus is promoted as being able to withstand wider variations in operating conditions and therefore may reduce the frequency of media replacement, and reduce the need for the administration of potassium permanganate. The first year of funding for the five year cycle is fiscal year 2012

**Water System Rehabilitation Program** The annual Water System Rehabilitation Program draws from the recommendations of the Water System Master Plan. The master plan recommends that pipes 85 years or older be considered for replacement or relining. This list of older pipes is evaluated and prioritized, and then cross-referenced with work proposed for other utilities, road repairs, or reconstruction. Unless circumstances require otherwise, projects for FY2013 include engineering and design for the installation of a new eight inch pipe (2,500 linear feet) on Grant Street from Junction Street to Dedham Avenue.

**Water Service Connections** The primary purpose of this program is to remove old iron pipe water services that may contain lead from the water distribution system. Old water services are to be replaced prior to a road reconstruction/paving project. If the services are not replaced, an element of the subsurface infrastructure is susceptible to failure before the useful life of the reconstructed roadway has been realized. The FY 2013 funding will provide approximately one year's value of water service replacements, which will fall in line with the road resurfacing program schedule.

**Water Fire Flow Improvements** The Water System Master Plan has identified a category of improvements for high priority action. The St. Mary Pump Station has four pumps located within the facility that are designed to pump potable water from the MWRA to supplement the Town's demand for water. Only two pumps are operable at the station, resulting in operation at a capacity less than that which is permitted (6.5 million gallons per day). The current pump station is equipped with an emergency auxiliary motor; however, it is preferable to have a standby generator similar to other pumping stations and the Charles River Water Treatment Facility. This request will provide the necessary improvements to meet future water demands, and ensure that the station has emergency back-up electrical power. The preliminary design of the station has been completed. The DPW is preparing to seek proposals for selection of a designer for the final design and the Owner's Project Manager (OPM) services. The costs of OPM services were not originally included in the budget for the project budget. \$350,000 is being requested to cover the entire design and construction services for the OPM. A request for funding for the St. Mary Pump Station Improvement Project construction will be proposed for fiscal year 2014 at an expected amount of \$5,070,000.

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## TOWN RESERVE ARTICLES

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### ARTICLE : APPROPRIATE FOR WORKERS COMPENSATION RESERVE FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$X to the Workers Compensation Reserve Fund, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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### ARTICLE : ESTABLISH AND APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to establish a fund under the provisions of M.G.L. c, 40 Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003 to be known as the Athletic Facility Improvement Fund. The purpose of this Fund is to allow the Town, from time to time, by appropriation, to reserve funds for the design, maintenance, renovation, reconstruction or construction of athletic facilities; and further to raise, and/or transfer and appropriate a sum to the fund; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE : APPROPRIATE TO CAPITAL IMPROVEMENT FUND**

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Improvement Fund, as provided under M.G.L., Ch. 40, Sec. 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: Under Article 58 of the May 2004 Annual Town Meeting, the Town voted to establish the General Fund Cash Capital Equipment and Facility Improvement Fund for the purpose of setting aside funds for future capital investment. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The December 31, 2011 balance in the fund is \$561,688.

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**ARTICLE : APPROPRIATE FOR CAPITAL FACILITY FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund as provided under the provisions of M.G.L. Chapter 40, Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Established at the 2007 Annual Town meeting, this fund is intended to be part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation or reconstruction relating to the structural integrity, building envelope or MEP (mechanical, electrical, plumbing) systems of then existing capital facilities. The December 31, 2011 balance in the fund is \$734,117.

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**ARTICLE : APPROPRIATE TO STABILIZATION FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Stabilization Fund, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE :        OMNIBUS**

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY:    Board of Selectmen

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And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 14th day of February 2012.

**MAURICE P. HANDEL, *Chairman***  
**GERALD A. WASSERMAN, *Vice Chairman***  
**DANIEL P. MATTHEWS, *Clerk***  
**JOHN A. BULIAN**

*Selectmen of Needham*

**A true copy,  
ATTEST**

RECEIVED TOWN CLERK  
NEEDHAM, MA 02492

2012 FEB -1 PM 3: 23

John A. Jensen

43 Morton Street  
Needham, Massachusetts 02494  
781-449-3574

RECEIVED  
TOWN OF NEEDHAM  
BOARD OF SELECTMEN

2012 FEB -1 P 1: 02

February 1, 2012

Kate Fitzpatrick  
Town Manager  
Town of Needham  
1471 Highland Avenue  
Needham, Massachusetts 02492

Re: Petition for Zoning By-Law Change

Dear Ms. Fitzpatrick,

Submitted herewith please find one sheet of a petition requesting that the Town of Needham vote to amend Section 1.3, Definition of a Structure, as indicated below. The added text is underlined.

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or water surface area of at least one hundred (100) square feet when filled to capacity, including an attached pool deck, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.

Please note that the aforementioned petition sheet contains the signatures of 15 registered voters in the Town, as required pursuant to M.G.L. C. 40A, Section 5, and M.G.L. C. 39, Section 10. As a result, I therefore request that this matter be brought before the upcoming Annual Town Meeting. To facilitate this request I have also provided a proposed Warrant Article.

If you or the Board of Selectmen have any questions, comments or concerns relative to the foregoing, or if you require any further information, please do not hesitate to contact me.

Your attention and cooperation are appreciated.

Sincerely,

  
John A. Jensen

CC Lee Newman, Planning Director

Petition to Amend Section 1.3 of the Needham Zoning By-Law

We, the undersigned, being registered voters in the Town of Needham, hereby petition and request that the Town of Needham vote to amend Section 1.3 of the Needham Zoning By-Law, Definition of a Structure, as indicated below. The added text is underlined.

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or water surface area of at least one hundred (100) square feet when filled to capacity, including an attached pool deck, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.

Name	Address
✓ John Christian Jansen	33 Border Rd. Needham MA
✓ Anne Ward Dent	1214 Great Plain Ave Needham MA
✓ Dorothy Kupai	24 Concord St. Needham, MA
✓ William J. ...	102 CLARKE ROAD NEEDHAM, MA
✓ Eileen Beasley	259 High Rock St, Needham
✓ Robt. Koever	113 Powers St. Needham,
✓ Sara Young	120 Maple St. Needham, MA
✓ Pamela J. ...	72 Lexington Ave, Needham 02494
✓ Nardis Baker	178 SOUTH STREET Needham 02494
✓ Philip Buger	11 Alford Rd. Needham 02494
✓ Edna J. ...	34 Morton St - Needham MA
✓ Marc M. Israel	34 Morton St, Needham, MA
✓ Susan D. Fleming	22 Morton St, Needham, MA.
✓ Karen Jensen	43 Morton St Needham, MA
✓ John A. Jensen	43 Morton St Needham, MA

## AMEND ZONING BY-LAW

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3, Definition of a Structure, as indicated below. The added text is underlined.

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or water surface area of at least one hundred (100) square feet when filled to capacity, including an attached pool deck, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.

(Check this  against the name of each qualified voter to be certified)

The Commonwealth of Massachusetts

Needham, February 3 2012  
(Month and Day)

We certify that fifteen (15)  
(Number and names certified)  
voters in the Town of Needham

above ~~signatures checked~~  are names of qualified voters

Barbara B. O'Neil  
Barbara B. O'Neil

Mary J. McCarthy  
Mary J. McCarthy

Registrars of Voters  
of  
Needham

RECEIVED  
TOWN OF NEEDHAM  
BOARD OF SELECTMEN

Town of Needham

Citizens' Petition for Warrant Article

2012 FEB -6 P 2:41

RECEIVED TOWN CLERK  
NEEDHAM, MA 02492

2012 FEB -7 AM 9:51

Town Meeting for Which Petition is requested: \_\_\_\_\_

Primary Sponsor:

Name Stacie Shapiro

Address 12 Pine Grove St

I certify that I am a registered voter in the Town of Needham.

Signature [Handwritten Signature]

In accordance with M.G.L. c. 39 Section 10, the written requests of registered voters for insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The Selectmen shall submit such written requests to the Town Clerk/Registrars of Voters who shall check and forthwith certify the number of signatures so checked and certified shall be counted.

For an annual town meeting, a citizens' petition requires the certified signatures of ten or more registered voters. For a special town meeting, the signatures of 100 registered voters are required. The Selectmen shall call a special town meeting upon request, in writing, of two hundred registered voters or by four percent of the total number of registered voters, whichever number is lesser.

The deadline for submission of a petition for the Annual Town Meeting is the first Monday in February, in accordance with Section 1.15 of the General By-laws of the Town of Needham. The deadline for submission of a petition for a special town meeting will be determined by the Board of Selectmen, and will generally be the date that the warrant is closed.

Note: If properly certified, the text of the proposed citizens' petition will appear in the warrant exactly as presented. The Board of Selectmen, as the Warrant Committee, reserves the right to include a summary of the Board's understanding of the intent of the article along with the petition itself. The name of the primary sponsor will appear in the warrant.

**Text of Citizens' Petition (Continue on other side or attach sheets as necessary)**

To see if the town will vote the following Resolution;  
Whereas the expenditure of excessive and unlimited money in the political realm is a threat to our local self determination, our local aid from both the State and federal government, our local economy and is an obstruction to our individual, free, and fair participation in our electoral and governing processes and  
Whereas the U.S. Supreme Court 5:4 ruling on January 21, 2010 in Citizens United v. Federal Election Commission rolled back remaining legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, and thereby drowning out the voice of "We the People" and threatening citizens constitutional right of self-governance.

Over →

To see if the Town will vote the following resolution;

Whereas, the expenditure of excessive and unlimited money in the political realm is a threat to our local self determination, our local aid from both the state and federal government, our local economy and is an obstruction to our individual, free, and fair participation in our electoral and governing processes and

Whereas, the U.S. Supreme Court 5:4 ruling on January 21, 2010 in Citizens United v. Federal Election Commission rolled back remaining legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, and thereby drowning out the voice of "We the People" and threatening citizens constitutional right of self-governance.

Now, therefore, let it be resolved that this Town Meeting calls upon the Massachusetts congressional delegation to support an amendment to the US Constitution that would overturn the Supreme Court decision in this matter.

