

**BOARD OF SELECTMEN**  
**February 28, 2012**  
**Needham Town Hall**  
**Revised Agenda**

	<b>6:45</b>	Meetings with Citizens (by appointment) <i>Call Office of the Town Manager (781) 455-7500 extension 204 to arrange appointment.</i>
<b>1.</b>	<b>7:00</b>	Introduction of New Firefighter
<b>2.</b>	<b>7:00</b>	Public Hearing- NSTAR Central Avenue <ul style="list-style-type: none"> <li>• Maureen Carroll, NSTAR</li> </ul>
<b>3.</b>	<b>7:05</b>	Bay Colony Rail Trail Update <ul style="list-style-type: none"> <li>• Ted Staley, Bay Colony Rail Trail Project Committee</li> </ul>
<b>4.</b>	<b>7:20</b>	FY2011 Financial Audit <ul style="list-style-type: none"> <li>• Melanson Heath &amp; Company, P.C.</li> <li>• David Davison, Assistant Town Manager/Director of Finance</li> </ul>
<b>5.</b>	<b>7:35</b>	DPW Director <ul style="list-style-type: none"> <li>• Order of Taking (Alteration) For a Town Way (Form 3) for Reservoir Street</li> <li>• Order of Taking (Discontinuance or Abandonment) For a Town Way (Form 3) for Eaton Square</li> <li>• Grant of Drainage Easement- Jarvis Circle</li> </ul>
<b>6.</b>	<b>7:45</b>	Town Manager <ul style="list-style-type: none"> <li>• Set RTS Rates</li> <li>• Annual Town Meeting Warrant</li> <li>• Special Town Meeting</li> </ul>
<b>7.</b>	<b>8:00</b>	Board Discussion <ul style="list-style-type: none"> <li>• Committee Reports</li> </ul>
<b>8.</b>	<b>8:10</b>	Executive Session Exception 6 and Exception 3

**CONSENT AGENDA      \*=Backup attached**

1.	Accept donation made to the Needham Health Department's Gift of Warmth from the following: \$50 from Lindsay and Garth Greimann, 975 Memorial Drive Apt. 1108, Cambridge MA.
2.*	Approve minutes from February 14, 2012 meeting and February 14, 2012 Executive Session.
3.*	Approve One Day Special Wines and Malt Beverages Only license from Matt Borrelli of Citizens for Matt Borrelli to host a "Matt Borrelli for Selectmen Kickoff Party" on Friday, March 9, 2012 from 5:00 p.m. to 8:00 p.m. at The Village Club, 83 Morton Street, Needham.
4.*	Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 6, 2012 from 10:00AM to 2:45 PM on the grounds of the Pollard Middle School. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.

5.	Accept \$50 donation made to the Needham Commission on Disabilities in honor of BJ Cataldo to thank her for her discussion with 4 <sup>th</sup> graders on Learning Disabilities as part of the Broadmeadow Disability Awareness Program.
6.*	Approve a request from the Middle School PTC & Needham SEPAC hold a walk on Saturday, April 28, 2012 from 11:00 a.m. to 12:00 p.m. on the grounds and in the area around the Pollard Middle School. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
7.	Support Youth Services' "Needham Unplugged" for the month of March including its annual no-meeting night which will be held on Thursday, March 15, 2012.
8.	Grant permission for the Needham Business Association to use the Town Common and surrounding area for its Street Fair on Saturday, June 2, 2012 and Harvest Fair on Saturday, October 6, 2012. Permission includes any changes as recommended by the Needham Police Department.

**Board of Selectmen**

**AGENDA FACT SHEET for 2/28/12**

**Agenda Item:** Introduction of Firefighter

**Presenter(s):** Paul Buckley, Fire Chief

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

Chief Buckley will introduce newly appointed Firefighter Edward Sullivan.

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

**3. BACK UP INFORMATION ATTACHED:**

a. Resume of Edward Sullivan

**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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**Board of Selectmen**

**AGENDA FACT SHEET for February 28, 2012**

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

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

NSTAR requests permission to install approximately 5 feet of conduit at Pole 8/104 on Central Avenue, Needham. This work is necessary to provide underground electric service for a new home at 829 Central Avenue.

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 5 feet of conduit at Pole 8/104 on Central Avenue, Needham. This work is necessary to provide underground electric service for a new home at 829 Central Avenue.

**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



February 14, 2012

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

#829  
RE: Central Ave  
Needham, MA  
W.O. #1836989

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 5'± feet of conduit at pole 8/104 on Central Ave, Needham.

This work is necessary to provide underground electric service for new Building at Volante Farms @ #829 Central Ave.

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

**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 February 14, 2012**, and filed herewith, under the following public way or ways of said Town:

**Central Ave -**                      Northwesterly @ pole 8/104 approximately 239± feet north east of Forest Street a distance of about 5'± feet - conduit

(WO. 1836989)

**NSTAR ELECTRIC COMPANY**



BY \_\_\_\_\_  
William D. Lemos  
Rights & Permits, Supervisor

**Dated this 14th day of February 2012**

Town of **NEEDHAM** Massachusetts

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

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES**  
**Town of NEEDHAM**

WHEREAS, **NSTAR ELECTRIC COMPANY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

**Central Ave -**                      Northwesterly @ pole 8/104 approximately 239'± feet north east of Forest Street a distance of about 5'± feet - conduit

(WO. 1836989)

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A.Debenedictis, Dated February 14, 2012** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

Board of Selectmen  
the Town of  
**NEEDHAM**

**CERTIFICATE**

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the 28<sup>th</sup> day of February 2012 at Needham Town Hall, 1471 Highland Avenue in said Town.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

Board of Selectmen  
the Town of  
**NEEDHAM**

**CERTIFICATE**

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: \_\_\_\_\_  
Clerk of the Town of **NEEDHAM**, Massachusetts





## 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 28, 2012** upon petition of NSTAR dated February 14, 2012 to install approximately 5 feet conduit at pole 8/104, Central Avenue, Needham. This work is necessary to provide new underground electric service for a new home, 829 Central Avenue. 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 17, 2012

# 829 CENTRAL AVENUE

<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>
199/109.0-0016-0000.0	799	CENTRAL AVE	VOLANTE, ALFRED + VOLANTE, MELODIE ANN	226 BROOKSIDE ROAD	NEEDHAM	MA	02492
199/110.0-0001-0000.0	809	CENTRAL AVE	VOLANTE, ALFRED & VOLANTE, MELODIE ANN	226 BROOKSIDE ROAD	NEEDHAM	MA	02492
199/110.0-0002-0000.0	829	CENTRAL AVE	F & A FARMS, INC.	226 BROOKSIDE ROAD	NEEDHAM	MA	02492
199/110.0-0023-0000.0	0	CENTRAL AVE	F & A FARMS, INC.	226 BROOKSIDE RD	NEEDHAM	MA	02492
199/122.0-0064-0000.0	808	CENTRAL AVE	KEARNEY, ROBIN D. & KEARNEY, DAVID	808 CENTRAL AVE	NEEDHAM	MA	02492
199/122.0-0065-0000.0	814	CENTRAL AVE	PADVAL, MAHESH & PADVAL, RACHNA M.	814 CENTRAL AVE	NEEDHAM	MA	02492
199/122.0-0066-0000.0	822	CENTRAL AVE	JACOBS, ELEANOR	822 CENTRAL AVE	NEEDHAM	MA	02492
199/122.0-0067-0000.0	828	CENTRAL AVE	ROMAN, EDWARD C. & ROMAN, WILLIAM, T ROMAN REALTY TRUST	105 CHESTNUT ST. -36	NEEDHAM	MA	02492
199/309.0-0025-0000.0	865	CENTRAL AVE	BABSON COLLEGE C/O LIVING CARE VILLAGES -MASS	865 CENTRAL AVENUE	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 2/28/12**

**Agenda Item:** Rail Trail Update

**Presenter(s):** Tad Staley

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

Tad Staley of the Bay Colony Rail Trail Project Committee will make a presentation to the Board on the status of the Committee's exploration of the concept of a three town shared use trail from Needham to Medfield.

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

*Suggested Motion:* That the Board authorize the Town Manager to send a letter to the MBTA expressing interest in exploring the possibility of entering into a lease agreement covering the unused rail corridor most recently operated by the Bay Colony Railroad.

**3. BACK UP INFORMATION ATTACHED:**

- a. Bay Colony Rail Trail PowerPoint Presentation
- b. Notice to proposed trail abutters
- c. Letter of Interest to the MBTA

**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	_____

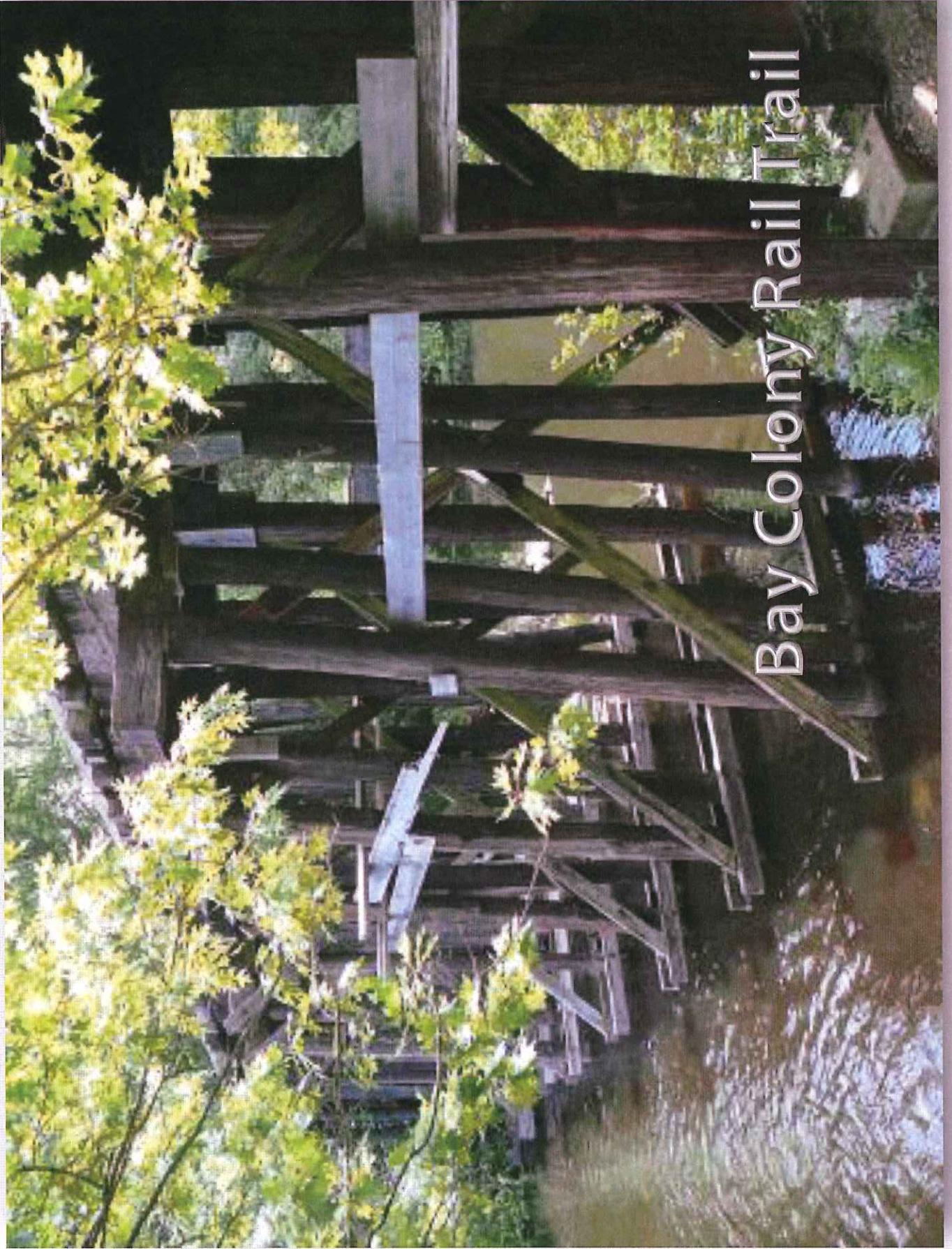
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**Disposition by BOS**

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

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

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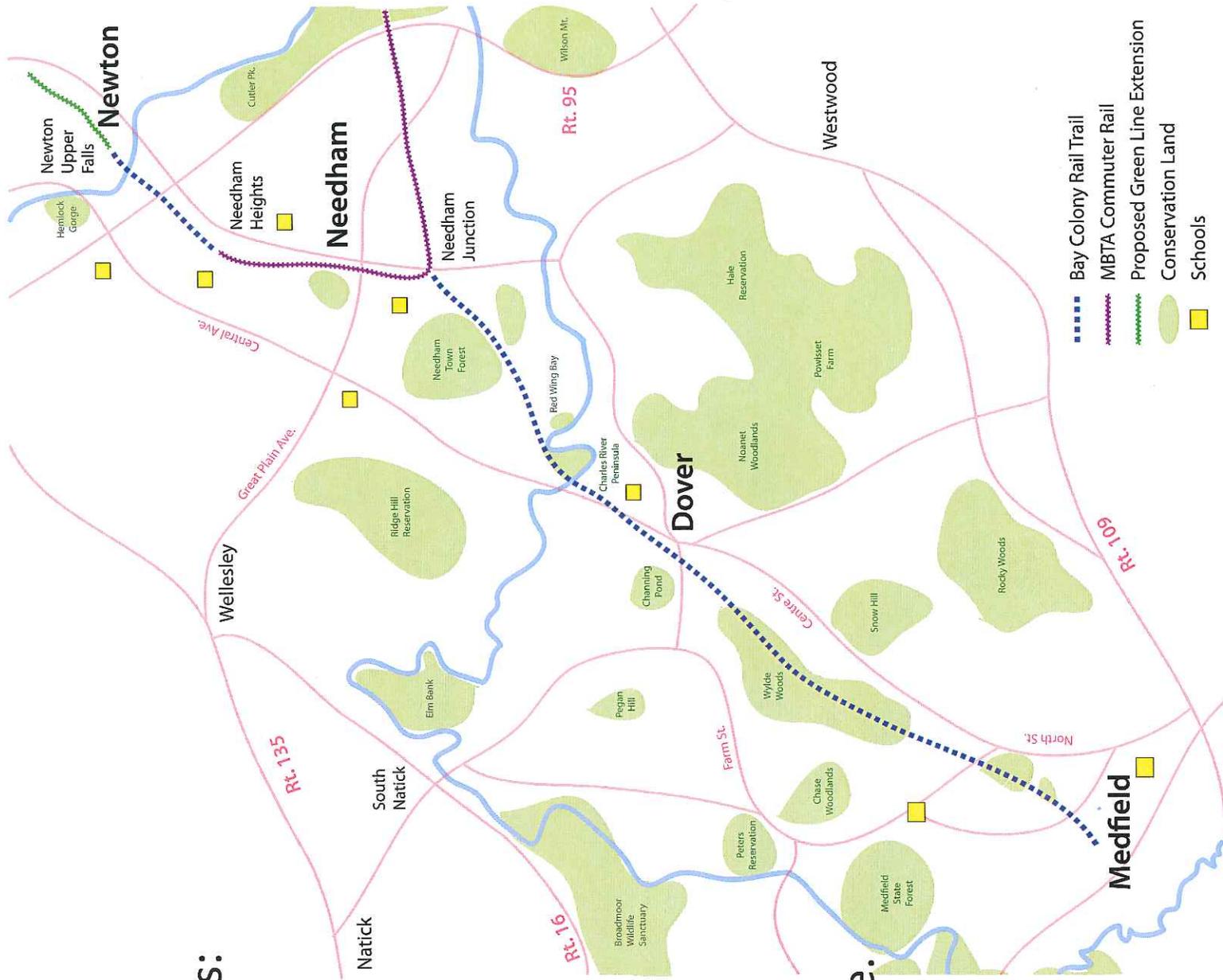