Be it further resolved that this Town Meeting calls upon our State Legislature to seek the support of our federal delegation for the amendment and to support the amendment if Congress sends it to the states for ratification.

Town of Needham  
Citizens' Petition for Warrant Article

1. Signatures to be made in person  
with the name substantially as  
registered

NOW LIVING AT  
(street & number, if any)

Residence on January 1, 20\_\_  
If different (Street & number, if any)

✓ Debra Schell  
✓ Spicelli  
✓ Christopher A. Murt  
✓ Hanna Poretzky  
✓ [Signature]  
✓ [Signature]  
✓ [Signature]  
\_\_\_\_\_

29 Brewster Drive  
101 Hillside Ave  
73 Canterbury Lane  
50 Pine Grove St.  
162 Woodbine Cir  
38 Ferry Ln  
185 Evelyn Rd.  
16 Front St Needham  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Registrars of Voters check this against the name of  
each qualified Voter to be certified  
For names not certified, use the code opposite:

N - no such registered voter at that address  
S - unable to identify signature or address as that of voter.  
because of form or signature or address or illegible  
T - signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the -8- Eight above  
Signatures checked thus are names of qualified voters of this town.

Needham February 7, 2012  
Town

[Signature]  
Barbara B. DeBe  
[Signature]  
Mary J. McCarthy  
Registrars of Voters  
[Signature]  
Phyllis E. Foster



**A Citizen's Petition: Pesticide Free Zone on Land Owned or Managed  
By The Town of Needham**

**To see if The Town of Needham will vote to transition away from the use of herbicides and pesticides\* on land owned, managed or leased by the Town of Needham. Within two years The Town of Needham will take the next step in reducing pesticide use on town owned property by instituting a no-use policy concerning chemical synthetic herbicides and pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act. Included in the no-use policy are fertilizers known as weed 'n feed products which contain herbicides and pesticides.**

**Needham owned, managed and leased land includes but is not limited to school grounds and playing fields, town commons and parks as well as conservation land and The Needham Community Farm. It also includes the grounds of The Needham Town Hall, The Needham Public Library, The Needham Senior Center and the town building facilities and the berms along town sidewalks.**

**There will be an exemption for emergency outbreaks of stinging or biting insects.**

**A Standing Committee will be created to study and implement a Best Practices Policy and Manual of land care and landscaping policy for the Town of Needham. The Committee is to be made up of five Needham residents plus one elected or appointed official from the Conservation Commission, School Committee, and Board of Health, Park and Recreation. The Committee will meet at least four times a year.**

**The Standing Committee will create A Best Practices Manual for Land Care which would include the following practices: soil testing, the use of organically certified soil amendments, compost and compost tea. Approved bio-pesticides may be considered for use. \*\* Cultural practices will be included: using the appropriate height for lawn mowing, planting of clover, what to do with grass clippings, the use of carbon neutral machinery in landscaping and the use of water savings measures. Landscape design will consider lawn size and placement, fertilizer use and the use of water recycling and rain gardens.**

**The Committee will create educational forums and materials to implement the Best Practices for Land Care Manual and no-use pesticide policy and educate Needham residents and employees of the Town of Needham on these topics.**

\*Pesticide, as defined in FIFRA section 2(u) (PDE) (109 pp, 288k), means: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer. It includes pesticides, herbicides, insecticides, rodenticides, and fungicides.

\*\*FIFRA exemption of minimal risk pesticides [http://www.epa.gov/PR\\_Notices/pr2000-6.pdf](http://www.epa.gov/PR_Notices/pr2000-6.pdf) Products which contain certain low-risk ingredients, such as garlic and mint oil, have been exempted from Federal registration requirements, although State regulatory requirements may still apply.

We, The Undersigned Citizens of Needham ask The Town Meeting Members to introduce to Town Meeting, this Warrant Article to transition away from the use of herbicides and pesticides on land owned, managed and leased by the Town of Needham. To create a no-use policy of pesticides for the Town of Needham on Needham owned, managed and leased land. To ask for the creation of a Standing Committee on Land Care that will create A Best Practices Manual and educational materials on the organic, pesticide-free management of Needham owned lands.

Name (signature)                      Printed                      Address                      Precinct      email      phone

✓ ~~Stephen Baum~~ Stephen Baum      111 Needham Avenue      shbaum@rci.com      781-449-3361

✓ ~~Ingrid Melvin~~ Ingrid Melvin      209 Valley Rd      ingrid\_melvin@yahoo.com

✓ ~~Sharon Levy~~ Sharon Levy      208 Valley Rd

✓ ~~Julie Adams~~ JULIE ADAMS      81 Nardone Road      781 466 5302

No at this address ✓ ~~Mike Adams~~ Mike Adams      "      "

✓ ~~Philip T. Lynes~~ Philip T. Lynes      586 Central Ave

✓ ~~Patricia Morrison~~ Patricia Morrison      302 West St

✓ ~~Robert Lynch~~ Robert Lynch      25 Fairfield St. H.

✓ ~~Robert Scott~~ Robert Scott      323 Delham Ln

✓ ~~Susan Farrington~~ Susan Farrington      owner 14 Hillside Ave      pre. A (Hillside)

✓ ~~Ferne Weissman~~ FERNE WEISSMAN      294 WEST ST

✓ ~~Virginia McCabe~~ Virginia McCabe      34 Rolling Ln      Precinct B

✓ ~~GARY BOWSE~~ GARY BOWSE      191 MANNING ST.      (I)

✓ ~~BARBARA CESACK~~ BARBARA CESACK      41 Curlew St.

✓ ~~Sally Powers~~ Sally Powers      47 Scott R.      D

✓ ~~WILLIAM POWERS~~ William Powers      47 Scott R.

✓ ~~Thomas Connors~~ Thomas Connors      75 Ridgeway



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Name (signature)                      Printed                      Address                      Precinct    email    phone

✓ Harvey N. Winchester    HARVEY N. WINCHESTER    32 LAKE DR.    F

✓ Robert Evans    ROBERT EVANS    1137 GR PLANE C

✓ R. Baum    Stephen Baum    164 Greendale Ave    J

✓ Randi L. Lite    RANDI LITE    72 Parish Rd    B

✓ Jane Spigle    Jane Spigle    44 Fay Lane    J

✓ Louise Picariello    LOUISE PICARIELLO    165 ST 1117 RD    A

✓ Ran Winn    Ran Winn    41 Birchwood Rd.    C

✓ Robert L. Weiss    Robert L. Weiss,    16 Cimino Road,    J

✓ Robin A. Miller    Robin A. Miller    16 Cimino Rd.    Needham J

✓ Georgina A. Arrieta Ruetenk    Georgina A. Arrieta Ruetenk    236 Greendale Ave., Needham

✓ James Ruetenk    James Ruetenk    236 Greendale Ave    Needham

✓ Katherine Brancilli    Katherine Brancilli    430 Webster St.    Needham J

✓ Elise Gutterman    Elise Gutterman    302 western st

✓ Walter Gutterman    Walter Gutterman    72 Webster Rd    J

Not A Reg. Voter

✓ Emilia Gankin    EMILIA GANKIN  
100 Rosemary Way, apt 236    Needham

✓ Hampden H Beckman    Hampden H Beckman    11 Jun Rd    G



RECEIVED TOWN CLERK  
NEEDHAM, MA 02492  
Town of Needham

RECEIVED  
BOARD OF SELECTMEN  
TOWN OF NEEDHAM

2012 FEB 7 AM  
Citizens' Petition for Warrant Article

Town Meeting for Which Petition is requested: Annual Town Meeting # 22

Primary Sponsor: Name Susan W. Abbott  
Address 60 Otis St.

I certify that I am a registered voter in the Town of Needham.  
Signature Susan W. Abbott

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**Text of Citizens' Petition (Continue on other side or attach sheets as necessary)**

[Empty box for the text of the citizens' petition]

**A Citizen's Petition: Pesticide Free Zone on Land Owned or Managed  
By The Town of Needham**

**To see if The Town of Needham will vote to transition away from the use of herbicides and pesticides\* on land owned, managed or leased by the Town of Needham. Within two years The Town of Needham will take the next step in reducing pesticide use on town owned property by instituting a no-use policy concerning chemical synthetic herbicides and pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act. Included in the no-use policy are fertilizers known as weed 'n feed products which contain herbicides and pesticides.**

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\*\*FIFRA exemption of minimal risk pesticides [http://www.epa.gov/PR\\_Notices/pr2000-6.pdf](http://www.epa.gov/PR_Notices/pr2000-6.pdf) Products which contain certain low-risk ingredients, such as garlic and mint oil, have been exempted from Federal registration requirements, although State regulatory requirements may still apply.

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Name (signature)                      Printed                      Address                      Precinct      email      phone

Signature                      name                      G

No ADDRESS

✓ Fran Gallagher      FRAN GALLAGHER      692 Great Plains Ave.  
 ✓ Joan Adams      JOAN E. ADAMS      F      781-449-2286  
 ✓ Barbara Gouker      27 Nichols Rd Needham      27 Nichols Rd.

NOT A Req. voter

✓ [Signature]      36 White Pk Needham      781-449-0241  
 ✓ Brenda Metzler      Brenda Metzler      2 Castano St. B      —

not a citizen

✓ Arshay Hajian      <sup>Arshay E. Hajian</sup> 33 Border Rd      F      781-444-6184  
 ✓ Mark Goodman      <sup>D Chambers St.</sup> Needham D      781-435-9089  
 ✓ Lauren Gedaminski      1044 Greendale Ave Needham

✓ Jean E. Goddard      Jean E. Goddard      59 Otis St | G | Needham      781-444-5988

✓ Kathryn I. Taylor      Kathryn I. Taylor      372 Warren      781-400-5076      G      goddard@rcn.com      781-444-5988

✓ Martha Mulligan      Martha Mulligan      301 Warren      781-929-6841      E      local colors landscape      @gmail.com

✓ Emily Abbott      Emily Abbott      60 Otis St      617-650-9563      G

✓ Susan W. Abbott      Susan W. Abbott      600 Otis St.      781-444-8275      G


We, The Undersigned Citizens of Needham ask The Town Meeting Members to introduce to Town Meeting, this Warrant Article to transition away from the use of herbicides and pesticides on land owned, managed and leased by the Town of Needham. To create a no-use policy of pesticides for the Town of Needham on Needham owned, managed and leased land. To ask for the creation of a Standing Committee on Land Care that will create A Best Practices Manual and educational materials on the organic, pesticide-free management of Needham owned lands.