# Bay Colony Rail Trail

# Overview

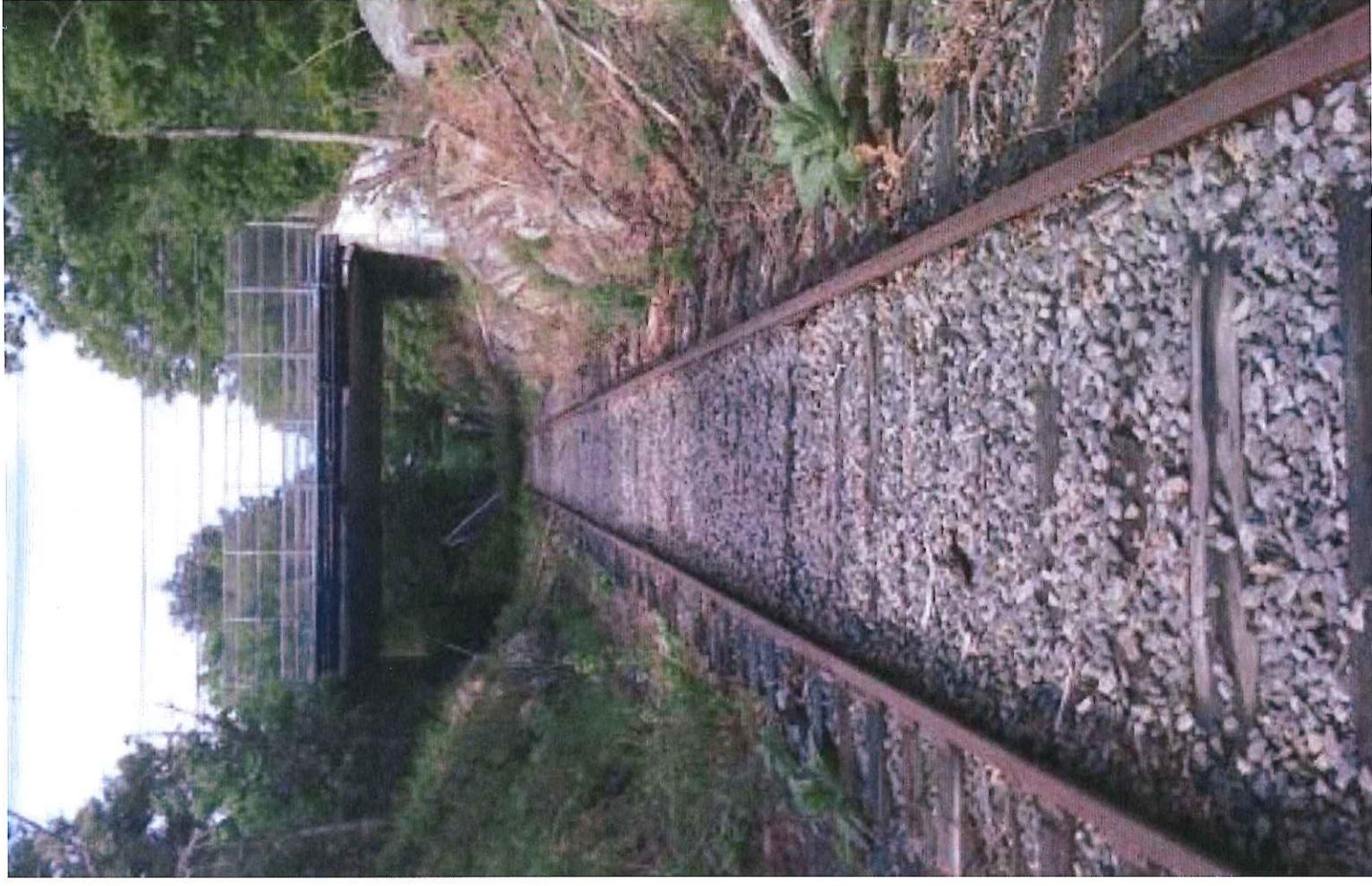
The entire segment is 7 miles:

- Needham: 2 miles from Needham Junction to the Charles River.
- Trestle bridge over the Charles River will need to be rehabbed.
- Dover: 3.5 miles from the Charles River to Hunt Drive.
- Medfield: 1.5 miles to Harding Street.



# State of the Corridor

- The MBTA owns the abandoned rail corridor from Needham Junction to Medfield and beyond.
- The current operator (Bay Colony Railroad) no longer uses that line.
- MBTA has no plans to re-instate rail commuter service – not on their transportation plan through 2035.
- The MBTA is interested in leasing the corridor to the towns through which it travels at no cost.
- The T would retain the option to revoke the lease if demand for rail transportation increases.



*Abandoned tracks looking west under High Rock St.*

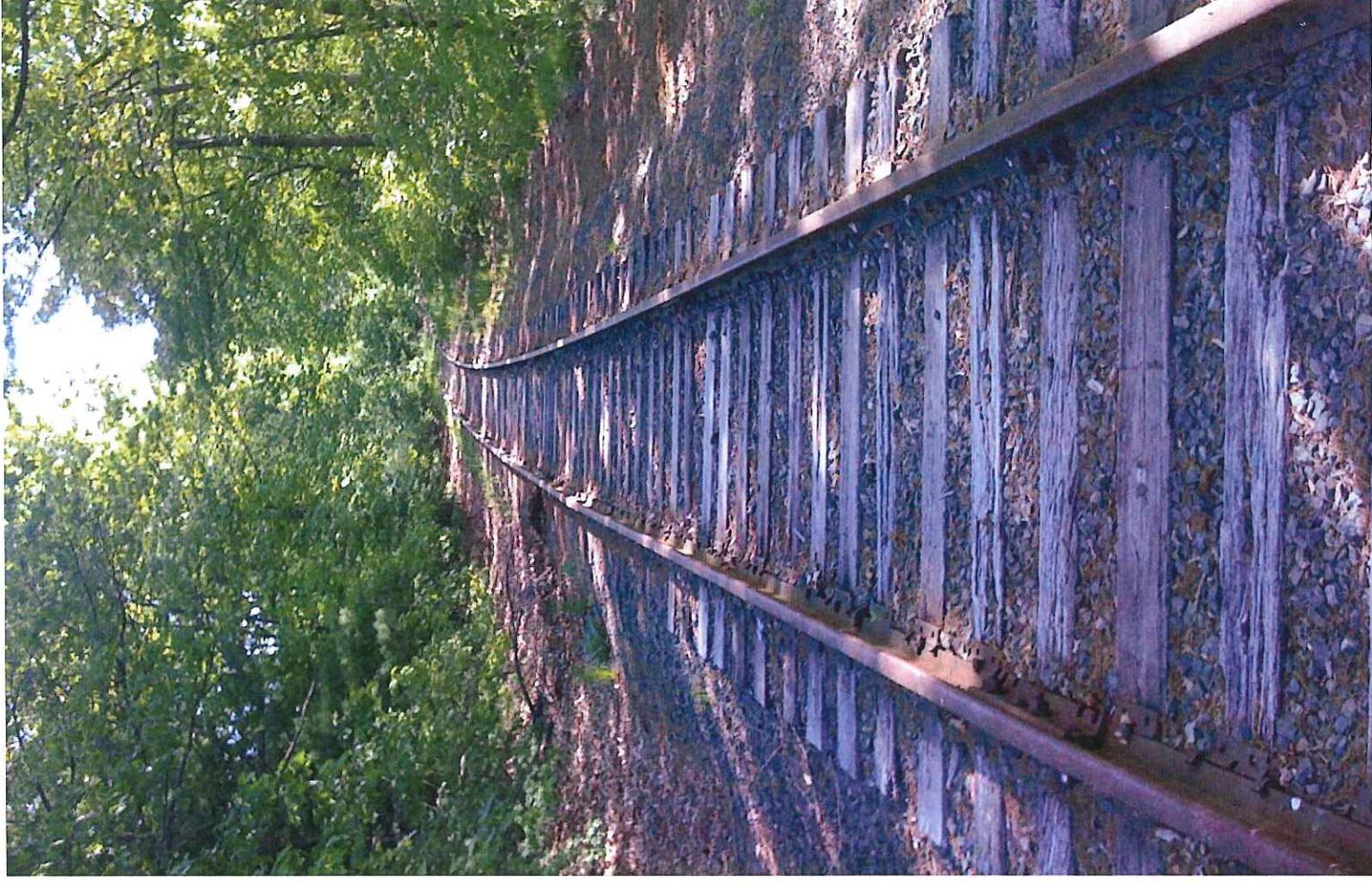
## Status of the Right of Way

- Abandonment issue has been resolved – at no cost to towns.
- BCRT Association (non-profit) has pro bono lawyer working through abandonment and lease issues.
- The MBTA is actively working to make the corridor available (which is in their best interest).
- Medfield and Dover have sent letters to MBTA to begin discussion on lease.
- Draft of the lease from MBTA is in hand, available for towns to review.



## Converting Rail to Trail

- Rail trails can cost up to \$1 million / mile to build.
- However, we have been talking with organizations that will take up rails and ties **for free**. (Salvage value covers cost).
- The result would be a crushed stone path, suitable for walking, jogging, etc.
- For an estimated \$20K/mile, it could be topped with hard-packed stone dust, which would enable biking, strolling, etc.
- This approach has been done recently in Danvers, Wenham, Topsfield, and many more local towns.