Name (signature)                      Printed                      Address                      Precinct      email      phone

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\*Any voter who is prevented by physical disability from writing or who had the right to vote on May first, eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence. (General Laws, Chapter 53, S 7.)

(Check thus  against the name of each qualified voter to be certified)

The Commonwealth of Massachusetts

Needham, February 7, 2012 19  
(Month and Day)

We certify that 10 - Ten above signatures checked thus  are names of qualified voters in the Town of Needham  
(Number and names certified)

John W. Day Chairman  
Barbara B. DeLo  
Mary J. McCarthy

Registrars of Voters  
of  
Needham

\* \* \* Every nomination paper shall be filed by a responsible person, who shall sign such paper and add to his signature his place of residence, giving street and number, if any; and the town clerk \* \* \* shall require a satisfactory identification of such person. (General Laws, Chapter 53, Section 9.)

Filed 19 , o'clock, .M.  
(Month, Day)  
By \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Residence, Street and Number, if any)

Town Clerk

**Board of Selectmen**

**AGENDA FACT SHEET for 02/14/2012**

**Agenda Item:** Committee Reports

**Presenter(s):** Board Discussion

---

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

Board members will report on the progress and / or activities of their Committee assignments.

**2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)**

**3. BACK UP INFORMATION ATTACHED:**

None

**4. SIGN OFF/APPROVAL REQUIRED:**

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

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**Disposition by BOS**

**Action taken:** \_\_\_\_\_ **Present on future Agenda:** \_\_\_\_\_

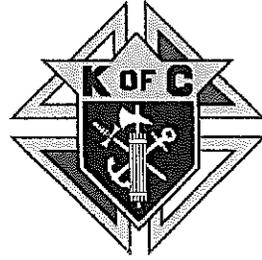
**Refer to/Inform:** \_\_\_\_\_ **Report back to BOS on:** \_\_\_\_\_

---

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**  
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Michael Riley		
Event Manager Address	1211 Highland Ave Needham 02492		
Event Manager Phone Number	[REDACTED]		
Organization Representing (if applicable)	Needham Knights of Columbus		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input type="checkbox"/> Non-profit	<input checked="" type="checkbox"/> For profit	
	<input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____		
Name of Event	St. Patrick's Day Party		
Date of Event	March 10, 2012		
License is for Sale of:	<input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)		
Requested Time for Liquor License	FROM: 6pm	TO: 11pm	
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES	\$ 25 /per ticket	<input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES	\$ 25 /per ticket	<input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
How many people are you expecting at this event?	100		
Name & address of event location. Please attach proof of permission to use this facility.	1211 Highland Ave Needham 02492		
Who will be serving the alcohol to your guests?	Richard King		
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).	Richard King		
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.	See Attached		
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (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))			
Event Manager Signature:	Michael J. Riley		Date: 1/10/2012

O.K. P&D



## **St. Patrick's Day Dinner/Dance**

Father Daniel J. Kennedy  
Needham K of C Council #1611  
1211 Highland Ave. Needham, MA

**Saturday March 10, 2012**  
**Social Hour 6pm**  
**Dinner at 7:30pm**



Corned beef & cabbage and all the fixings will  
be served.

**\$25 Donation**

Proceeds will benefit St. Joseph's Parish  
Schools and the Needham K of C General  
Charitable Fund

For tickets and more information contact:

**Dan McGrory:**  
**781-449-4380 or mcgrory6@rcn.com**

**Father Daniel J. Kennedy Needham  
Knights of Columbus Council #1611  
1211 Highland Avenue**

**Floor Plan for February 6, 2011 (Super Bowl Party) and March  
12, 2011 (St. Patrick's Day Party)**

ENTRANCE

BAR

KITCHEN

RESTROOMS

---

CERTIFICATION NUMBER:

**63254**

ALCOHOL INTERVENTION METHODS

CERTIFIES:

*RICHARD W. KING*

CAMPBELL TRENT  
508 756-8542

EXPIRES:

**MAR 28 2012**

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET  
(Please complete and attach event flyer or other information.)**

Event Manager Name (Name that will appear on license)	James Winterman		
Event Manager Address	20 Peacedale Rd		
Event Manager Phone Number	7 [REDACTED] 0		
Organization Representing (if applicable)	Temple Beth Shalom		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____		
Name of Event	Comedy Night		
Date of Event	2/4/2012		
License is for Sale of:	<input type="checkbox"/> Wines & Malt Beverages Only <input checked="" type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)		
Requested Time for Liquor License	FROM:	7:30 pm	TO: 11 pm
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES	\$ 36 /per ticket	<input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES	\$ 36 /per ticket	<input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
How many people are you expecting at this event?	150		
Name & address of event location. Please attach proof of permission to use this facility.	Temple Beth Shalom's Simon Hall		
Who will be serving the alcohol to your guests?	Event Temp certified & insured Bar Tenders		
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
1 drink per ticket			
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (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))			
Event Manager Signature:	James Winterman		Date: 1/25/2012

O.K. JK



**Cocktails and Comedy**  
**Saturday, February 4 at 7:30 p.m.**  
**Temple Beth Shalom**

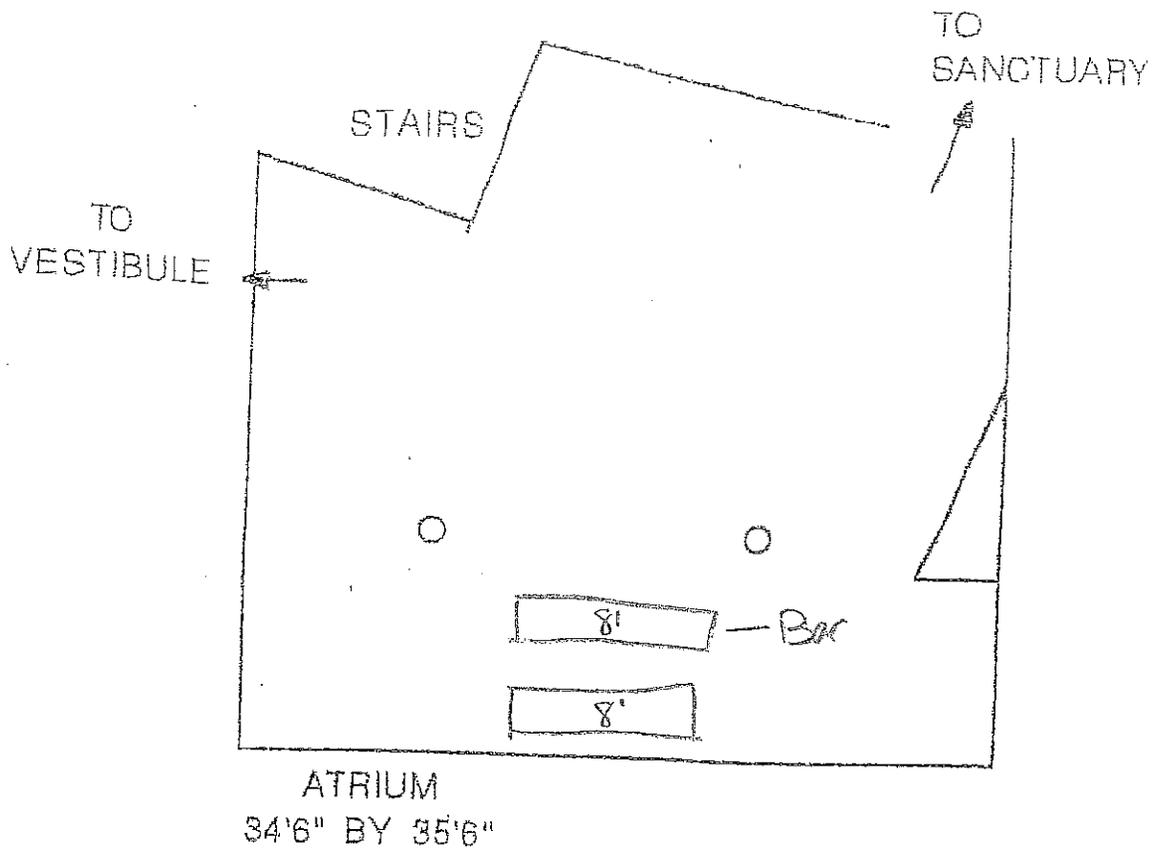
Join us for an extraordinarily funny night as we enjoy delicious hors d'oeuvres, drinks and dessert while we are entertained by the comedic talents of Sal Votano, Frank Santorelli, and Dave Andrews

Sal Votano is one of Boston's rising stars, he performs clubs, corporate benefits and private shows with some of Boston's top comedians like Steve Sweeney and Lenny Clarke.

Frank Santorelli is best known for playing the recurring role of "Georgie the Bartender" in The Sopranos. Frank is also well known for his star role in The Godfathers of Comedy. Frank has starred in numerous movies, including: No Reservations, Meet the Parents, and Crooked Lines. Frank's passion has always been comedy.

Dave Andrews draws on an interesting background to showcase his ample talents. A classically trained vocalist with jazz guitar chops and a love of the blues harmonica, his act is his own blend of humor, music and nostalgia. With his signature hat and guitar, comedian Dave Andrews hits the stage running with an arsenal of impressions and one-liners delivered with impeccable timing and ease. Audiences are consistently buckled over!

Singles, couples & friends all welcome for this "adults-only" nightclub-style evening!  
\$36.00 per person for Temple Members; \$40.00 per person for Non Temple Members  
Sponsored by the Brotherhood and Sisterhood of Temple Beth Shalom



### TABLE INFORMATION

- 26 60" Round Tables (seats a maximum of 10)
- 4 72" Round Tables (seats a maximum of 12)
- 21 8" Long Tables (seats a maximum of 5 on each side)
- 5 6' Long Tables (seats a maximum of 3 on each side)



ID NO. 5052529

CARD NO. 6430596

**ServSafe Alcohol® CERTIFICATE**

**KATIE CAMPBELL**

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION  
**5/5/2009**



**WARRANT FOR THE ANNUAL TOWN MEETING  
TUESDAY, APRIL 10, 2012  
TOWN OF NEEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	Hillside School - Cafeteria
Precinct B	-	Hillside School - Cafeteria
Precinct C	-	High Rock School – Room 239/Art Room
Precinct D	-	High Rock School – Room 239/Art Room
Precinct E	-	Pollard Middle School – Inner Room
Precinct F	-	Stephen Palmer Community Room
Precinct G	-	Broadmeadow School - Performance Center
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE TENTH DAY OF APRIL, 2012

from forty-five minutes after six o'clock in the forenoon, until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

**ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

One Moderator for One Year;  
Two Selectmen for Three Years;  
One Selectman for Two Years;  
One Assessor for Three Years;  
Two Members of School Committee for Three Years;  
One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;  
One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;  
Two Trustees of Needham Public Library for Three Years;  
One Member of Board of Health for Three Years;  
One Member of Planning Board for Five Years;  
One Commissioner of Trust Funds for Three Years;  
Two Members of Park and Recreation Commission for Three Years;

Twenty-Four Town Meeting Members from Precinct A;  
Twenty-Four Town Meeting Members from Precinct B;  
Twenty-Four Town Meeting Members from Precinct C;  
Twenty-Four Town Meeting Members from Precinct D;  
Twenty-Four Town Meeting Members from Precinct E;  
Twenty-Four Town Meeting Members from Precinct F;  
Twenty-Four Town Meeting Members from Precinct G;  
Twenty-Four Town Meeting Members from Precinct H;  
Twenty-Four Town Meeting Members from Precinct I;  
Twenty-Four Town Meeting Members from Precinct J.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this \_\_\_\_th day of March 2012.

**MAURICE P. HANDEL, *Chairman***  
**GERALD A. WASSERMAN, *Vice Chairman***  
**DANIEL P. MATTHEWS, *Clerk***  
**JOHN A. BULIAN**

*Selectmen of Needham*

A true copy,

ATTEST \_\_\_\_\_ 2012  
Constable (month) (day)

www. achildrensbraintumorcare. org

RECEIVED  
TOWN OF NEEDHAM  
BOARD OF SELECTMEN

2011 DEC 5 P 3:21

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

Event: Geared Up for Kids 2012

**Name of Organization:** A Children's Brain Tumor  
To benefit: Cure Foundation

**Organization Mailing Address:** 98 Random Farms Drive  
Chappaqua, NY 10514

**Primary Contact:** Michelle Harris

**Contact Title:**

Event Director

**Contact Address:**

**Contact Phone (Day):**

**Contact Phone (Cell):**

**Contact Email:**

michelle@plumproductionsinc.com

**Event Date(s):**

May 20, 2012

**Date Expected to be in Needham:**

May 20, 2012

**Earliest Time Expected in Needham:**

9:00 AM [5:00 AM Set-Up  
8:00 AM Registration  
opens]

**Latest Time Expected in Needham:**

1:00 PM all riders back  
2:00 PM festival/event ends.

**Number of Expected Participants:**

500

**Number of Expected Spectators at Peak**

Time: n/a

**Is event for-profit or not-for-profit?**

not-for-profit

**Are participants charged a fee?**

no - they raise  
pledges

<b>Estimated Number of Vehicles:</b> 250	<b>What type of Parking is needed:</b> parking provided by PTC - 140 Kendrick St
<b>Are event organizers available to meet with members of the Town to plan event?</b> Yes.	
<b>What will be done in case of inclement weather?</b> The road race/cycling will be cancelled and participants will enjoy a "festival" at NHS.	
<b>Are there other events that take place at the same time as this one, just before or just after this event?</b> 5K Fun Run/Walk around Kendrick Pond - permitted by DCR. Family fun festival on PTC grounds from 11AM-2pm / at finish line.	
<b>Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked:</b> Parking will be located at PTC - 140 Kendrick St.	
<b>Will neighborhoods be impacted by parking and traffic?</b>	
<b>What activities are planned for the start of the race (if in Needham)?</b> Grab + go breakfast snacks, registration + turn in pledges.	
<b>What activities are planned for the end of the race (if in Needham)?</b> Family Fun Festival to include family friendly games, face paint plus lunch provided by Bertucci's and Treat Cupcake Bar.	
<b>What facilities are needed for the start of the race (if in Needham)?</b> PTC grounds + Cutler Reservation.	
<b>What facilities are needed for the end of the race (if in Needham)?</b> same as above	
<b>Once the event begins, how long will it take to complete the event?</b> 5 hours	

Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	Yes. There will be signage on PTC site + request permission to post directional signs on telephone poles.
Will volunteers be placed along the route?	Yes + police details where appropriate.
Will you be using a sound system? If yes, please describe where and when it will be used.	Yes. Sound provided by New England Showtime Productions at PTC site (start/finish line).
Will there be any food served?	Yes. All supplied by ServeSafe Vendors
Will portable toilets be used?	Yes.
Will hydration stops be set up along route? If yes, please include these on route plan.	Yes.
If the event takes place after dark, what is the plan to meet lighting needs?	N/A
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	We will have a team of medical personnel on site and positioned at key spots along route.
Does the event take place during commuter times?	No.
Is school in session during the event? Will school drop off or pick up be impacted by the event?	No.
Are businesses open during the time of the event?	No.
Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)	?
Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?	?
What is the plan to handle trash?	Dumpster on site at PTC.
<b>Please attach event route map, include map and text of route.</b>	

www.gearedupforkids.org

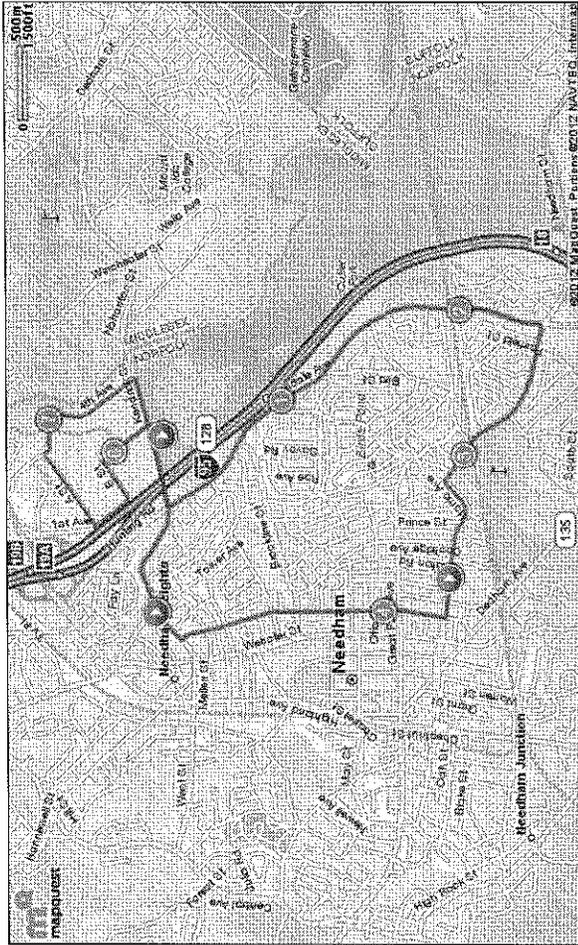
# Geared Up for Kids 2012 - Family Route

Starts in Newton, Massachusetts

Notes	AT	FOR	NOTES
	START	409ft	Head northeast toward Kendrick St
	0.08 mi.	14ft	Continue straight onto 3rd Ave
	0.08 mi.	14ft	Head southeast on 3rd Ave toward Kendrick St
	0.08 mi.	1819ft	Turn right onto Kendrick St
	0.43 mi.	686ft	Head southeast on Hunting Rd toward Rosalie Rd
	0.56 mi.	1480ft	Continue onto Greendale Ave
	0.84 mi.	1mi 2768ft	Head southeast on Greendale Ave toward Brookline St
	2.36 mi.	124ft	Slight right
	2.39 mi.	4125ft	Head west on Great Plain Ave toward Fairfield St
	3.17 mi.	11ft	Turn left onto Harris Ave
	3.17 mi.	2289ft	Head southwest on Harris Ave toward Wiltshire Park
	3.6 mi.	52ft	Turn left at Pinewood Rd

Notes	AT	FOR	NOTES
	3.61 mi.	907ft	Turn right onto Harris Ave
	3.78 mi.	22ft	Head east on Harris Ave toward Bradford St
	3.79 mi.	1066ft	Turn left onto Bradford St
	3.99 mi.	19ft	Turn left onto Great Plain Ave
	3.99 mi.	19ft	Head east on Great Plain Ave toward Manning St
	4 mi.	2926ft	Turn left onto Manning St
	4.55 mi.	1546ft	Head north on Manning St toward La Salle Rd
	4.84 mi.	19ft	Turn left onto Thorpe Rd
	4.85 mi.	19ft	Head northeast on Thorpe Rd toward Manning St
	4.85 mi.	614ft	Turn left onto Manning St
	4.97 mi.	31ft	Turn right onto High St
	4.97 mi.	857ft	Head northeast on High St toward Burnside Rd
	5.13 mi.	2084ft	Continue onto Greendale Ave

Notes	AT	FOR	NOTES
	5.53 mi.	2183ft	Slight left onto Kendrick St
	5.94 mi.	1297ft	Turn left onto 3rd Ave
	6.19 mi.	31ft	Turn right onto B St
	6.19 mi.	1071ft	Head southwest on B St toward 3rd Ave
	6.4 mi.	908ft	Continue onto 1st Ave
	6.57 mi.	34ft	Head southeast on 1st Ave toward A St
	6.58 mi.	1908ft	Turn left onto A St
	6.94 mi.	44ft	Head northeast on A St toward 2nd Ave
	6.94 mi.	916ft	Turn right onto 2nd Ave
	7.12 mi.	2208ft	Turn right onto 4th Ave
	7.54 mi.	9ft	Head southeast on 4th Ave toward Kendrick St
	7.54 mi.	1039ft	Turn right onto Kendrick St
	7.73 mi.		Turn left at 3rd Ave



© MapMyFitness, LLC. All Rights Reserved, 2005-2008 | View more maps online at:  
[www.mapmyride.com/routes/view/65040534](http://www.mapmyride.com/routes/view/65040534)  
 Distance values on this map may differ slightly from values reported on the route engine.