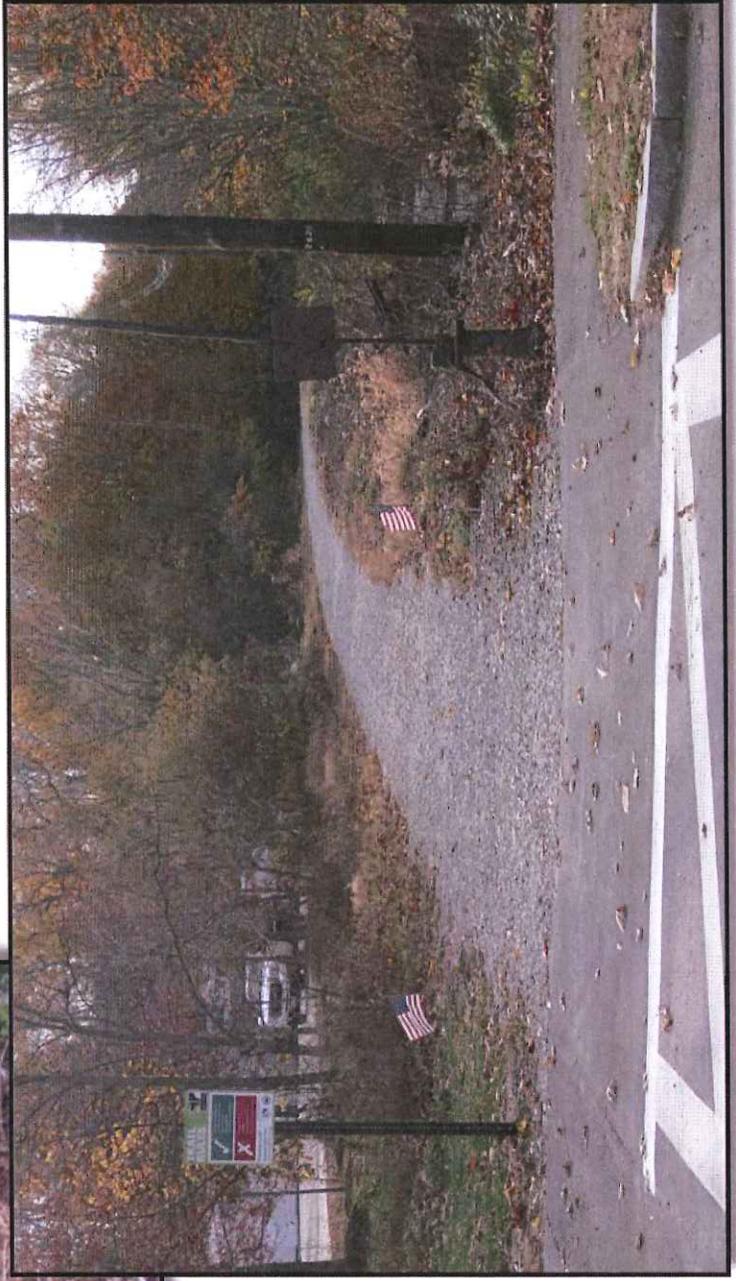


*Bay Colony Trail, looking toward Needham from bridge*

## Case Study: Danvers Rail Trail

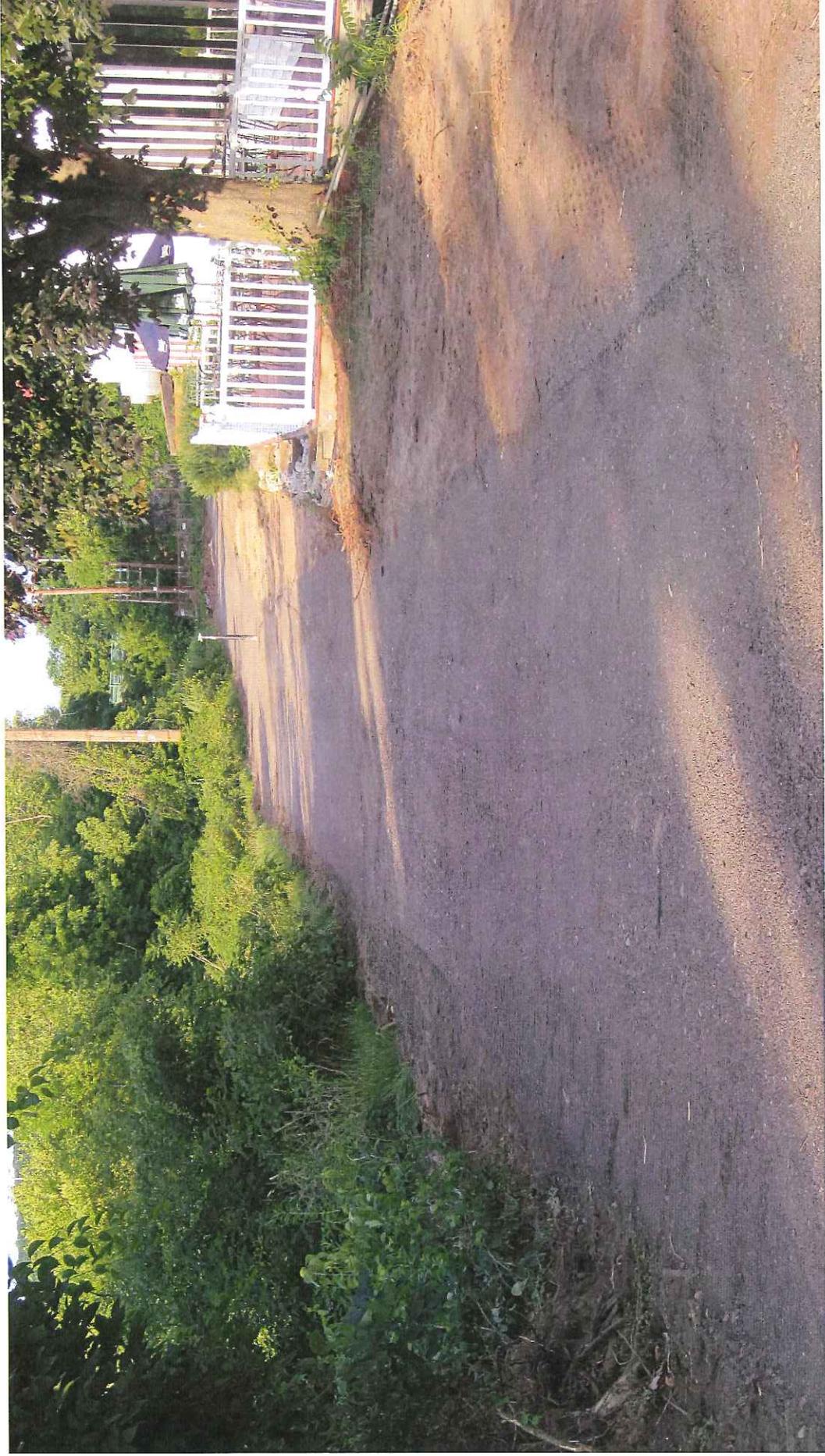


- Iron Horse Preservation Society removed rails and ties for free
- Additional coarse gravel added for \$7,200 / mile
- Stone dust planned to be added for another \$12-\$15K / mile.



- 4.3 miles, part of a 3-town 7.6 mile corridor.
- Great volunteer effort, funded by donations, residents are thrilled.
- Town's only formal effort was to paint road crossings

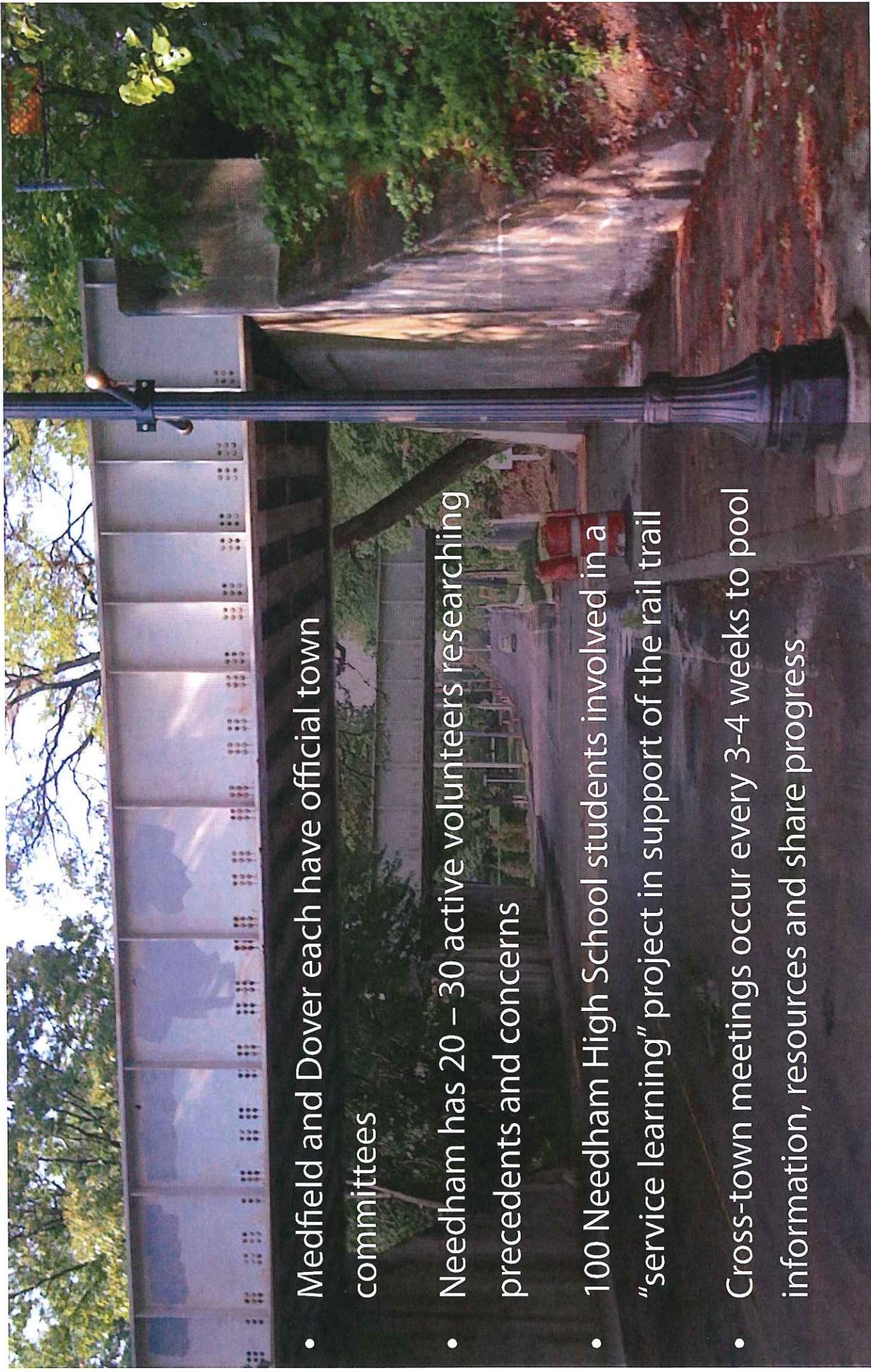
## Case Study: Bradford Rail Trail (Haverhill)



\$0/mile using recycled asphalt surface and Iron Horse Preservation

# Each Town Officially at Work – Separately and Together

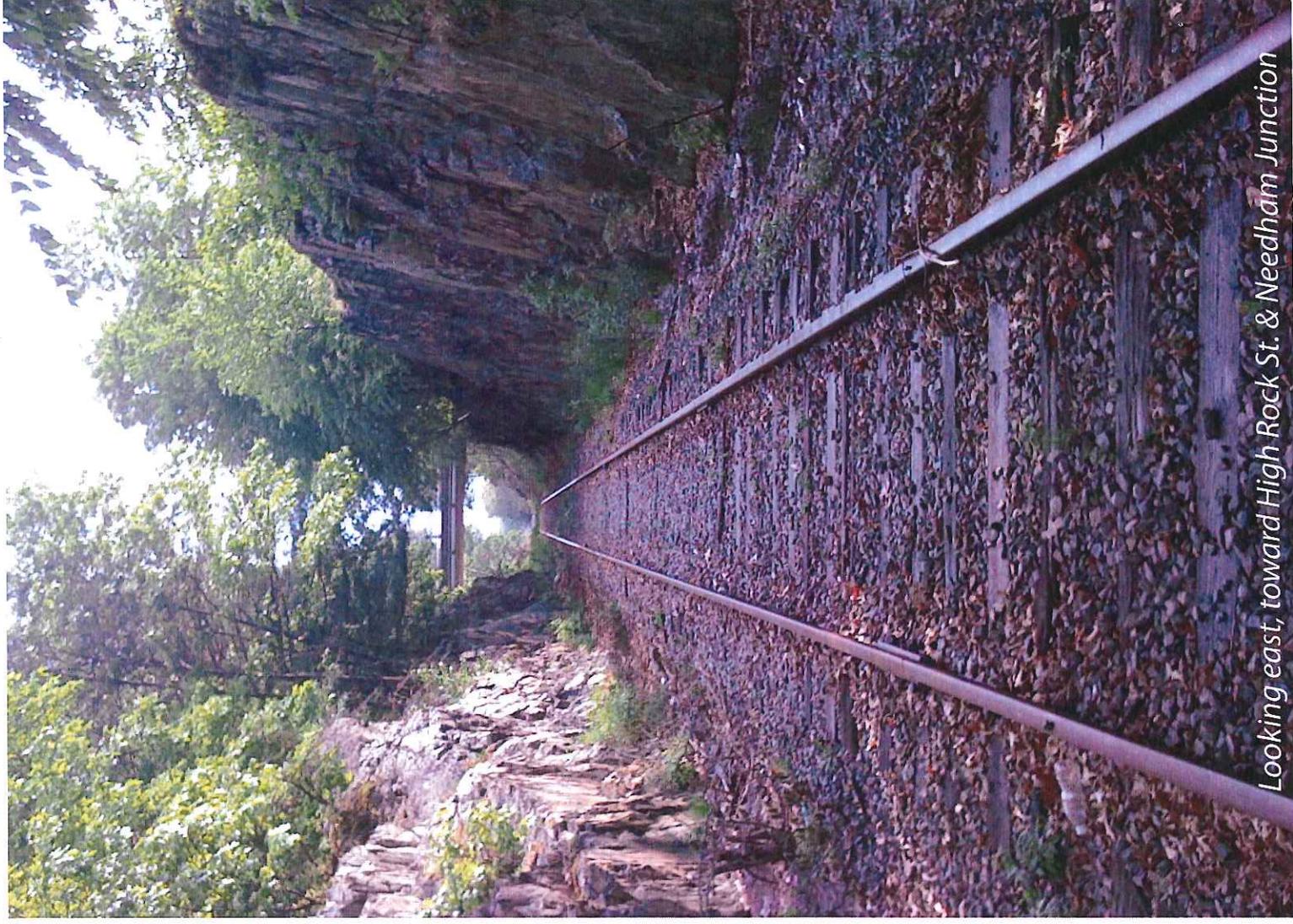
*Chestnut St. The 2<sup>nd</sup> bridge is the start of the BCRT*



- Medfield and Dover each have official town committees
- Needham has 20 – 30 active volunteers researching precedents and concerns
- 100 Needham High School students involved in a “service learning” project in support of the rail trail
- Cross-town meetings occur every 3-4 weeks to pool information, resources and share progress

## Prospective Timeline

- 2012
  - Evaluate lease from MBTA
  - Public hearings with residents, especially abutters
  - Brief town departments (DPW, fire & rescue, conservation)
  - Determine liability issues
  - Define partnership with non-profit
  - Complete lease, if appropriate
- 2013
  - Design access and crossings
  - Non-profit will seek funds for finer surface, access and bridge repair work (CPA funds could help)
  - Remove rails and ties, complete surface
  - Enable access points and crossings
- 2014
  - Rehabilitate the bridge (presumably through private funding)
  - Ongoing maintenance & stewardship



Looking east, toward High Rock St. & Needham Junction

## Next Steps:

- Submit letter to MBTA that simply expresses interest in, but not commitment to, leasing the corridor.
- Review the lease. Some work has been done on this by other towns.
- Formal town study committee?
- Gauge public issues
- Engage town departments
- Determine liability costs
- Participate in ongoing research



*Trestle Bridge over the Charles River between Needham and Dover*



## TOWN OF NEEDHAM

TOWN HALL  
1471 Highland Avenue  
Needham, MA 02492-2669

Office of the  
TOWN MANAGER

TEL: (781) 455-7512  
FAX: (781) 449-4569  
TDD: (781) 455-7558

February 24, 2012

Dear Neighbor:

At its meeting next Tuesday, February 28, 2012 at 7:00 p.m. in the Needham Town Hall, 1471 Highland Avenue, the Board of Selectmen will hear a presentation from the Bay Colony Rail Trail Project Committee about the possibility of creating a rail trail along the unused rail corridor from Needham Junction to the Dover line. Citizen groups in the towns of Needham, Dover, and Medfield are exploring the possibility of creating a shared use trail.

The presentation to the Board of Selectmen is the first step in what would be a long evaluation process – one that will allow ample opportunity for neighborhood input if the Board decides to continue the evaluation.