Notes

AT	FOR	NOTES
START	409ft	Head northeast toward Kendrick St.
0.08 mi.	14ft	Continue straight onto 3rd Ave
0.08 mi.	14ft	Head southeast on 3rd Ave toward Kendrick St
0.08 mi.	1819ft	Turn right onto Kendrick St
0.43 mi.	686ft	Head southeast on Hunting Rd toward Rosalie Rd
0.56 mi.	1480ft	Continue onto Greendale Ave
0.84 mi.	1mi 2768ft	Head southeast on Greendale Ave toward Brookline St
2.36 mi.	124ft	Slight right
2.39 mi.	4125ft	Head west on Great Plain Ave toward Fairfield St
3.17 mi.	11ft	Turn left onto Harris Ave
3.17 mi.	2289ft	Head southwest on Harris Ave toward Wilshire Park
3.6 mi.	52ft	Turn left at Pinewood Rd

This segment shows 3.61 mi. (19,072 ft.) of your route.

Notes

AT	FOR	NOTES
5.53 mi.	2183ft	Slight left onto Kendrick St
5.94 mi.	1297ft	Turn left onto 3rd Ave
6.19 mi.	31ft	Turn right onto B St
6.19 mi.	1071ft	Head southwest on B St toward 3rd Ave
6.4 mi.	908ft	Continue onto 1st Ave
6.57 mi.	34ft	Head southeast on 1st Ave toward A St
6.58 mi.	1906ft	Turn left onto A St
6.94 mi.	44ft	Head northeast on A St toward 2nd Ave
6.94 mi.	916ft	Turn right onto 2nd Ave
7.12 mi.	2206ft	Turn right onto 4th Ave
7.54 mi.	9ft	Head southeast on 4th Ave toward Kendrick St
7.54 mi.	1039ft	Turn right onto Kendrick St
7.73 mi.		Turn left at 3rd Ave

This segment shows 2.72 mi. (14,357 ft.) of your route.

Notes

AT	FOR	NOTES
3.61 mi.	907ft	Turn right onto Harris Ave
3.78 mi.	22ft	Head east on Harris Ave toward Bradford St
3.79 mi.	1066ft	Turn left onto Bradford St
3.99 mi.	19ft	Turn left onto Great Plain Ave
3.99 mi.	19ft	Head east on Great Plain Ave toward Manning St
4 mi.	2926ft	Turn left onto Manning St
4.55 mi.	1546ft	Head north on Manning St toward La Salle Rd
4.84 mi.	15ft	Turn left onto Thorpe Rd
4.85 mi.	15ft	Head northeast on Thorpe Rd toward Manning St
4.85 mi.	614ft	Turn left onto Manning St
4.97 mi.	31ft	Turn right onto High St
4.97 mi.	857ft	Head northeast on High St toward Burnside Rd
5.13 mi.	2084ft	Continue onto Greendale Ave

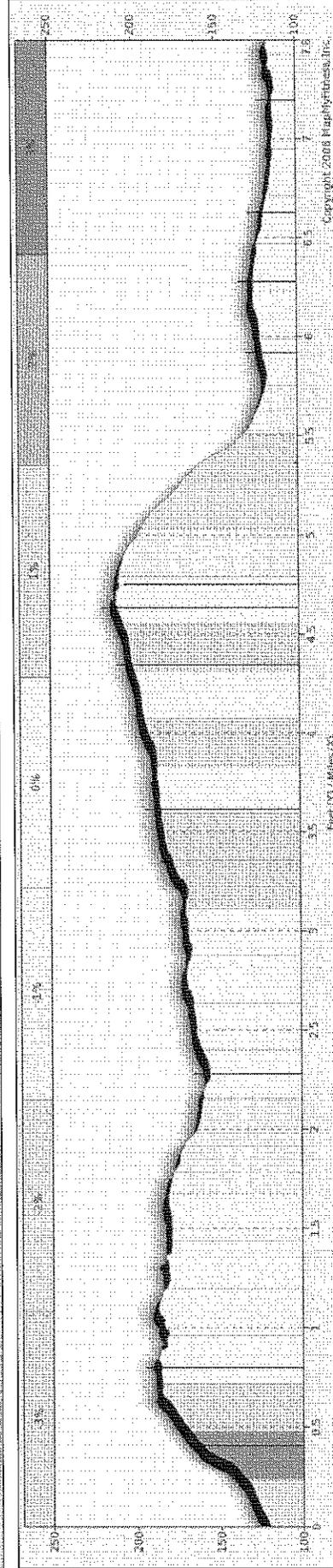
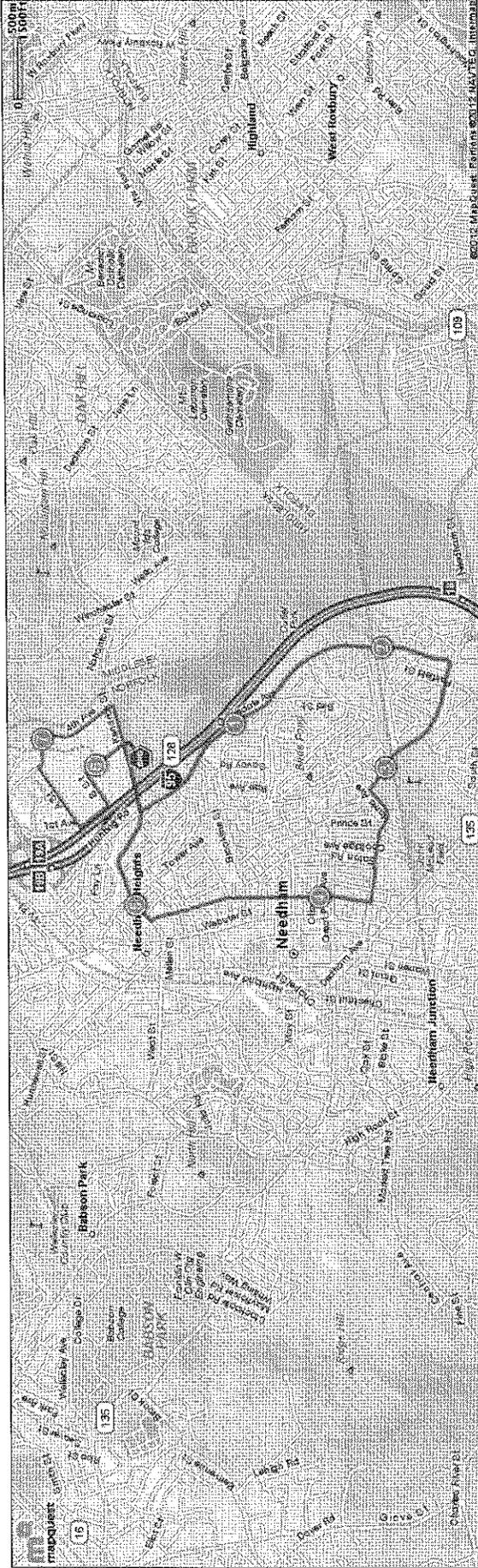
This segment shows 1.63 mi. (8,561 ft.) of your route.

# Gear Up for Kids 2012 - Family Route

Starts in Newton, Massachusetts

**7.82** miles

Elevation: **236ft** Max  
 Ascent: **108ft** Min  
 Descent: **+138ft**  
 Max Climb: **-154ft**  
 Grade: **< 3%**



Description

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**

*(Please complete and attach event flyer or other information.)*

Event Manager Name (Name that will appear on license)	Michael R. Despres		
Event Manager Address	83 Morton St. Needham		
Event Manager Phone Number	[REDACTED]		
Organization Representing (if applicable)	Village Club Building Inc		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input type="checkbox"/> Non-profit	<input checked="" type="checkbox"/> For profit	
	<input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____		
Name of Event	Beach Party		
Date of Event	Feb. 11, 2012		
License is for Sale of:	<input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)		
Requested Time for Liquor License	FROM: 7:00 PM	TO: 11:00 PM	
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES	\$10.00 /per ticket	<input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES	\$12.50 /per ticket	<input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
How many people are you expecting at this event?	100		
Name & address of event location. Please attach proof of permission to use this facility.	Village Club 83 Morton St. Needham		
Who will be serving the alcohol to your guests?	Scott Milliken - Bartender		
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).	Scott Milliken		
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.	Alcohol will be served from a bar located in rear of hall.		
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (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))			
Event Manager Signature:	[Signature]		Date: 1/31/12

O.K. 301

**Club Fundraiser**



**WE ARE TURNING UP THE HEAT!**

**LIVE DJ-SNACKS- GAMES**

**DRESS - SHORTS & FLIP FLOPS**

Buy your tickets by Feb.1st

and pay only \$20 a couple or \$10 per person

After Feb.1st

pay \$25 a couple or \$12.50 per person

CERTIFICATION NUMBER:

67036

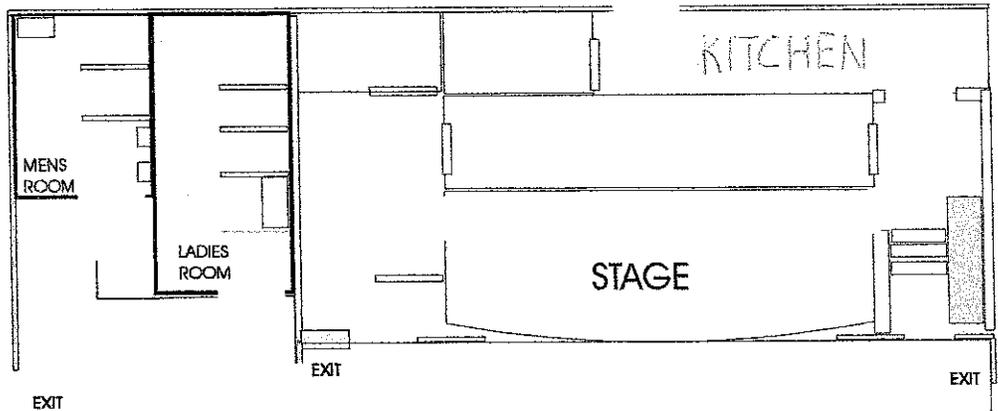
ALCOHOL INTERVENTION METHODS

CERTIFIES:

*Scott T. Milliken*

CAMPBELL TRENT  
508-756-8542

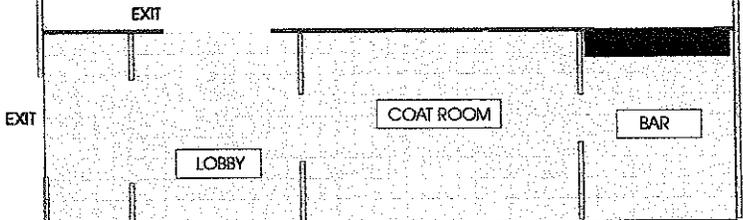
EXPIRES:  
APR 10 2013



**The Village Club**  
HIGHLANDVILLE HALL  
Needham, Ma

**HIGHLANDVILLE  
HALL**

**60' X 40'**  
**SEATING 185 max**  
**w/ dancing 155**



**Village Club**  
**83 Morton Street**  
**Needham Massachusetts**  
**02494**

**January 31, 2012**

**To whom it may concern,**

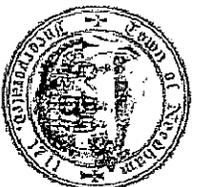
**I Michael Despres do hereby grant the use of the Highlandville Hall to the Village Club Function Committee for an event to be held on the evening of February 11, 2012.**

A handwritten signature in cursive script, appearing to read "Michael Despres".