The Selectmen's meeting is public and you are welcome to attend. This is not a public hearing, so no public comment will be taken at this time. The purpose of this letter is to ensure that you, as an abutter to the unused rail corridor, are kept informed about the progress of this evaluation. The meeting is also televised on the Needham Channel. Our office will notify you if and when a public hearing is scheduled on this matter.

In the interim, if you have any comments or concerns please feel free to share them at [Selectmen@needhamMA.gov](mailto:Selectmen@needhamMA.gov). For further information, contact Sandy Cincotta, Assistant to the Town Manager, at 781-455-7500 ext. 204.

Very truly yours,

Kate Fitzpatrick  
Town Manager

cc: Board of Selectmen  
Patty Carey, Director of Park and Recreation



# TOWN OF NEEDHAM

TOWN HALL  
1471 Highland Avenue  
Needham, MA 02492-2669

Office of the  
TOWN MANAGER

TEL: (781) 455-7512  
FAX: (781) 449-4569  
TDD: (781) 455-7558

February 29, 2012

Mr. Mark Boyle  
Assistant General Management  
Massachusetts Bay Transportation Authority  
10 Park Plaza, Suite 5750  
Boston, MA 02116

Dear Mr. Boyle:

The Town of Needham is interested in exploring the possibility of entering into a lease agreement covering the unused rail corridor most recently operated by the Bay Colony Railroad. The rail line may be used as an alternative transportation corridor, contingent on public support and approval.

The Town intends to explore the use of the iron from the corridor, with the expectation that the salvage value will help fund the trail development process.

At its meeting on February 28, 2012 the Board of Selectmen voted to support an expression of interest by the Town of Needham in a possible lease of the portion of the corridor from Needham Junction to the Dover line.

Very truly yours,

Kate Fitzpatrick  
Town Manager

cc: Board of Selectmen  
Bay Colony Rail Trail Committee

**Board of Selectmen  
AGENDA FACT SHEET  
Tuesday, February 28, 2012**

**Agenda Item:** FY2011 Financial Audit

**Presenter(s):** Melanson Heath & Company, P.C.  
David Davison, Assistant Town Manager/Director of Finance

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

Representatives from the audit firm of Melanson Heath & Company, P.C will update the Board as to their recently completed audit of the Town's general purpose financial statements for FY 2011 and their recommendations.

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

**3. BACK UP INFORMATION ATTACHED:**

- a. Cover Memo from Assistant Town Manager/Director of Finance
- b. FY 2011 Financial Audit (under separate cover)

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

None

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**Disposition by BOS**

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

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

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

Report back to BOS on: \_\_\_\_\_

Prepared by dbd 02/24/2012

# Memo

To: Members of the Board of Selectmen  
From: David Davison  Assistant Town Manager/Director of Finance  
CC: Kate Fitzpatrick, Town Manager; Anne Gulati, Director of Financial Operations for Needham Public Schools; Dan Gutekanst, School Superintendent; Evelyn Pones, Treasurer/Collector; Michelle Vaillancourt, Town Accountant  
Date: February 24, 2012  
Re: FY 2011 Annual Audit

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## FY 2011 Audit

The independent audit firm Melanson, Heath and Company, PC (MHC) has completed its audit of the Town's Financial Statements for the fiscal year ended June 30, 2011. Mr. Scott C. McIntire CPA from the firm is scheduled to meet with the Board on Tuesday, February 28, 2012. He will give an overview of the audit process and MHC's comments regarding prior and current year recommendations to management. We will be available to address questions that the Board may have.

An invitation will be extended to the members of the Finance Committee through the Executive Secretary and through School Superintendent to members of the School Committee to attend your meeting so that they will also have an opportunity to hear the report first hand.

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

**Board of Selectmen**

**AGENDA FACT SHEET for**

**Agenda Item:** Order of Taking (Alteration) For Town Way (Form 3) for:  
-A Portion of Reservoir Street

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

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

Reservoir Street in the location directly in front of the existing Sewage Pumping Station at 274 Reservoir Street has been favorably adopted by vote at the November 2011 Special Town Meeting. This meeting is the next step in the procedure for laying out and altering town ways where the Selectmen adopt the Order of Acceptance and have the Order recorded at the Registry of Deeds.

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

*Suggested Motion:*

*“That the Board vote to approve and sign the Order of Taking For Town Way (Form 3) for a portion of Reservoir Street.”*

**3. BACK UP INFORMATION ATTACHED:**

1. *Original of Form 3 for a portion of Reservoir Street*
2. *Copy of Acceptance Plan of a portion of Reservoir Street*

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

- |                     |     |                                     |    |       |
|---------------------|-----|-------------------------------------|----|-------|
| a. Town Manager.    | Yes | <input checked="" type="radio"/> No | NA | _____ |
| b. Town Counsel     | Yes | <input checked="" type="radio"/> No | NA | _____ |
| c. Finance Director | Yes | <input checked="" type="radio"/> No | NA | _____ |
| d. Accountant       | Yes | <input checked="" type="radio"/> No | NA | _____ |

Staff use: Disposition by BOS:	
Action taken: _____	Present on future Agenda: _____
Refer to/Inform: _____	Report back to BOS by: _____



# Town of Needham

## IN BOARD OF SELECTMEN

WHEREAS, in the opinion of the Board of Selectmen of the Town of Needham the public necessity and convenience require that a town way be laid out, altered and constructed as and in the location hereinafter described, which is substantially the present location of a way known as Reservoir Street

from From a stone bound 37.95 feet North West of a stone bound marking the end of the town acceptance of Reservoir Street.

to An Iron rod 271.45 feet North West of said bound

WHEREAS said Board, having first complied with all preliminary requirements described by law, held a hearing at 7 o'clock PM of the 25th day of October ~~2011~~ 2011

WHEREAS said Board did on the 25th day of October, 2011 approve said layout, verified by our signatures, as shown on the plan and profile dated September 8, 2011~~19~~, attached hereto and by reference made a part thereof. It is thereby

ORDERED that said Reservoir Street

from From a stone bound 37.95 feet North West of a bound marking the end of the town acceptance of Reservoir Street

to An Iron rod 271.45 feet North West of said bound

be and the same is hereby laid out, altered and constructed under the provisions of law ~~authorizing the assessment of betterments~~ as a town way of the Town of Needham as shown on said plan and profile, and it is further

ORDERED that an easement in and over the following described parcel of land be discontinued and abandoned for all purposes of a town way.

Beginning at a drill hole in a stone bound on the easterly sideline of Reservoir Street, said bound being 37.95 feet Northwesterly of the intersection of said sideline and the Southerly limit of the Public Street layout, thence running N 18°-46'-18" W a distance of 62.83 feet to a drill hole in a stone bound; thence running N 24°-30'-39" W a distance of 208.86 feet to an iron rod, all by the existing layout of Reservoir Street; thence turning and running to the point of beginning, by the proposed easterly sideline of Reservoir Street S 23°-11'-04" E a distance of 271.45 feet.

The Town Way hereby altered is shown on a plan entitled, "Proposed Street Alteration Reservoir Street" Scale 1"=20' Prepared by Engineering Department, Department of Public Works dated September 8, 2011.

The following named persons and mortgagees are believed to be the owners of the fee thereof and said Board of Selectmen do hereby assess and award as the damages sustained by said owners of land, rights and interests caused by the laying out, grading and construction of said way, whether for land taken or for damages to the remaining lands:

LOT	NAMES	AMOUNTS
A	Town of Needham 1471 Highland Avenue Needham, MA 02492	None

And the Board of Selectmen hereby adjudge that all abutting lots on said  
From a stone bound 37.95 feet North West of a stone bound  
from marking the end of the town acceptance of Reservoir Street.

to  
An Iron rod 271.45 feet North West of said bound  
as shown on said plan which is attached hereto and made a part hereof, will receive bene-  
fit or advantage other than the general advantage to the community from said improve-  
ment.

And it is hereby estimated that the several abutting lots shown on said plan will be  
assessed the following amounts:—

LOT NUMBER	OWNER	AMOUNT
A	Town of Needham 1471 Highland Avenue, Needham, MA 02492	None

And it is further

ORDERED: That the trees located within the proposed berm upon the land taken for purposes of a town way are hereby taken and are not to be removed by abutting owners. But, other trees, structures and fences appurtenant thereto which may obstruct the construction of said way are not taken and the owners are allowed sixty (60) days from the adoption of this order to remove the same.

Selectmen of Needham


February 28, 2012~~xx~~

Special

The following is an extract from the records of the November, 2011 ~~Annual~~  
Town Meeting held November 7, 2011 said meeting being finally dissolved \_\_\_\_\_  
November 7, 2011

Under Article 2 it was

VOTED:

That the Town vote to accept the following streets or portion thereof, previously constructed and as laid out by the Board of Selectmen according to plans on file with the Town Clerk, including taking or acceptance of easements as shown on said plan: a Portion of Reservoir Street.

Unanimous Consent

A true copy. Attest:

\_\_\_\_\_  
Town Clerk of Needham.



**Board of Selectmen**

**AGENDA FACT SHEET for**

**Agenda Item:** Order of Taking (Discontinuance or Abandonment) For a Town Way (Form 3) for:

-Eaton Square

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

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

Eaton Square is located between Great Plain Avenue and Garden Street. Town Meeting has voted favorably to discontinue and abandon Eaton Square as previously constructed and laid out by the Board of Selectmen at the November 2011 Special Town Meeting. This Order of Taking (Form 3) is the next step in the procedure for laying out abandoning and/or discontinuing Eaton Square.

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

*Suggested Motion:*

*“That the Board vote to approve and sign the Order of Taking for Town Way (Form 3) for abandonment and/or discontinuance of Eaton Square.”*

**3. BACK UP INFORMATION ATTACHED:**

1. *Original of Form 3 for Eaton Square*
2. *Copy of Discontinuance or Abandonment Plan of Eaton Square*

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

- |                     |     |                                     |    |       |
|---------------------|-----|-------------------------------------|----|-------|
| a. Town Manager.    | Yes | <input checked="" type="radio"/> No | NA | _____ |
| b. Town Counsel     | Yes | <input checked="" type="radio"/> No | NA | _____ |
| c. Finance Director | Yes | <input checked="" type="radio"/> No | NA | _____ |
| d. Accountant       | Yes | <input checked="" type="radio"/> No | NA | _____ |

Staff use: Disposition by BOS:

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

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



# Town of Needham

## IN BOARD OF SELECTMEN

WHEREAS, in the opinion of the Board of Selectmen of the Town of Needham the public necessity and convenience require that a town way be laid out, graded and constructed as and in the location hereinafter described, which is substantially the present location of a way known as Eaton Square

from Great Plain Avenue

to Garden Street

WHEREAS said Board, having first complied with all preliminary requirements described by law, held a hearing at 7 o'clock PM of the 25th day of October 19 2011

WHEREAS said Board did on the 25th day of October, 2011 approve said layout, verified by our signatures, as shown on the plan and profile dated October 20, 2011, attached hereto and by reference made a part thereof. It is thereby

ORDERED that said Eaton Square  
from Great Plain Avenue  
to Garden Street

### DISCONTINUED AND ABANDONED

~~be and the same is hereby laid out, graded and constructed under the provisions of law authorizing the assessment of betterments as a town way of the Town of Needham as shown on said plan and profile, and it is further~~

~~ORDERED that an easement in and over the following described parcel of land be and the same is hereby taken for all purposes of a town way.~~  
discontinued and abandoned

BEGINNING AT A POINT, ON THE EASTERLY SIDELINE OF GARDEN STREET SAID POINT BEING 195.78 FEET NORTHWEST OF GREAT PLAIN AVENUE THENCE; N 4° 47'06" W ALONG SAID GARDEN STREET A DISTANCE OF 70.08 FEET MORE OR LESS TO A POINT, THENCE; SOUTHEASTERLY ALONG GARDEN STREET BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 32.35 FEET MORE OR LESS TO A POINT THENCE; N 82° 32'18" E A DISTANCE OF 36.80 FEET MORE OR LESS TO A POINT, THENCE; EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 142.21 FEET MORE OR LESS TO A POINT, THENCE; S 4° 23'18" W A DISTANCE OF 61.18 FEET MORE OR LESS TO A POINT, THENCE; S 10° 33'02" W A DISTANCE OF 104.87 FEET MORE OR LESS TO A POINT, THENCE; S 88° 53'18" W ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 18.63 FEET MORE OR LESS TO A POINT, THENCE; N 1° 06'42" W A DISTANCE OF 54.74 FEET MORE OR LESS TO A POINT, THENCE; N 88° 53'18" E A DISTANCE OF 5.50 FEET MORE OR LESS TO A POINT, THENCE; N 1° 06'42" W A DISTANCE OF 54.29 FEET MORE OR LESS TO A POINT, THENCE; N 82° 32'18" E A DISTANCE OF 4.91 FEET MORE OR LESS TO A POINT, THENCE; N 4° 23'18" E A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE; NORTHWESTERLY ALONG BY A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET MORE OR LESS, A DISTANCE OF 88.89 FEET

MORE OR LESS TO A POINT, THENCE; S 82° 32'18" W A DISTANCE OF 40.07 FEET MORE OR LESS TO A POINT, THENCE; SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 30.48 FEET MORE OR LESS TO A POINT ON THE EASTERLY SIDELINE SAID GARDEN STREET BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 10,038 S.F (0.23 ACRES) MORE OR LESS, AND IS SHOWN ON A PLAN ENTITLED, "STREET DISCONTINUANCE PLAN EATON SQUARE, NEEDHAM, MA 02492", DATED OCTOBER 21, 2011, SCALE 1"=40' PREPARED BY CUOCO & CORMIER ENGINEERING ASSOCIATES, INC.