**Michael Despres**  
**Manager**

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**  
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Michael Niden
Event Manager Address	24 GAGE ST Needham MA
Event Manager Phone Number	Needham [REDACTED]
Organization Representing (if applicable)	CITIZENS FOR PRESERVATION OF TOWN HALL
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input checked="" type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	NEEDHAM BANK Great Hall Concert Series
Date of Event	MARCH 24 <sup>th</sup> 2012
License is for Sale of:	<input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)
Requested Time for Liquor License	FROM: 7:00 PM TO: 11:00 PM
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ 30 /per ticket 25 /semit
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES \$ 30 /per ticket 25 /semit
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many people are you expecting at this event?	350
Name & address of event location. Please attach proof of permission to use this facility.	Powers Hall - Needham, MA
Who will be serving the alcohol to your guests?	Event Temps - TLP CERTIFIED
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).	Event Temps. When Bartender is assigned a certificate will be provided.
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.	See Attached - Ticket will be purchased in advance
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (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))	
Event Manager Signature:	Date: Feb 3 2012



Needham Town Hall

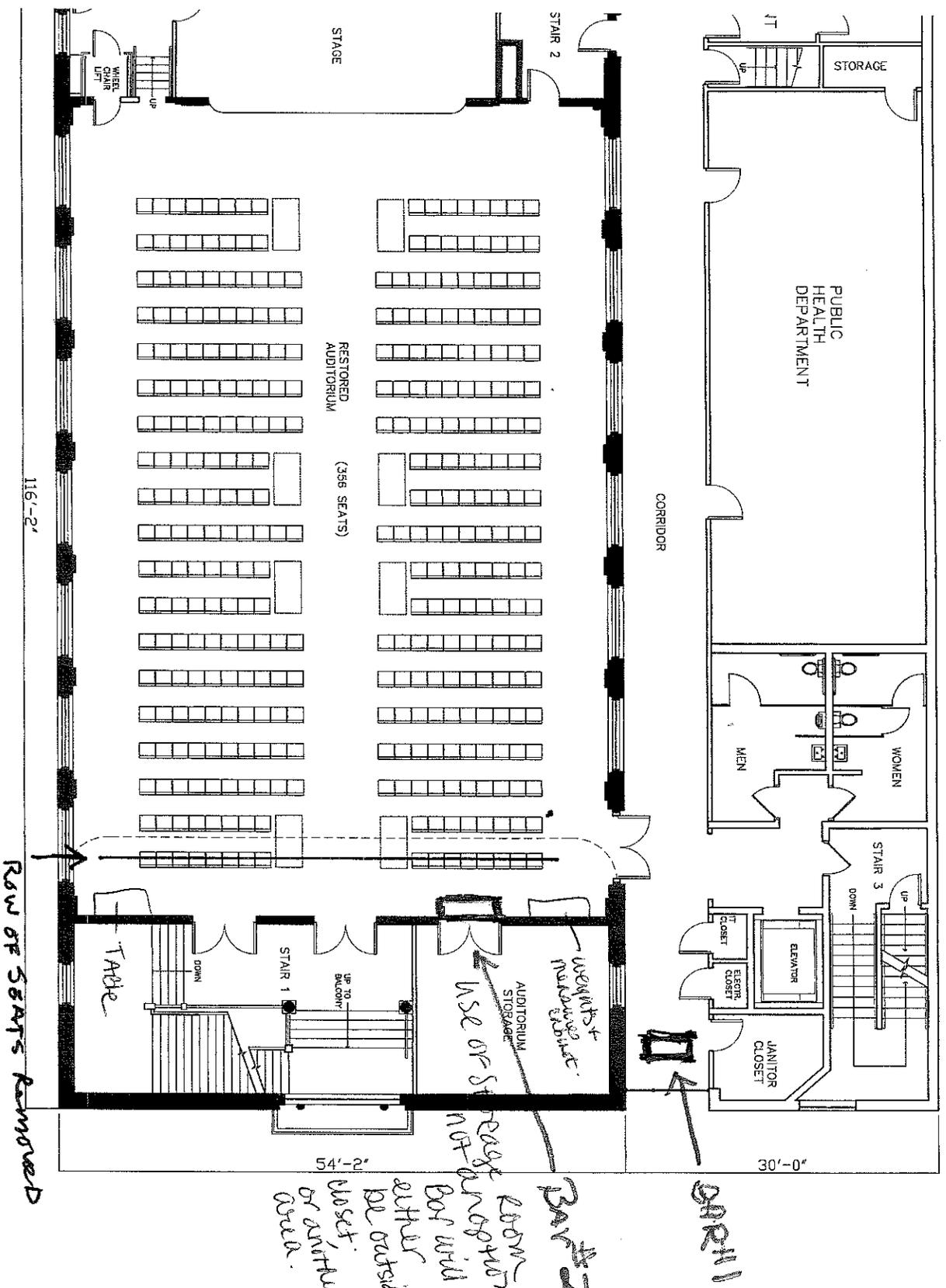
1471 Highland Ave.  
Town of Needham  
Massachusetts

Scale: AS NOTED  
Date: JULY 29, 2008  
Drawn By: JGR  
Checked By: MGA

McGinley Kainow & Associates LLP  
ARCHITECTS & INTERIORS PLANNERS  
324 Broadway, PO Box 48248  
Somerville, MA 02145

SECOND FLOOR PLAN

A4.2



ALTERNATE 4 - SECOND FLOOR PLAN  
3/32"=1'-0"



Needham Bank

**GREAT HALL**  
CONCERT SERIES



THE 2012 INAUGURAL SEASON

**Concert Calendar**

All concerts will be held at the James Hugh Powers Hall, located inside the Needham Town Hall.



**Broadway, Curtains Up!** Saturday, March 24, 2012—8:00 p.m.

This performance will feature selections from great Broadway productions, including *Kiss Me Kate*, *West Side Story*, *Les Miserables* and songs by Leonard Bernstein, Stephen Sondheim, Cole Porter, Lerner/Loewe and Andrew Lloyd Webber. Performers include Devin Dukes, Vanessa Schukis, Brian De Lorenzo and John Whittlesy with Scott Nicholas on piano. Don't miss this evening of lively entertainment that will please all ages!

In partnership with Longwood Opera.



**Tiger Okoshi Quintet** Saturday, May 12, 2012—8:00 p.m.

International Jazz great Tiger Okoshi has played with legends from around the globe, including Tony Bennett, Dave Grusin, Pat Metheny and Branford Marsalis. He will perform original compositions and Louis Armstrong standards, as well as a special composition that he arranged to celebrate the 100th anniversary of Sakura (cherry trees) in Washington and Boston.

Opening for Tiger will be the Needham Middle School Jazz Ensemble.

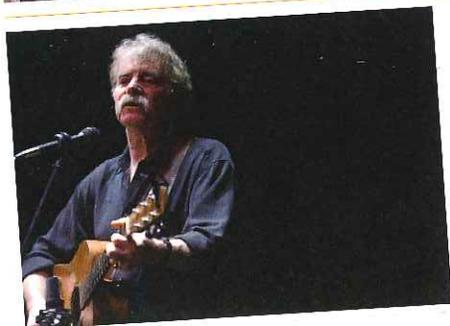


**Orion Piano Trio** Saturday, September 22, 2012—8:00 p.m.

This performance features violinist Peter Zazofsky, cellist Ronald Lowry, and pianist Randall Hodgkinson. Orion's program will feature Beethoven's energetic and intense Trio in C minor, Op. 1, No. 3, and the ever popular and lyrically spirited 'Trout Quintet' by Franz Schubert.

Needham High School musicians will join the Orion Piano Trio in a selection from Tchaikovsky's String Serenade.

In partnership with the Needham Concert Society.



**Tom Rush** Saturday, November 3, 2012—8:00 p.m.

A living legend who helped usher in the singer-songwriter era and has had a profound impact on American music, Tom Rush was instrumental in shaping the folk revival of the '60s and the renaissance of the '80s and '90s. His distinctive guitar style, wry humor, warm, expressive voice and engaging storytelling have universal appeal and have made his songs hits with folk, country, heavy metal and rap audiences.

In partnership with The Homegrown Coffeehouse.

## This is your Official TIPS® Certification Card.

Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

### Congratulations!

By successfully completing the TIPS (Training for Intervention ProcedureS) program, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers and/or colleagues by using the techniques you have learned and taking a positive approach towards alcohol use.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.