ALSO INCLUDED IN THIS TAKING, DISCONTINUANCE AND/OR ABANDONMENT IS A TAKING FOR AN EASEMENT FOR THE PURPOSES OF VEHICULAR AND PEDESTRIAN ACCESS AS DESCRIBED BELOW:

BEGINNING AT A POINT, ON THE EASTERLY SIDELINE OF GARDEN STREET SAID POINT BEING 195.78 FEET NORTHWEST OF GREAT PLAIN AVENUE THENCE; N 4° 47'06" W ALONG SAID GARDEN STREET A DISTANCE OF 70.08 FEET MORE OR LESS TO A POINT, THENCE; SOUTHEASTERLY ALONG GARDEN STREET BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 32.35 FEET MORE OR LESS TO A POINT THENCE; N 82° 32'18" E A DISTANCE OF 36.80 FEET MORE OR LESS TO A POINT, THENCE; EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 142.21 FEET MORE OR LESS TO A POINT, THENCE; S 4° 23'18" W A DISTANCE OF 61.18 FEET MORE OR LESS TO A POINT, THENCE; S 10° 33'02" W A DISTANCE OF 104.87 FEET MORE OR LESS TO A POINT, THENCE; S 88° 53'18" W ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 18.63 FEET MORE OR LESS TO A POINT, THENCE; N 1° 06'42" W A DISTANCE OF 54.74 FEET MORE OR LESS TO A POINT, THENCE; N 88° 53'18" E A DISTANCE OF 5.50 FEET MORE OR LESS TO A POINT, THENCE; N 1° 06'42" W A DISTANCE OF 54.29 FEET MORE OR LESS TO A POINT, THENCE; N 82° 32'18" E A DISTANCE OF 4.91 FEET MORE OR LESS TO A POINT, THENCE; N 4° 23'18" E A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE; NORTHWESTERLY ALONG BY A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET MORE OR LESS, A DISTANCE OF 88.89 FEET MORE OR LESS TO A POINT, THENCE; S 82° 32'18" W A DISTANCE OF 40.07 FEET MORE OR LESS TO A POINT, THENCE; SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 30.48 FEET MORE OR LESS TO A POINT ON THE EASTERLY SIDELINE SAID GARDEN STREET BEING THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 10,038 S.F (0.23 ACRES) MORE OR LESS, AND IS SHOWN ON A PLAN ENTITLED, "STREET DISCONTINUANCE PLAN EATON SQUARE, NEEDHAM, MA 02492", DATED OCTOBER 21, 2011, SCALE 1"=40' PREPARED BY CUOCO & CORMIER ENGINEERING ASSOCIATES, INC.

The following named persons and mortgagees are believed to be the owners of the fee thereof and said Board of Selectmen do hereby assess and award as the damages sustained by said owners of land, rights and interests caused by the laying out, grading and construction of said way, whether for land taken or for damages to the remaining lands:

LOT	NAMES	AMOUNTS
Map 51 Lot 17	Town of Needham 1471 Highland Avenue Needham, MA 02492	None
Map 51 Lot 84	Massachusetts Bay Transit Authority 10 Park Plaza, Suite 3910, Boston, MA 02116	None
Map 51 Lot 18 Lot 86	Needham Bank 1063 Great Plain Avenue Needham, MA 02492	None

And the Board of Selectmen hereby adjudge that all abutting lots on said  
 from Great Plain Avenue  
 to Garden Street  
 as shown on said plan which is attached hereto and made a part hereof, will receive benefit or advantage other than the general advantage to the community from said improvement.

And it is hereby estimated that the several abutting lots shown on said plan will be assessed the following amounts:—

LOT NUMBER	OWNER	AMOUNT
Map 51 Lot 17	Town of Needham 1471 Highland Avenue, Needham, MA 02492	None
Map 51 Lot 84	Massachusetts Bay Transit Authority 10 Park Plaza, Suite 3910, Boston, MA 02116	None
Map 51 Lot 18 Lot 86	Needham Bank 1063 Great Plain Avenue Needham, MA 02492	None

And it is further

ORDERED: That the trees located within the proposed berm upon the land taken for purposes of a town way are hereby taken and are not to be removed by abutting owners. But, other trees, structures and fences appurtenant thereto which may obstruct the construction of said way are not taken and the owners are allowed sixty (60) days from the adoption of this order to remove the same.

Selectmen of Needham

} \_\_\_\_\_  
} \_\_\_\_\_  
} \_\_\_\_\_  
} \_\_\_\_\_  
} \_\_\_\_\_

February 28, 2012 ~~18~~

November 2011 SPECIAL

The following is an extract from the records of the \_\_\_\_\_ ~~XXXXXX~~  
Town Meeting held November 7, 2011 said meeting being finally dissolved \_\_\_\_\_  
November 7, 2011

Under Article 1 it was

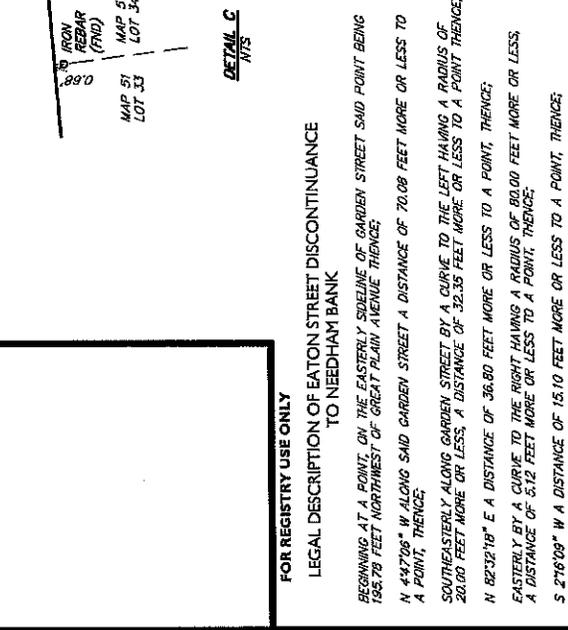
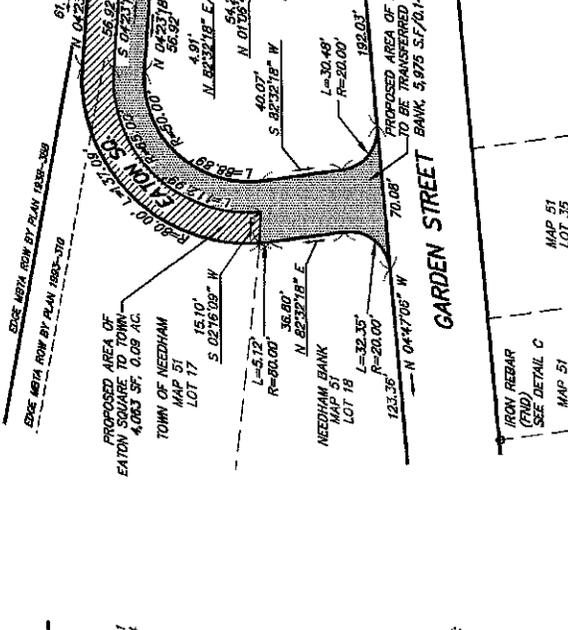
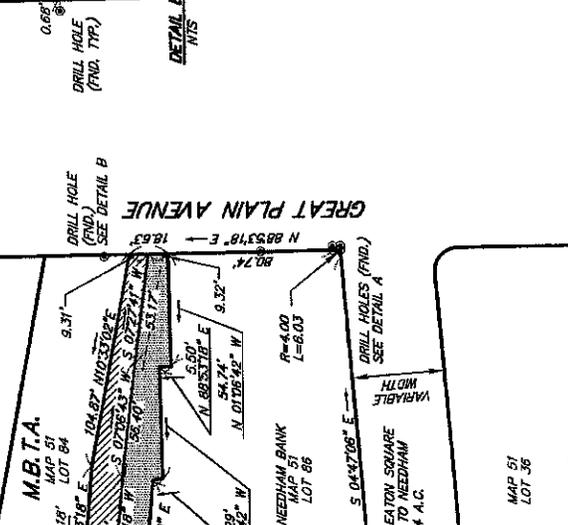
VOTED:

That the Town vote to abandon and/or discontinue the following streets or portion thereof, previously constructed and laid out by the Board of Selectmen according to plans on file with the Town Clerk, including the abandonment, discontinuance, taking or acceptance of easements as shown on said plan: Eaton Square from Great Plain Avenue to Garden Street.

UNANIMOUS VOTE

A true copy. Attest:

\_\_\_\_\_  
Town Clerk of Needham.



**FOR REGISTRY USE ONLY**

**LEGAL DESCRIPTION OF EATON STREET DISCONTINUANCE TO NEEDHAM BANK**

BEGINS AT A POINT ON THE EASTERLY SUBLINE OF GARDEN STREET SAID POINT BEING 156.70 FEET NORTHWEST OF GREAT PLAIN AVENUE THENCE;

N 4°47'08" W ALONG SAID GARDEN STREET A DISTANCE OF 70.08 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY ALONG GARDEN STREET BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 32.35 FEET MORE OR LESS TO A POINT, THENCE;

N 82°32'18" E A DISTANCE OF 36.80 FEET MORE OR LESS TO A POINT, THENCE;

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 5.12 FEET MORE OR LESS TO A POINT, THENCE;

S 2°16'09" W A DISTANCE OF 15.10 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET MORE OR LESS, A DISTANCE OF 112.86 FEET MORE OR LESS TO A POINT, THENCE;

S 4°23'18" W A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE;

S 7°06'43" W A DISTANCE OF 56.40 FEET MORE OR LESS TO A POINT, THENCE;

S 7°27'41" W A DISTANCE OF 53.17 FEET MORE OR LESS TO A POINT, THENCE;

S 88°53'18" W ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 9.32 FEET MORE OR LESS TO A POINT, THENCE;

N 108°42" W A DISTANCE OF 54.74 FEET MORE OR LESS TO A POINT, THENCE;

N 88°53'18" E A DISTANCE OF 5.50 FEET MORE OR LESS TO A POINT, THENCE;

N 108°42" W A DISTANCE OF 54.29 FEET MORE OR LESS TO A POINT, THENCE;

N 82°32'18" E A DISTANCE OF 4.91 FEET MORE OR LESS TO A POINT, THENCE;

N 04°23'18" E A DISTANCE OF 56.82 FEET MORE OR LESS TO A POINT, THENCE;

NORTHWESTERLY ALONG BY A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET MORE OR LESS, A DISTANCE OF 88.89 FEET MORE OR LESS TO A POINT, THENCE;

S 82°32'18" W A DISTANCE OF 40.07 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 30.48 FEET MORE OR LESS TO A POINT ON THE EASTERLY SUBLINE SAID GARDEN STREET BEING THE POINT OF BEGINNING

SAID PARCEL CONTAINING 4.067 S.F. (0.09 AC.) MORE OR LESS, AND IS FURTHER SHOWN ON SHOW ON PLAN ENTITLED, "EATON SQUARE STREET DISCONTINUANCE PLAN, DATED OCTOBER 20, 2011, SCALE 1"=40', PREPARED BY CUOCO & CORMIER ENGINEERING ASSOC.

ACCESS EASEMENT IN AND OVER THE AREA TO BE TRANSFERRED TO NEEDHAM BANK IS RESERVED FOR TOWN PURPOSES FOR VEHICLE AND PEDESTRIAN ACCESS.

**LEGAL DESCRIPTION OF EATON STREET DISCONTINUANCE TOWN OF NEEDHAM**

BEGINNING AT A POINT ON THE NORTHERLY SUBLINE OF GREAT PLAIN AVENUE AT THE NEBA ROW SAID POINT BEING 98.37 FEET EAST OF A DRILL HOLE AT GARDEN STREET THENCE;

N 10°33'02" E A DISTANCE OF 104.87 FEET MORE OR LESS TO A POINT, THENCE;

N 4°23'18" E A DISTANCE OF 61.18 FEET MORE OR LESS TO A POINT, THENCE;

NORTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 137.68 FEET MORE OR LESS TO A POINT, THENCE;

S 2°16'09" W A DISTANCE OF 15.10 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY ALONG SAID CENTERLINE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET MORE OR LESS, A DISTANCE OF 112.99 FEET MORE OR LESS TO A POINT, THENCE;

N 4°23'18" E ALONG SAID CENTERLINE A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE;

S 7°06'43" W A DISTANCE OF 56.40 FEET MORE OR LESS TO A POINT, THENCE;

S 7°27'41" W A DISTANCE OF 53.17 FEET MORE OR LESS TO A POINT A GREAT PLAIN AVENUE, THENCE;

N 81°33'18" E ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 9.31 FEET MORE OR LESS TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 4.067 S.F. (0.09 AC.) MORE OR LESS, AND IS FURTHER SHOWN ON PLAN ENTITLED, "EATON SQUARE STREET DISCONTINUANCE PLAN, DATED OCTOBER 20, 2011, SCALE 1"=40', PREPARED BY CUOCO & CORMIER ENGINEERING ASSOC.

ACCESS EASEMENT IN AND OVER THE AREA TO BE TRANSFERRED TO THE TOWN OF NEEDHAM IS RESERVED FOR THE NEEDHAM BANK FOR VEHICLE AND PEDESTRIAN ACCESS.

**LEGAL DESCRIPTION OF GREAT PLAIN AVENUE AT THE NEBA ROW**

BEGINS AT A POINT ON THE NORTHERLY SUBLINE OF GREAT PLAIN AVENUE AT THE NEBA ROW SAID POINT BEING 98.37 FEET EAST OF A DRILL HOLE AT GARDEN STREET THENCE;

N 10°33'02" E A DISTANCE OF 104.87 FEET MORE OR LESS TO A POINT, THENCE;

N 4°23'18" E A DISTANCE OF 61.18 FEET MORE OR LESS TO A POINT, THENCE;

NORTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 137.68 FEET MORE OR LESS TO A POINT, THENCE;

S 2°16'09" W A DISTANCE OF 15.10 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY ALONG SAID CENTERLINE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET MORE OR LESS, A DISTANCE OF 112.99 FEET MORE OR LESS TO A POINT, THENCE;

N 4°23'18" E ALONG SAID CENTERLINE A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE;

S 7°06'43" W A DISTANCE OF 56.40 FEET MORE OR LESS TO A POINT, THENCE;

S 7°27'41" W A DISTANCE OF 53.17 FEET MORE OR LESS TO A POINT A GREAT PLAIN AVENUE, THENCE;

N 81°33'18" E ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 9.31 FEET MORE OR LESS TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 4.067 S.F. (0.09 AC.) MORE OR LESS, AND IS FURTHER SHOWN ON PLAN ENTITLED, "EATON SQUARE STREET DISCONTINUANCE PLAN, DATED OCTOBER 20, 2011, SCALE 1"=40', PREPARED BY CUOCO & CORMIER ENGINEERING ASSOC.

ACCESS EASEMENT IN AND OVER THE AREA TO BE TRANSFERRED TO THE TOWN OF NEEDHAM IS RESERVED FOR THE NEEDHAM BANK FOR VEHICLE AND PEDESTRIAN ACCESS.

**APPROVED TOWN OF NEEDHAM, MA**

DATE: 10/25/11

DATE: 10/25/11

DATE: 10/25/11

DATE: 10/25/11

BOARD OF SELECTS

PREPARED BY:

**CUOCO & CORMIER**  
ENGINEERING ASSOCIATES, INC.

10 MAIN STREET - UNIT 212  
THURSDAY, MA 01967  
WWW.CUOCOANDCORMIER.COM

LAND PLANNING SERVICES CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL SCIENCES

FILE 825A-PNL-DISCNT.DWG

**PREPARED FOR:**

**NEEDHAM COOPERATIVE BANK**  
1055-1067 GREAT PLAIN AVENUE  
NEEDHAM, MA 02492

SCALE: 1" = 40'

OCTOBER 20, 2011

SCALE IN FEET

160  
120  
80  
40  
0

**Richard E. Russo**

RICHARD E. RUSSO  
REGISTERED PROFESSIONAL ENGINEER  
LICENSE NO. 28971  
EXPIRES 12/31/2011

**FOR REGISTRY USE ONLY**

**LEGAL DESCRIPTION OF EATON STREET DISCONTINUANCE TO NEEDHAM BANK**

BEGINS AT A POINT ON THE EASTERLY SUBLINE OF GARDEN STREET SAID POINT BEING 156.70 FEET NORTHWEST OF GREAT PLAIN AVENUE THENCE;

N 4°47'08" W ALONG SAID GARDEN STREET A DISTANCE OF 70.08 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY ALONG GARDEN STREET BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 32.35 FEET MORE OR LESS TO A POINT, THENCE;

N 82°32'18" E A DISTANCE OF 36.80 FEET MORE OR LESS TO A POINT, THENCE;

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET MORE OR LESS, A DISTANCE OF 5.12 FEET MORE OR LESS TO A POINT, THENCE;

S 2°16'09" W A DISTANCE OF 15.10 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET MORE OR LESS, A DISTANCE OF 112.86 FEET MORE OR LESS TO A POINT, THENCE;

S 4°23'18" W A DISTANCE OF 56.92 FEET MORE OR LESS TO A POINT, THENCE;

S 7°06'43" W A DISTANCE OF 56.40 FEET MORE OR LESS TO A POINT, THENCE;

S 7°27'41" W A DISTANCE OF 53.17 FEET MORE OR LESS TO A POINT, THENCE;

S 88°53'18" W ALONG SAID GREAT PLAIN AVENUE A DISTANCE OF 9.32 FEET MORE OR LESS TO A POINT, THENCE;

N 108°42" W A DISTANCE OF 54.74 FEET MORE OR LESS TO A POINT, THENCE;

N 88°53'18" E A DISTANCE OF 5.50 FEET MORE OR LESS TO A POINT, THENCE;

N 108°42" W A DISTANCE OF 54.29 FEET MORE OR LESS TO A POINT, THENCE;

N 82°32'18" E A DISTANCE OF 4.91 FEET MORE OR LESS TO A POINT, THENCE;

N 04°23'18" E A DISTANCE OF 56.82 FEET MORE OR LESS TO A POINT, THENCE;

NORTHWESTERLY ALONG BY A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET MORE OR LESS, A DISTANCE OF 88.89 FEET MORE OR LESS TO A POINT, THENCE;

S 82°32'18" W A DISTANCE OF 40.07 FEET MORE OR LESS TO A POINT, THENCE;

SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET MORE OR LESS, A DISTANCE OF 30.48 FEET MORE OR LESS TO A POINT ON THE EASTERLY SUBLINE SAID GARDEN STREET BEING THE POINT OF BEGINNING

SAID PARCEL CONTAINING 5.975 S.F. (0.14 AC.) MORE OR LESS, AND IS FURTHER SHOWN ON PLAN ENTITLED, "EATON SQUARE STREET DISCONTINUANCE PLAN, DATED OCTOBER 20, 2011, SCALE 1"=40', PREPARED BY CUOCO & CORMIER ENGINEERING ASSOC.

ACCESS EASEMENT IN AND OVER THE AREA TO BE TRANSFERRED TO NEEDHAM BANK IS RESERVED FOR TOWN PURPOSES FOR VEHICLE AND PEDESTRIAN ACCESS.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONAL ENGINEERS.

OCTOBER 20, 2011  
DATE

**Board of Selectmen**

**AGENDA FACT SHEET for**

**Agenda Item:** Grant of Drainage Easement-Jarvis Circle

**Presenter(s):** Rick Merson, DPW Director

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

The property owners of 54-56 Jarvis Circle (Lot 33) are currently in the process of developing a condominium complex at Jarvis Circle. There is an existing storm drain that runs from Shirley Road to Jarvis Circle across property at 54-56 Jarvis Circle.

Currently there are no effective recorded drainage easements granted to the town for this existing drainage system. The current owners have prepared plans and documents in order to formally grant the town easements for the benefit of maintaining, constructing, and repairing said drainage system.

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

*Suggested Motion:*

*"That the Board vote to approve and sign the Grant of Drainage Easement for 54-56 Jarvis Circle."*

**3. BACK UP INFORMATION ATTACHED:**

1. *Grant of Drainage Easement document from the property owners*
2. *Easement plan*

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

- |                     |                                      |                                     |    |                        |
|---------------------|--------------------------------------|-------------------------------------|----|------------------------|
| a. Town Manager.    | Yes                                  | <input checked="" type="radio"/> No | NA | _____                  |
| b. Town Counsel     | <input checked="" type="radio"/> Yes | No                                  | NA | approved to form _____ |
| c. Finance Director | Yes                                  | <input checked="" type="radio"/> No | NA | _____                  |
| d. Accountant       | Yes                                  | <input checked="" type="radio"/> No | NA | _____                  |

Staff use: Disposition by BOS:	
Action taken: _____	Present on future Agenda: _____
Refer to/Inform: _____	Report back to BOS by: _____

**GRANT OF DRAINAGE EASEMENT**  
**By**  
**NORTH SHORE CONSTRUCTION & DEVELOPMENT, INC.**  
**To**  
**THE TOWN OF NEEDHAM, MASSACHUSETTS**

Property Location: Lot 33, 54-56 Jarvis Circle, Needham, MA

WHEREAS, North Shore Construction & Development, Inc. (North Shore) is the owner of land in Needham, Norfolk County, Commonwealth of Massachusetts, being shown as Lot 33 on Land Court Plan No. 25397A filed with Certificate No. 55286, Sheet 2, Book 277 under Certificate of Title No. 182042; and

WHEREAS, certain storm water drainage facilities exist on these premises which are utilized for the benefit of the Town of Needham public storm water drainage system; and

WHEREAS, North Shore does hereby intend to benefit the Town of Needham by the grant of specific easement rights which permit the continued maintenance of such drainage facilities; and

WHEREAS, North Shore has caused to be prepared a plan which describes in particular the location of the easement rights set forth herein below, which plan is entitled "Easement Plan of Land Located in Needham, Massachusetts (Norfolk County), Prepared for North Shore Construction & Development, Inc. dated February 13, 2012, Prepared by Sullivan Engineering Group, LLC" (hereinafter, the "Plan"), to be filed herewith.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, North Shore does hereby grant to the Town of Needham, Massachusetts the non-exclusive right and perpetual easement and right of way over, across, under and through the area identified on the Plan filed herewith as **Easement Parcel A** for the purpose of laying and maintaining any and all storm water drainage conduits, pipes, equipment or other facilities presently located and existing in the Easement Parcel of the servient lot; and the perpetual right and easement to enter upon the Easement Parcels hereinafter described, with men, vehicles and mechanical appliances to construct and inspect, replace, maintain and repair any and all apparatus, land contours or gradings used for water usage and drainage purposes together with all necessary fixtures and equipment and appurtenances.

The within grant of easement shall be binding upon the Owner and its respective successors and assigns and shall inure to the benefit of the Town of Needham, Massachusetts, and the benefits and burdens hereof shall run with the land described herein.

Executed Under Seal This 16th Day Of February, 2012.

North Shore Construction & Development, Inc.

By [Signature]  
Ronald Lopez, President & Treasurer

Commonwealth Of Massachusetts

Middlesex, ss.

On this 16th day of February, 2012, before me, the undersigned notary public, personally appeared Ronald A. Lopez, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as President and Treasurer of North Shore Construction & Development, Inc., a corporation.

[Signature]  
Notary Public  
My commission expires:



**ANTHONY V. ZIMMERMAN**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Nov. 2, 2011

TOWN OF NEEDHAM  
By its Board of Selectmen,

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

Commonwealth Of Massachusetts

DATE

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Needham Board of Select

\_\_\_\_\_  
Notary Public  
My commission expires:



**Board of Selectmen**

**AGENDA FACT SHEET for Tuesday, February 28, 2012**

**Agenda Item:** RTS Rate Setting

**Presenter(s):** Kate Fitzpatrick, Town Manager  
David Davison, ATM/Finance Director

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

The Board held its public hearing on RTS rate proposal at the February 14, 2012 meeting. The Solid Waste Disposal/Recycling Advisory Committee and members of Town staff discussed the recommended proposal with the Board and recommended the attached rate structure. Based on input from the Board of Selectmen, the Committee will meet over the next several months to review the funding structure of the RTS in order to determine if any changes should be considered, and report back to the Town Manager and subsequently to the Board.

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

*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. Memo from ATM/Director of Finance dated Friday, February 10, 2012
- b. Proposed RTS Rate Schedule (Attachment A)

**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: \_\_\_\_\_

# 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



2-24-12

# 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 2.24.2012

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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 \$XXXXXX, 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 \$XXXXXX. The annual salary of \$XXXXX 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 \$XXXXX. 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 \$XXXXX; 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 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:

**Town of Needham  
RTS Enterprise  
FY 2013**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
101A	Personnel	\$ 583,999	9.0	\$ 643,582	9.0	\$ 653,290	9.0	
101B	Expenses	\$ 1,090,999		\$ 1,139,984		\$ 1,214,293		
101C	Operating Capital	\$ 56,179		\$ 43,000		\$ 43,000		
101D	Debt Service	\$ 149,673		\$ 150,000		\$ 150,000		
102	Reserve Fund	Transfers Only		\$ 25,000		\$ 25,000		
<b>TOTAL</b>		<b>\$ 1,880,850</b>	<b>9.0</b>	<b>\$ 2,001,566</b>	<b>9.0</b>	<b>\$ 2,085,583</b>	<b>9.0</b>	
FY 2013 Budget Percentage Change from FY 2012 Budget							4.2%	

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:

**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:

**Town of Needham  
Sewer Enterprise  
FY 2013**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Personnel	\$ 522,117	9.2	\$ 886,973	12.0*	\$ 902,938	12.0*	
201B	Expenses	\$ 267,836		\$ 468,764		\$ 475,056		
201C	Capital Outlay	\$ 21,750		\$ 25,000		\$ 25,000		
201D	MWRA Assessment	\$ 5,043,945		\$ 5,291,080		\$ 5,440,127		
201E	Debt Service	\$ 1,242,461		\$ 1,350,000		\$ 1,400,000		
202	Reserve Fund	Transfers Only		\$ 35,000		\$ 35,000		
<b>TOTAL</b>		<b>\$ 7,098,109</b>	<b>9.2</b>	<b>\$ 8,056,817</b>	<b>12.0*</b>	<b>\$ 8,278,121</b>	<b>12.0*</b>	
FY 2013 Budget Percentage Change from FY 2012 Budget							2.7%	

\*The prior years F.T.E. totals were lower than the number of positions assigned to the department because the drainage program related work which was done by the enterprise staff was being accounted for in the DPW budget so correspondingly the F.T.E. figure related to that work was also reflected in the DPW budget. Effective by the Town Meeting votes for FY2012 the drainage program is now budgeted in the enterprise fund and the enterprise funds will now reflect the F.T.E. assigned to the department.

And to meet this appropriation that \$493,392 be raised from the tax levy and transferred to the Sewer Enterprise Fund, and \$568,455 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

**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:

**Town of Needham  
Water Enterprise  
FY 2012**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Personnel	\$ 803,640	14.5	\$ 1,023,091	16.0*	\$ 1,028,088	16.0*	
301B	Expenses	\$ 948,757		\$ 974,603		\$ 1,026,906		
301C	Capital Outlay	\$ 15,000		\$ 55,000		\$ 20,000		
301D	MWRA Assessment	\$ 264,017		\$ 610,028		\$ 965,737		
301E	Debt Service	\$ 1,497,133		\$ 1,550,000		\$ 1,550,000		
302	Reserve Fund	Transfers Only		\$ 75,000		\$ 75,000		
<b>TOTAL</b>		<b>\$ 3,528,547</b>	<b>14.5</b>	<b>\$ 4,287,722</b>	<b>16.0*</b>	<b>\$ 4,665,731</b>	<b>16.0*</b>	
FY 2013 Budget Percentage Change from FY 2012 Budget							8.8%	

\*The prior years F.T.E. totals were lower than the number of positions assigned to the department because the drainage program related work which was done by the enterprise staff was being accounted for in the DPW budget so correspondingly the F.T.E. figure related to that work was also reflected in the DPW budget. Effective by the Town Meeting votes for FY2012 the drainage program is now budgeted in the enterprise fund and the enterprise funds will now reflect the F.T.E. assigned to the department.

And to meet this appropriation that \$355,709 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

**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	DPW Director	Sale of Bins	Purchase of	\$3,000

Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2013 Budget
Composting Bin Account			additional home composting bins	
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
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.*

**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:* Under Section 3.2.1 of the Needham Zoning By-Law "Accessory" Uses, in most residential districts (excluding apartment districts) and in industrial districts, the "[u]se of a room or rooms in a single or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq. ft., is regularly devoted to such use" is an allowed use. Under the By-Law, an artist is a professional but recent interpretation of this provision has not allowed artists, unlike other professionals with offices, who are unrestricted as to having clients, patients, customers or others visit their offices, to utilize the "studio" for working with clients, customers, students and fellow artists.