Sincerely,



Adam F. Chafetz  
President, HCI

**IMPORTANT:** Keep a copy of this card for your records. Write down your certification number because you will need it when contacting TIPS. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.



eTIPS On Premise 2.0 SSN: XXX-XX-XXXX  
Issued: 1/11/2012 Expires: 1/11/2015  
ID#: 3149664 D.O.B.: XX/XX/XXXX

Michelle Lynn Pivovarnik  
800 West St  
Braintree, MA 02184-3852

For service visit us online at [www.gettips.com](http://www.gettips.com)



eTIPS On Premise 2.0 SSN:

XXXXXX:XXXX

Issued: 5/16/2011

Expires: 5/16/2014

ID#: 29999980

D.O.B: XXXXXXXXX

James Broderick  
PO Box 1377  
Brookline, MA 02446-0011

For service visit us online at [www.gettips.com](http://www.gettips.com)

**Town of Needham  
Board of Selectmen  
Minutes for January 10, 2012  
Needham Town Hall**

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

7:00 p.m. Call to Order:

A meeting of the Board of Selectmen was convened by Chairman Maurice P. Handel. Those present were Gerald A. Wasserman, Daniel P. Matthews, John A. Bulian, James G. Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Handel announced a procedural change and said if residents wish to speak with the Board during the Informal Meeting time at 6:45 p.m. they are now asked to make an appointment.

Mr. Handel remarked on the service of Jim Healy to the Town of Needham and referred to a letter Mr. Healy wrote announcing his intention to resign his position as a result of professional demands and attacks on his personal property. Mr. Handel said he was saddened and that people in public service should not have to face that situation.

Mr. Healy said he felt badly for the people who voted for him and who expected him to serve a full term. He said he is frustrated and disappointed he is not meeting his obligation to his supporters. Mr. Healy spoke about the process for candidates to fill his seat and his desire the Town avoid costs associated with a special election. He said state law requires his seat be vacated a minimum of 74 days before an election, therefore his last Board of Selectmen meeting will be Tuesday, January 24, 2012. Mr. Healy thanked Mr. Handel for his comments and support.

7:05 p.m. Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. Fiscal Year 2013 Budget Consultation

Ms. Fitzpatrick discussed with the Board the fiscal year 2013 budget picture and recommends the Board's approval of budget priorities for FY2013. She said there is positive news in that it appears the free cash number will be higher than expected due to better than expected performance at the end of FY2011, particularly in building permits and meals and hotel excise tax. She said she believes the town will be able to support significantly more cash capital in the Tier 2 category. She stated the FY2013 revenue projection is approaching the historical rate of growth and revenue, which hasn't been seen in a while. She commented 2013 does appear it will be a fiscally better year for the Town. She

commented on the Municipal Relief Act and the ability assessors now have to audit companies with respect to personal property. She also said department budgets are growing at less than 2%, and the departments are working hard to control costs and stretch expenses. She cautioned a modest increase is anticipated in the Chapter 70 funding. Ms. Fitzpatrick recommends the Board approve the Proposed Board of Selectmen Statement on FY2013 Operating Budget Priorities, dated January 10, 2012.

**Motion by Mr. Bulian that the Board approve the FY2013 budget priorities as presented.**

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

Mr. Healy emphasized the Town fields need to be a priority and a strong attempt must be made to preserve, maintain, and improve the fields for the future. He said the Town should consider setting aside money every year for field maintenance.

2. Open Annual Town Meeting Warrant

Ms. Fitzpatrick reminded the Board of its discussion regarding the order of articles placed on the warrant, and said the Preliminary List of Warrant Articles (1/6/12) includes the change.

Ms. Fitzpatrick said most of the items in the warrant are seen every year, however there are a few collective bargaining agreements that are open in FY2013. She mentioned the possibility of a feasibility study for the elimination of fire boxes and replacing them with wireless fire boxes. Ms. Fitzpatrick commented the Board may want to amend the Town's general by-law to clarify regulations with respect to bow hunting. Ms. Fitzpatrick said the Home Rule petition regarding off premise sale of alcohol is a placeholder depending on the Boards decision. Ms. Fitzpatrick commented on a proposal to establish an athletic facility improvement fund for long term capital renovation of athletic fields.

**Motion by Mr. Bulian that the Board vote to open the warrant for the 2012 Annual Town Meeting.**

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

Mr. Healy asked the Board consider starting the Annual Town Meeting at 7:00 p.m., rather than 7:30 p.m. He said he feels the earlier start time is more preferred by many Town Meeting members.

Mr. Healy cautioned using money for a fire box feasibility study and suggested asking other towns who have already made the switch to wireless systems for information.

Mr. Healy commented the Board should discuss with someone who has knowledge and expertise on the issue of alcohol sales. He feels the Town needs

to find out from an expert how the industry works and what the impact would be for Needham.

Mr. Healy suggested allocation of a dedicated revenue source for the Athletic Facility Improvement Fund.

3. OPEB/Post-Employment Benefit Actuarial Analysis

Ms. Fitzpatrick told the Board the Town has completed an actuarial analysis of its OPEB/Post Employment Benefit liability. Ms. Fitzpatrick outlined the results of the study for the Board, stating the Town's funded ratio increased from 10.2% in 2009 to 10.9% in 2011. She said however, the Town's OPEB liability grew 21% over the same period. She commented the Town's expected contribution for FY2013 of \$4,523,887 represents an increase over the FY2013 Pro Forma of .57%.

7:35 p.m.

**Consent Agenda and Appointments:**

**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda and Appointments as presented.**

**APPOINTMENTS**

1. **Board of Appeals (Alternate)**  
**Kathleen Lind Berardi (Term expires: 6/30/2014)**
2. **MAPC Representative**  
**Margaret Murphy (Term expires: 6/30/2015)**
3. **Cultural Council**  
**Robert "Bo" Veaner (Term expires: 6/30/2015)**

**CONSENT AGENDA \*=Backup attached**

1. **Vote to hold the 2012 Annual Town Meeting in Powers Hall.**
- 2.\* **Vote to designate David Davison, Assistant Town Manager/Finance, as the Town's designated voting delegate for the MIIA and MIIA Property and Casualty Board elections at the MMA Annual Meeting on January 21, 2012.**
3. **Accept donations made to the Needham Community Revitalization Trust Fund from the following residents: Maryruth and Richard Perras \$ 250; Anisa Mehdi \$ 50, Andrea and Douglas Rae \$ 50.**
4. **Accept donation made to Needham Youth Services in the amount of \$500 from the Needham Women's Club. The monies are to be used to sponsor the Youth Services' "A Conversation...For Parents of Teens"**
5. **Accept donation made to Needham Youth Services in the amount of \$240 from the Wellesley Monthly Meeting of Friends. The monies are to be used towards the VIP Program where high school students mentor elementary age children.**
6. **Accept donation made to Needham Youth Services in the amount of \$150 from Cathy Freedberg, a Needham resident. The donation is for all of the good work that the Needham Youth Services does for the community.**

7. **Accept donations made to the Needham Health Department's Gift of Warmth from the following: \$6000 from the Needham Community Council; \$300 from St. Bartholomew Parish, Needham; \$200 from Mary Clare McErnery Siegel, 27 Grant Street Needham; \$2000 from St. Joseph Parish, Needham; \$800 from Christ Church-Needham.**
- 8.\* **Approve request for one day special Wine & Malt beverage license from Debbie Schmill of the Needham Community Farm to hold their "Ready Set Grow-NCF Dinner Benefit" at the First Parish Unitarian Universalist Church, 23 Dedham Avenue, Needham from 7:00 pm to 10:00 pm on February 11, 2012.**
- 9.\* **Water & Sewer Abatement Order #1136**

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

7:40 p.m.

Board Discussion:

1. MMA Resolutions

The Board discussed resolutions to be presented at the MMA Annual Business Meeting to be held January 21, 2012 relative to transportation finance, unfunded mandates, and a strong partnership with the Federal Government.

Mr. Wasserman said the resolutions presented focus on the Federal Government, rather than the State.

Mr. Healy said while he agrees with the general concepts of the resolutions, he does not know enough about the specifics of each resolution and would abstain from the vote.

**Motion by Mr. Wasserman that the Board vote to endorse and authorize the Chairman to cast a vote in favor of Proposed Resolution on the Transportation Finance Crisis, Resolution Opposing Unfunded Mandates on the Cities and Towns of the Commonwealth, and Proposed Resolution Calling on the U.S. Government to Embrace a Strong Fiscal and Economic Partnership with Cities and Towns.**

**Second: Mr. Bulian. Approved 4-0. Mr. Healy abstained from the vote.**

2. Special Town Meeting Referral of Stretch Code Article

The Board discussed the next steps after the referral of the Stretch Code Article by the November 7, 2011 Special Town Meeting.

Mr. Handel said Town Meeting raised specific questions requiring answers and suggested discussion should be about the Board's process regarding referral.

Mr. Wasserman reviewed several questions including what would happen if the original base code were upgraded and if the Stretch Code were to be updated. He also said clarification is needed on the costs, particularly on renovations and

whether the State would allow the Town to exempt smaller homes. Mr. Wasserman suggested that he and the Town Manager work together on this issue.

The Board agreed Mr. Wasserman and the Town Manager should work together regarding the Stretch Code Article.

3. Committee Reports

No Committee Reports were made.

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

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

8:05 p.m.

Executive Session (Exception 6)

**Motion by Mr. Matthews that the Board convene an executive session under Exception 6 to consider the purchase, exchange, lease, or value of real property, recognizing that the Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body, not to return to open session prior to adjournment.**

**Second: Mr. Wasserman. Mr. Handel polled the Board. Unanimously approved 5-0.**

(The meeting adjourned at 8:58 p.m.)

**Town of Needham  
Board of Selectmen  
Minutes for January 24, 2012  
Needham Town Hall**

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

7:00 p.m. Call to Order:  
A meeting of the Board of Selectmen was convened by Chairman Maurice P. Handel. Those present were Gerald A. Wasserman, Daniel P. Matthews, John A. Bulian, James G. Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Congratulations Needham High School Football and Coach David Duffy:  
The Board offered its congratulations to the Needham High School Football Team and Coach David Duffy for its outstanding record this past fall, earning the team a well-deserved place at this year's High School Superbowl, played at Gillette Stadium. The team was awarded the Sportsmanship Award during the Superbowl half-time events.

Mr. Healy pointed out the team record included the first ever playoff victory for the Rockets in 124 years. He commented the team was awarded the M.I.A.A. Division 1 "Sportsmanship Award", Coach Duffy was the winner of the Boston Globe Division 1 "Coach of the Year Award" and the New England Patriot "Coach of the Week Award" for the second time in the last three years.

Mr. Wasserman, on behalf of the Exchange Club, invited all players and coaches to march in the parade on July 4<sup>th</sup>.

7:15 p.m. RCN Cable License Extension:  
Jonathan Tamkin, Cable Advisory Committee appeared before the Board to discuss extending the Cable Television Final License, dated April 25, 2000, until July 17, 2012. Mr. Tamkin said granting the extension ensures the Town will maintain an active cable license with RCN.

**Motion by Mr. Wasserman that on the recommendation of the Cable Television Advisory Committee, the Board of Selectmen, as issuing authority, agree to extend the Cable Television Final License dated April 25, 2000, of RCN-BecoComm, LLC, as a cable television licensee in Needham until July 17, 2012 as the prior extension has expired.**

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

7:15 p.m. Consent Agenda:  
**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda and Appointments as presented.**

## APPOINTMENTS

1. Council of Economic Advisors      Brian Nadler (term expires 6/30/2014)
2. Design Review Board                Robert Dermody (term expires 6/30/2014)

## CONSENT AGENDA \*=Backup attached

1. Accept gift card donation made to Needham Youth Services in the amount of \$150 from Roche Bros. Supermarkets. The funds are to be used towards the Patrick C. Forde Good Person Memorial Award Ceremony scheduled for January, 23, 2012.
- 2.\* Approve a Special One Day Wines & Malt Beverages License from Kate Maguire of the Needham Women's Club to host a Grand Wine Tasting event on Sunday, April 1, 2012 from 3:00 p.m. to 6:00 p.m. at Powers Hall, 1471 Highland Avenue, Needham.
- 3.\* Approve a Special One Day Wines & Malt Beverages License from Jenny Small of Temple Beth Shalom to hold the Adult Purim Shpiel event on Saturday, March 10, 2012 from 6:30 p.m. to 11:00 p.m. at the Temple Beth Shalom, 670 Highland Avenue, Needham.
- 4.\* Approve a Special One Day Wines & Malt Beverages License from Gloria Greis of the Needham Historical Society to host its "Chocolate and Champagne" event on Saturday, February 4, 2012 from 7:00 p.m. to 11:00 p.m. at The Needham Historical Society, 1147 Central Avenue, Needham.
5. Accept donation made to the Needham Police Department in the amount of \$18.00 from Stephanie M. Pearl, 547 Webster Street Needham. The donation is for a child safety seat installation.
6. Accept donation made to the Needham Police Department in the amount of 100.00 from Daniel H, Cooper, 20 Pond Street, Needham. The donation is for animal traps or other items used by the animal control officer.
7. Accept donation made to the Needham Health Department's Traveling Meals Program in the amount of \$300.00 from Amy Sherman in memory of Francis Biagi.
- 8.\* Sign the Warrant for the Presidential Primary scheduled for March 6, 2012.
- 9.\* Approve minutes from December 20, 2011 meeting and Executive Session minutes from December 20, 2011.
- 10.\* Approve Water & Sewer Abatement Order #1137
- 11.\* Approve and Sign Records Witnessing Perambulation of the Town Boundaries.
- 12.\* Approve and forward to ABCC for filing Petition for Change of DBA from the Village Fish of Needham Inc. from d/b/a The Village Fish to d/b/a Midtown Smokehouse and Grill.
13. Accept the following donations received to the following Council on Aging's accounts during 2011:
  - \$6,227 to the Transportation Donation Account
  - \$1,655 to the General Donation Account
- 14.\* Approve One Day Special Wine & Malt Beverage license request from Mike Riley, Needham Knights of Columbus to host a Super Bowl Party on Sunday, February 5, 2012 at The Knights of Columbus Council #1611, 1211 Highland Avenue, Needham from 5:00 pm to 10:00 pm.

15. In accordance with M.G.L. c. 41 Section 10, that the Board vote to ask the Town Clerk to place on the 2012 Annual Town Election ballot the office of one Selectmen for two years contingent on the resignation of James G. Healy.

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

7: 20 p.m. Town Manager:

Kate Fitzpatrick appeared before the Board with 1 item to discuss:

1. Fiscal Year 2013 Proposed Annual Budget

Kate Fitzpatrick, Town Manager appeared before the Board to present the Proposed Annual Budget for FY2013. She called the budget "Over the Bridge" and commented various resources and strategies were used during the last few years. She said the proposed budget is the most optimistic in the last three years, and framework for the future must be laid now for service enhancements and improvements to Town assets. Ms. Fitzpatrick presented a Powerpoint presentation. She mentioned the Citizen Survey of 2012 and that 98% of residents continue to rank Needham as a good or excellent place to live. She commented Needham property values remain stable and is indicative of the desirability of Needham. She said the Town as a whole continues to exhibit great fiscal discipline and continues to work within recurring revenue to fund operations. She said the Town has not drawn on reserves to fund operations, but rather has increased its reserves. She said the Town continues to invest in its future and work toward predictability and transparency for residents and shop owners. She commented zoning changes will attract development and the Town has partnered with surrounding towns on several projects. In addition, Ms. Fitzpatrick said investment in facility and infrastructure continues at an extraordinary level. She commented many items on the 2007 Master Plan that have been completed and several items are still in the pipeline, including construction of a new senior center. Ms. Fitzpatrick reviewed the School Department Budget Proposal and commented the Town has allocated the one-time revenue used to balance the FY2012 budget, and proposed an additional increase of just over \$2 million representing a 5.2% increase over the FY2012 budget. Ms. Fitzpatrick reiterated the Board of Selectmen/Town Manager budget priorities include maintaining existing Town services, to consider sustainability, to consider coordination and efficiency, to consider economic vitality, land stewardship, transportation, and appearance of the Town. Ms. Fitzpatrick said the overall financial forecast is optimistic.

Mr. Wasserman clarified the cuts talked about were to increases, not to existing budget items from last year. Ms. Fitzpatrick confirmed reductions were to submitted requests. Mr. Wasserman asked what is the total cost for field maintenance? Ms. Fitzpatrick said the total projected amount for field maintenance is \$190,000.

Mr. Bulian asked that some of the free cash be considered for road maintenance.

Mr. Matthews asked about the budget process going forward to Town Meeting.

Mr. Handel pointed out the effort that went into preparing the budget and thanked Ms. Fitzpatrick and Mr. Davison for their work.

Mr. Healy commented on free cash being used for one-time capital expenses. He also commented on Phase 2 of the capital infrastructure planning. He said he is convinced more money needs to be spent on field maintenance.

7:55 p.m.

Board Discussion:

1. Sale of Alcohol for Consumption off Premises

The Board discussed several options relative to the possibility of allowing alcohol sales for consumption off-premises in Needham. Each of the options includes a limit on the number of licenses to be issued. These limits mirror the State framework if the Town were to follow the adoption provisions contained in M.G.L. c. 138.

Mr. Healy commented the most important thing the Board can do is to get some advice from a consultant who knows the liquor and package store industry. He said knowing the pros and cons of how a shop can be successful in a town like Needham, and still be respectful of safety is important. Mr. Healy said he is unsure how he would vote, but feels it should be an all-alcohol license. He commented to allow certain members of the public to be able to enjoy the benefits of this type of business, while denying it to others is unfair, as long as it is safe. He said he feels the license should go beyond supermarkets. He said the number of licenses should be limited to one or two.

Mr. Bulian said he agrees with Mr. Healy that the number of licenses should be limited. He said he would like to hear from Roach Bros. and Trader Joe's as to their experience of selling beer and wine at other locations across the state.

Mr. Matthews said he would like more information, but feels Option 1 would be the way to go. He said the key role for the Board is to frame the question in a way that Town Meeting members and voters can act on it in a way that best meets their interests. He said the public needs to know what standards the Board of Selectmen would use in evaluating issuance of a license.

Mr. Wasserman believes a home rule petition could be tailored specifically for Needham. He said he is not in favor of issuing 6 licenses, but something less. He agrees with Mr. Matthews that convenience stores are not a proper place to sell alcohol. He said he is unsure if he would vote for all-alcohol or just beer and wine licenses. He said he would like more information on high end beer and wine shops.

Mr. Healy clarified the distinction between the ability to issue licenses and the willingness of the Board of Selectmen to actually issue licenses. He commented if the Board has the ability to issue 6 licenses there will be strong temptation to issue them. He said residents need all the information available as to the “rules of engagement”. He commented people need to know the hours of operation, whether there will be keno, and how recyclables will be handled, parking. He said there are many issues that people want to know.

Mr. Handel agrees it is important voters know how the Board would limit, control, and regulate the issue. He feels limiting the sale of alcohol to supermarkets is not a good idea.

2. Committee Reports

The Board discussed work it is doing to identify an alternative for Ridge Hill. Mr. Handel said he had met with Mr. Wasserman, Ms. Fitzpatrick, and various stakeholders in Town government to try to identify classifications of use or possible uses for Ridge Hill, with an eye toward what is realistic and desirable.

8:15 p.m. Mr. Handel commented on the resignation of Jim Healy from the Board of Selectmen. He said Jim is a passionate and devoted champion for Needham, and its residents. He wished Mr. Healy well.

Mr. Wasserman said he has worked with Jim prior to being on the Board of Selectmen. He commented on the work Mr. Healy has done for the Town and thanked him for his efforts.

Mr. Bulian thanked Mr. Healy and said he has been a great advocate for the Town.

Mr. Matthews said he appreciated all Mr. Healy has done for the Town and wished him the very best.

Denise Garlick, State Representative, said she was privileged to serve with Mr. Healy and major accomplishments took place, including the Field of Dreams, renovation of Town Hall, and a new Senior Center for the Town. She said these accomplishments would not have happened without Mr. Healy. She thanked him for his service to the Town.

Ms. Fitzpatrick presented Mr. Healy a frame with several photographs of Needham. She thanked him for his service.

Mr. Healy thanked everyone for their kind words for all the support he has received. He said it has been a privilege to serve encouraged all residents to get involved and to give back to the Town.

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

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

8:30 p.m.

Executive Session (Exception 6):

**Motion by Mr. Healy that the Board of Selectmen 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: Mr. Wasserman. Mr. Handel polled the Board. Unanimously approved 5-0.**

**(The meeting adjourned at 8:55 p.m.)**