The proposed amendment seeks to correct the noted inconsistency by providing a definition for the term "studio" in the Zoning By-Law. The word "studio" is derived from the Italian "studio" and from the Latin "studium" for "studere", meaning study. It's a place where the professional artist is dedicated to the continuing education of his/her craft, including the education, instruction and training of his/her apprentices and students. Wikipedia. (See, for example, the American Heritage Dictionary which defined "studio" as "[a]n artist's workroom" and "[a]n establishment where an art is taught or studied...").

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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:* This provision clarifies that a lot reduced in area or frontage by public action is entitled to grandfathered protection. It further clarifies that similar public actions that reduce the setback of preexisting structures on the lot to public or private ways are similarly entitled to grandfathered protection.

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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: This is a clarifying amendment so that the language of the By-Law is consistent with both Planning Board practice and with photometric design principles. Presently, the By-Law requires all parking areas which are proposed to be illuminated to provide an illumination level of at least one foot candle. The proposed amendment reduces the illumination standard for parking areas from “at least one foot candle” to “an average of one foot candle” reflective of historical Planning Board practice.*

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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 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, O, P and Q to \$50 per offense;
7. Amending the fine schedule in Section 8.2.2.4 C from \$20 per offense to : “First Offense - \$50, Second offense - \$100, Third Offense - \$200, Fourth and Subsequent Offenses - \$300”;
8. Deleting Sections 8.2.2.4 D and E and renumbering subsequent sections accordingly;
9. 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;
10. 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;

11. 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 a parcel of 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
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**Reserves:**

B. Community Preservation Fund Annual Reserve	\$1,023,160
C. Community Housing Reserve	\$218,420
D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$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.*

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**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:

Unit	Division	Year	Description	Miles	Cost
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:

Unit	Division	Year	Description	Miles	Cost
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 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:

**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:

**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.

**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:

**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:

Unit	Division	Year	Description	Miles	Cost
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:

Unit	Division	Year	Description	Miles	Cost
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:

<u>Unit</u>	<u>Division</u>	<u>Year</u>	<u>Description</u>	<u>Miles</u>	<u>Cost</u>
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**

DRAFT 2.24.2012

**Proposed Amendment to General By-law  
2012 Annual Town Meeting Warrant**

**SECTION 3.1 GENERAL**

3.1.1 Grazing of Animals. No owner or persons having the care of any horses, cows, or other grazing animals shall permit or allow them to roam at large or to graze on any street, lane, common square or other public place within this Town, nor permit any such animal to roam or stand upon any sidewalk within the Town.

3.1.2 Obstruction of Sidewalks. No person shall place, or cause to be placed, upon any public way or sidewalk, any lumber, wood, bale, box, crate, barrel, can, package or other thing, or allow the same to remain for more than one hour, or more than ten minutes after being notified to remove the same by a constable, police officer or Selectman.

3.1.3 Coasting in Streets. No person shall coast in any street or public way except those publicly designated for that purpose by the Selectmen.

3.1.4 Use of Sidewalks. No person shall ride, drive, draw or push any motorcycle, automobile, car, wagon or sled, except invalid's or children's hand carriages, over or upon any public footpath or sidewalk.

3.1.5 Bicycles on Sidewalks. No person shall ride a bicycle on any sidewalk within certain marked areas of Needham Square and Needham Heights Square business districts. The pushing or walking of a bicycle is not prohibited in such areas. For this purpose, the Police Chief, with the approval of the Board of Selectmen, shall establish the boundary limits of the sidewalks subject to Sub-section 3.15 by appropriate markings on the sidewalks or other signs.

3.1.6 Discharge of Firearms. No person shall fire or discharge any firearm, or other explosive articles, 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, or fire or discharge any firearm or other explosive articles, on any private property except with the written consent of the property's owner or legal occupant. **This** Sub-section ~~3.1.7~~ shall not apply to the lawful defense of life and property, or to any lawful enforcement officer acting in the discharge of his duties.

3.1.7 Dealing in Second-Hand Merchandise. No person shall collect, deal in or keep a shop for the purchase, sale or barter of junk, old metals or second hand articles, within the limits of the Town, unless licensed by the Board of Selectmen.

3.1.8 Snow and Ice on Sidewalks.

**3.1.8.1 Commercial Property.** Any owner, tenant, occupant or agent in charge of property used wholly or in part for stores, offices, or other public place who places any snow or ice on a sidewalk or a street on which such store, office or public place abuts, or allows snow and ice to remain on such sidewalk for more than five hours between sunrise and sunset, shall forfeit not more than fifty dollars (\$50.00) for each offense. If, through weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed. While the snow and ice remain, however, the sidewalk must be kept in safe condition by sanding or otherwise.

**3.1.8.2 All Other Property.** Any person who places any snow or ice on a sidewalk or a street, shall forfeit not more than fifty dollars (\$50.00) for each offense.

**3.1.9 Consumption of Alcoholic Beverages.** No person shall possess or consume an alcoholic beverage as defined by M.G.L. Chapter 138, Section 1, as amended, within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, except with written permission of the appropriate controlling Town tribunal, nor shall any person consume alcoholic beverage as defined in Section 1, on any public way or any way to which the public has a right of access as invitees or licenses, including any person in a motor vehicle in, on or upon any public way or any way to which the public has said right of access, within the limits of the Town of Needham; and no person shall consume an alcoholic beverage as previously defined, in, on or upon any private land or place without the consent of the owner or persons in control of such private land or place.

Any person who violates Sub-section 3.1.9 of the General By-Laws may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of Sub-section 3.1.9 may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

**3.1.10 Licensed Hawkers and Peddlers.** No person, under M.G.L. Chapter 101, Section 22, shall sell or offer to sell items specified therein within 1,000 feet of any recreational area in organized use or within 1,000 feet of any school (public or private) during the hours that school is in session, nor until one hour after the closing of said school or schools.

Such licensees shall not remain parked at any one location for a period of time exceeding ten (10) minutes, nor shall a bell, horn or other device to attract customers be used after the hour of 8:00 P.M. of any day.

**3.1.11 Discharge of Water.** No person shall discharge or cause to be discharged ground or surface water collected by mechanical pump within a building or any surface water collected on private property in a manner that would create a hazardous condition or cause damage to a public way or sidewalk. No person shall allow a discharge to continue

for more than ten minutes after being notified to cease by constable, police officer or selectmen.

**RELOCATE TO 2.2.5.5** ~~3.1.12~~ Water Emergencies; violations. The Board of Selectmen, or its designee, shall hereby be authorized to declare water emergencies from time to time as authorized by MGL C. 21G., ss 15, 16 and 17. The purpose of such a declaration is to minimize and conserve water. During such an emergency the following uses of water from the Town's public water system shall be prohibited: all outside external use of water; watering lawns, gardens and shrubbery and other landscape; vehicular washing. Violations of a water emergency shall be fined by the Water & Sewer Division or its designee as follows:

1. Fifty dollars (\$50) for the first offense.
2. One-hundred dollars (\$100) for the second offense.
3. One-hundred dollars (\$100) for each additional offense.

This section only pertains to residences, commercial property and industry served by the Town's water system.

**RELOCATE TO 2.2.5.6** ~~3.1.13~~ Private Ways

**2.2.5.6.1** ~~3.1.13.1~~ Snow and Ice Removal The Town may remove snow and ice from such private ways within its limits for emergency vehicle access in accordance with Massachusetts General Laws and in accordance with regulations or policies issued by the Board of Selectmen. Such snow and ice removal may be limited to those private ways maintained in an acceptable condition and in accordance with standards determined by the Director of Public Works.

**2.2.5.6.2** ~~3.1.13.2~~ Barricades Barricades installed on private ways that serve to deter prompt and appropriate emergency access shall be removed on order of the Fire Chief.

**2.2.5.6.3** ~~3.1.13.3~~ Temporary Repairs The Town may perform temporary repairs to private ways if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations or policies issued by the Board of Selectmen. Said repairs shall be considered necessary to abate the immediate hazard caused by the defect and shall not be considered as maintenance of the private way nor shall the way be considered a public way.

**3.1.12 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.

~~3.1.14~~ **3.1.13** Fines. Whoever violates the provisions of ~~Sub-sections 3.1.1 through 3.1.12~~ **Section 3.1** shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense, unless otherwise provided.

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SECTION 8.2 ENFORCEMENT

8.2.2.4 Police Regulations

A. Grazing Of Animals (Sub-section 3.1.1)

Fine Schedule:  
\$20. per offense

B. Obstructing Public Ways Or Sidewalks (Sub-section 3.1.2)

Fine Schedule:  
~~\$20.~~ **\$50** per offense

C. Carrying Refuse Substances Without Board Of Health Approval (Sub-section 2.5.1)

Enforcement Agent: Health Director and Sanitarian

Fine Schedule:  
~~\$20. per offense~~

**First Offense - \$50**

**Second offense - \$100**

**Third Offense - \$200**

**Fourth and Subsequent Offenses - \$300**

~~D. Leaving Refuse Matter Without Board Of Health License (Sub-section 2.5.2)~~

~~Enforcement Agent: Health Director and Sanitarian~~

~~Fine Schedule:  
\$50. per offense~~

~~E. Sale of Cigarettes by Machine (Sub-section 2.5.3)~~

~~Enforcement Agent: Any member or Agent of the Board of Health~~

~~Fine Schedule:~~

F. Coasting On A Public Way (Sub-section 3.1.3)

Fine Schedule:  
\$20. per offense

G. Driving On A Public Sidewalk or Footpath (Sub-section 3.1.4)

Fine Schedule:  
~~-\$20.~~ **\$50** per offense

H. Riding Bicycles On Sidewalks In Needham Square and The Heights Square Business Districts (Sub-section 3.1.5)

Fine Schedule:  
\$20. per offense

I. Discharging A Firearm (Sub-section 3.1.6)

Fine Schedule:

~~\$35.~~ **\$50** per offense

J. Corner Clearance (Sub-section 2.2.5.1.6)

Enforcement Agent: Town Engineer/Building Inspector

Fine Schedule:

**\$50** ~~\$20.~~ per offense

K. Alcoholic Beverages On Public Property (Sub-sections 3.1.9)

Fine Schedule:

\$50. per offense

L. Licensed Hawkers And Peddlers (Sub-section 3.1.10)

Fine Schedule:

**\$50** ~~\$20.~~ per offense

M. Nighttime Closing Hours (Sub-sections 3.2.1 through 3.2.5)

Fine Schedule:

\$200. per offense

N. Obstructing Fire Lanes (Sub-sections 3.6.1.1 through 3.6.1.3)

Enforcement Agent: Fire Chief/Fire Inspectors

Fine Schedule:

~~\$35.~~ **\$50** per offense

O. Public Carriages (Taxis) (Sub-sections 4.2.1 through 4.2.4)

Fine Schedule:

~~\$35.~~ **\$50** per offense

P. Abandoned Cars (Sub-section 3.5.4 – 3.5.7)

Fine Schedule:

**\$50** ~~\$20.~~ per offense

Q. Discharge of Water (Sub-section 3.1.11)

Fine Schedule:

**\$50** ~~\$20.~~ per offense

R. Snow and Ice on Sidewalks (Sub-Section 3.1.8)

Enforcement Agent: Any DPW Supervisor

Fine Schedule: \$50.00 per offense

**RELOCATE TO 8.2.2.8 C S. Water Emergencies; Violations (Sub-Section 2.2.5.6 3.1.12)**

Enforcement Agent: Any DPW Supervisor

Fine Schedule:

\$50. First offense

\$100. Second offense

\$100. For each additional offense.

**T. S Noise Regulation (Section 3.8.1)**

**Fine Schedule:**

\$0 First offense

\$25. Second offense

\$50. For each additional offense

**U. T. Public Nuisance Regulation (Section 3.9)**

**Fine Schedule:**

\$0 First offense – written warning

\$50. Failure to remedy/cure first offense within thirty (30) days following issuance of the first notice of violation

\$100. Failure to remedy/cure first offense within sixty (60) days following issuance of the first notice of violation

\$10 Additional per diem fine for failure to remedy/cure first offense within seventy-five (75) days following issuance of the first notice of violation, which additional daily fine shall continue until the first offense is fully remedied/cured

\$50. Second offense within the calendar year

\$100. Failure to remedy/cure second offense within thirty (30) days following issuance of the first notice of violation

\$10. Additional per diem fine for failure to remedy/cure second offense within forty-five (45) days following issuance of the first notice of violation, which additional fine shall continue until the second offense is fully remedied/cured

\$100. Third offense within the calendar year

\$200. Failure to remedy/cure third offense within thirty (30) days following issuance of the first notice of violation

\$10. Additional per diem fine for failure to remedy/cure third offense within forty-five (45) days following issuance of the first notice of violation, which additional fine shall continue until the third offense is fully remedied/cured.

**U. Discharge of Bow and Arrow (Section 3.1.12)**

**Fine Schedule:**

**\$50 per offense**

**RELOCATE TO 8.2.2.8 D V. Private Ways (2.2.5.6 3-1-13-2)**

Enforcement Agent: Fire Chief

First Offense \$0

Second Offense \$50.

**8.2.2.8 Board Of Selectmen Regulations**

**A. Regulations Regarding For-Profit Transient Vendors/Businesses; Hawkers and Peddlers; Door to Door Solicitations**

\$25.00 First offense

\$50.00 Each subsequent offense within any twelve month period, each subsequent offense constituting a separate offense. (*Revised Article 70, 2001 A.T.M.*)

**B. Regulations Regarding Trench Safety Authorized by Section 2.2.5.4.4**

Enforcement Agent: Director of Public Works

Fine Schedule: \$100 per offense.

**RELOCATE FROM ~~8.2.2.4 S~~ TO 8.2.2.8 C** Water Emergencies; Violations (Sub-Section **2.2.5.5** ~~3-1-12~~)

Enforcement Agent: Any DPW Supervisor

Fine Schedule:

\$50. First offense

\$100. Second offense

\$100. For each additional offense.

**RELOCATE FROM TO 8.2.2.8 D V.** Private Ways (**2.2.5.6** ~~3-1-13.2~~)

Enforcement Agent: Fire Chief

First Offense \$0

Second Offense \$50.

**Board of Selectmen**

**AGENDA FACT SHEET for 2/28/2012**

**Agenda Item:** Special Town Meeting Warrant

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

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

Attached is a preliminary list of articles to be included in the May 14, 2012 Special Town Meeting Warrant. The Board is scheduled to open the warrant at its March 27, 2012 meeting.

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

**3. BACK UP INFORMATION ATTACHED:**

- a. Preliminary List of Articles for the May 14, 2012 Special Town Meeting Warrant
- b. Proposed Street Banner By-law and Draft Regulations

**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	_____

**Disposition by BOS**

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

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

Preliminary List of Articles  
May 14, 2012 Special Town Meeting Warrant  
2.24.12

1. Zoning/Residential Overlay Mixed Use 128
2. Zoning/Flood Plain Technical Correction (Map Reference)
3. Sign By-law Amendment/Street Banners
4. Unpaid Bills of Prior Years
5. Acquisition of Property
6. Police Union Contract
7. Police Superior Officers Contract
8. Operating Budget Adjustments

## STREET BANNER BY-LAW

### SECTION 5.2 DEFINITIONS

Amend Section 5.2 by adding to the end of the section the following:

Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below.

### SECTION 5.3 ADMINISTRATION

Amend Subsection 5.3.1 by inserting the following words between the words “**Design Review Board.**” And “The review of all sign permit applications”:

“Except for street banners governed, reviewed and approved by the Board of Selectmen pursuant to Subsection 5.3.1.5,”

ADD NEW SUBSECTION 5.3.1.5:

**5.3.1.5 Board of Selectmen.** Street Banners which are placed within the Town right-of-way, spanning public streets and/or in locations authorized by the Board of Selectmen providing notice of a public entertainment or advertising a public, charitable, religious or educational event may be specifically approved by the Board of Selectmen and displayed in locations authorized by the Board of Selectmen for a time period not to exceed fourteen (14) consecutive days before the announced event. No commercial advertising shall be allowed to appear on the street banner. All street banners shall be removed within two business days of the announced event or entertainment. Street Banners shall **NOT** be subject to the sign requirements of Subsections 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, and 5.3.7, and Sections 5.4 and 5.5. The Board of Selectmen may promulgate such regulations regarding street banners as it deems appropriate.

## Town of Needham Board of Selectmen

### Regulations on Street Banner Displays

Pursuant to General By-Laws Subsection 5.3.1.5, effective \_\_\_\_\_, 2012, the following shall be the regulations governing the placement and display of banners over public streets and rights-of-way in the Town of Needham:

1. A permit is required from the Board of Selectmen for the installation of any street banner. Request should be submitted in writing with the name of the event, the sponsoring organization, and the date on which the event is to be held. The Request should also include the name, address and telephone number of a contact person. Approval is subject to space limitations and is granted on a first come first serve basis with priority given to in-Town organizations. If there is a conflict involving the time of placement of two or more banners, then banners promoting or announcing Town events will have priority over all others, including previously approved requests for other activities or events.
2. Banners must be reviewed by the Engineering Department to assure that they can be safely installed and permit air to pass through them to reduce resistance and the possibility of breaking. Banners must be in condition; there may be no ripped eyelets or frayed ropes. Any banners deemed unfit will not be displayed as they could be a traffic and safety hazard.
3. Per the By-Law, no commercial advertising will be allowed to appear on the banner. Banners shall have no partisan political content. The Board of Selectmen reserves the right to refuse permission to hang a banner if it is in questionable taste or condition.
4. The Town takes no responsibility for the storage of banners removed.
5. Banner must comply with all federal, state and local laws and regulations including, but not limited to, safety and fire laws, Town By-Laws and regulations, building codes and sanitary codes. Should a banner not comply with any of the above-referenced laws and regulations, it may be removed immediately by the Town at the expense, if any, of the responsible group or individual.
6. The requester shall be liable to the Town for any and all expense associated with property damage, personal injury or clean-up costs should the Town incur any. The requester shall indemnify and hold the Town harmless from any and all property damage, bodily injury, or damages of any kind caused by the banner display and shall indemnify the Town for any and all attorney fees and costs incurred by the Town in the defense of any legal action against the Town resulting from damage or injury caused by the banner display.
7. Banners will be hung and removed only by Town personnel.

**Board of Selectmen**

**AGENDA FACT SHEET for 02/28/2012**

**Agenda Item:** Committee Reports

**Presenter(s):** Board Discussion

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**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:** \_\_\_\_\_

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**Town of Needham  
Board of Selectmen  
Minutes for February 14, 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, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Handel noted the passing of Jane Howard. He stated she was a respected and valued member of the community who worked on many committees and in Town government for years. He said she will be missed and leaves a large vacancy in our civic life.

7:00 p.m. Public Hearing – NSTAR Petition for Scott Road:

Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 8 feet of conduit at Pole 347/2 on Scott Road, Needham.

**Motion by Mr. Bulian 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.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

7:05 p.m. Public Hearing: Application for a License to Store Propane Fuel Underground at 84 Glendale Road:

Wayne Trindall, Contractor – JBJ Construction appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 84 Glendale Road, Needham. 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.

Mr. Handel opened the public hearing.

Lorraine Russell, 51 Glendale Road said when she purchased her home in the neighborhood it was with great relief that she did not have to deal with issues of gas explosions. She said she takes the potential for gas explosions very seriously, noting an article dated March 15, 2009 documenting a history of gas explosions. She said most accidents are due to human error and there are too many risks.

Paul Buckley, Fire Chief commented there have been no issues in the Town regarding underground propane tanks.

Mr. Matthews commented there are a number of propane installations all over Needham. He said the Board of Selectmen added specific conditions to the basic requirements that are supervised by the fire department. He said he is in support of the application.

Mr. Bulian pointed out homeowners are required to maintain an annual contract for inspection of propane tanks.

Anne McBride, 44 Glendale Road asked the Board consider approving a 500 gallon tank instead of 1,000 gallons.

Chief Buckley said underground tanks are very safe but there is concern with trucks driving through neighborhoods with several thousand gallons of propane. He said he would rather have a larger underground tank, with a license, being inspected annually, instead of a smaller tank that is not inspected.

**Motion by Mr. Wasserman 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.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

7:15 p.m.

Public Hearing – RTS Rates:

Dave Davison, ATM/Finance Director, Richard Merson, Director of Public Works, Jeff Heller, Acting Chair Solid Waste Disposal/Recycling Advisory Committee, Bill Connors, Committee Member, and Pralay Som, Committee Member appeared before the Board.

Mr. Davison said a meeting with the Solid Waste Disposal/Recycling Advisory Committee was held on January 31, 2012 to review the policy on the General Fund Contribution to the Solid Waste Enterprise as described in the policy, the current RTS user rates, and the outlook for FY2013. Mr. Davison said the recommendation to the Board of Selectmen at this time is to increase bag fees by 5 cents per bag, and increase the scale rate by \$5. He said there is no proposal to increase any of the other rates. Mr. Davison said the increase in the bag fee and scale rate is based upon the expected costs for FY2013. Mr. Davison said the Committee is seeking guidance as to the possible next steps in looking at the funding structure of the RTS.

Mr. Wasserman said he prefers delaying the vote until the next Board of Selectmen meeting as he feels a hearing is necessary to inform the public prior to voting.

Mr. Handel asked Mr. Davison to clarify comments concerning the sustainability of the RTS under the current assumptions. He questioned whether there was flexibility in the fees collected to make the RTS sustainable. Mr. Davison said the host of services offered by the RTS and the costs associated with running the enterprise and the contribution based upon the formula is not enough to keep rates at the current level. Mr. Davison said several different revenue approaches require vetting.

Mr. Matthews commented he is satisfied with the proposed schedule allowing for advance notice of a price increase. He said he feels it would be a good thing to return to the previous system where there was a direct property tax contribution to the operation.

Rick Zimbone said he supports the Solid Waste Disposal Advisory Committee's request to review the current funding structure of the RTS as a review of the rates, revenue, and expenses is necessary. He recommends suspending the proposed rate increase until after a study has been completed and suggests a study commence right away.

Mr. Bulian feels an entire review of the revenue and expense structure of the RTS is a great idea.

Ms. Fitzpatrick commented the management of the RTS is stretched pretty thin without a superintendent and suggests waiting until someone is on board before embarking on a study of the RTS rate structure.

Mr. Wasserman said completing a study is extremely important. He commented he is hesitant to go back to the old system because there is a finite amount of money in the operating budget.

Mr. Handel concluded the Board agrees a review of the RTS structure is needed with an RTS Manager in place. He closed the public hearing and announced the matter will be taken up at the next scheduled Board of Selectmen meeting.

8:05 p.m.

Discuss Webster Street Phase 3 Road Rehabilitation Project:

Rick Merson, DPW Director appeared before the Board to discuss the third phase of the overall project from Dedham Avenue to Highland Avenue. Mr. Merson said Phase 3 is work between West Street and Highland Avenue. He said the unique aspect of this section is due to a wider layout and there is a possibility of widening the paved road to accommodate on-street parking on both sides of the road and maintain two-way traffic. He said this would come at the expense of some tree removals and utility locations which would delay the work one season. Mr. Merson suggests inviting the neighborhood to discuss the options prior to having an engineer plan.

Mr. Handel commented neighbors appreciate being informed prior to ideas being set.

Mr. Wasserman asked if there were any 150 year old trees that would be affected. Mr. Merson said there are several trees that would be affected, but none as mature as 150 years old. Mr. Wasserman asked about on-street parking and bike lanes.

8:10 p.m. Traffic Management Committee Update – Webster Street Bicycle Pavement Markings:  
Mr. Merson, DPW Director said the TMAC has been working with members of the Needham Bikes Committee to implement the Bicycle Plan approved in 2000. He said 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, Mr. Merson said “share the road” signage has been installed. Mr. Merson said the use of “sharrows” has been suggested as an alternate marking. He said the TMAC has recommended that a neighborhood meeting be held prior to these markings being painted, and has allowed Needham Bikes to have a public meeting as part of the March or April TMAC meeting.

Mr. Wasserman commented on the importance of educating the public as to what the Town is doing.

Mr. Bulian said the Bike Plan was developed, modified, and continues to evolve. He said he feels the road marking are a good thing, but is interested in getting neighborhood feedback.

Gary Levine, 39 Prospect Street, Needham Bikes Committee said the steps taken by the Town so far have been met with very positive feedback from large groups of cyclists throughout neighboring communities, as well as from Needham cyclists. He said Needham is considered a “gateway community” to healthy cycling throughout the western suburbs.

8:20 p.m. Sale of Alcohol for Consumption off Premises:  
Devra Bailin, Director of Economic Development appeared before the Board with an update 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.

Ms. Bailin referred to the “Report of the Wine Shop Subcommittee to the Council of Economic Advisors” dated January 24, 2012. The report details whether small stores, limited to wine and beer, could be profitable. She commented the report findings were interesting in that the three industry professionals all said that while there is interest and potential for wine, beer, or full package stores in Needham, the industry is “not that profitable”. The report, she concluded, cannot really identify any economic impact from the retail sale of alcohol, unless the existence of the retail presence of such a use serves to provide a synergy to an area. She said a small specialty store in the downtown or Heights might provide a positive impact. Ms. Bailin commented selling wine and beer at grocery stores is a convenience to the customer.

The Board thanked Ms. Bailin for the report.

8:35 p.m. Town Manager:  
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Grant/Loan from MWRA/Subarea 16 and Lower 22

Dave Davison, ATM/Finance Director and Evelyn Poness, Treasurer, reviewed with the Board the award of a grant/loan by the MWRA to the Town for \$401,800. Mr. Davison said the funds will be used to finance a portion of the I/I removal from the Town's sewer system in various sections. He stated that \$180,810 is a direct grant that does not have to be repaid by the Town and the balance of \$220,990 is a five-year zero interest loan with the MWRA.

**Motion by Mr. Wasserman that the sale of the \$220,990 Sewer Bond of the Town dated February 27, 2012, to the Massachusetts Water Resources Authority ("the Authority") is hereby approved and that the Town Manager is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on February 15 of the years and in the principal amounts as follows:**

<b>Year</b>	<b>Installment</b>
2013	\$44,198
2014	44,198
2015	44,198
2016	44,198
2017	44,198

**Move that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.**

**Second: Mr. Bulian. Unanimously approved 4-0.**

2. Extension of Use and Occupancy Agreement/Needham Center

Ms. Fitzpatrick reminded the Board that at its meeting on April 5, 2011, it voted to eliminate commuter parking in Needham Center, with the exception of two HP-designated spaces, and to convert the remaining 34 spaces to 16 permit parking spaces and 18 2-hour spaces. She said the new configuration became effective on July 1, 2012 and the Town's Use and Occupancy Agreement with the MBTA expires on February 28, 2012. Ms. Fitzpatrick said the Town carefully monitored commuter parking lot utilization to determine whether sufficient parking is available at the other train stations. She said there is sufficient parking in the other lots. Ms. Fitzpatrick said the Needham Center permit and retail parking has been well received, with the lot at or near capacity during peak hours. Ms. Fitzpatrick recommends that the Board approve the extension of the Use and Occupancy Agreement with the MBTA.

**Motion by Mr. Bulian that the Board vote to approve the extension of the Use and Occupancy Agreement with the MBTA in accordance with Section 7 of the Agreement.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

3. Accept and Refer Zoning Amendments

Ms. Fitzpatrick told the Board the Planning Board voted to sponsor five zoning change articles on the Annual Town Meeting warrant. She stated one additional article must be included and accepted and referred to the Planning Board: Citizen's Petition: Amend Zoning By-Law – Definition of Structure.

**Motion by Mr. Bulian that the Board vote to accept and refer six proposed zoning articles: 1. Amend Zoning By-law: 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; 5. Amend Zoning By-law: Map Change to Residential Overlay MU-128 District; and 6. Citizen's Petition Amend Zoning By-Law: Definition of a Structure to the Planning Board for review, public hearing, and report.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

4. Close Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board the articles contained in the Annual Town Meeting Warrant. She noted this is the first warrant reflecting a change in the order of articles and said it will be interesting to see how the placement of the articles will affect the flow of Town Meeting.

**Motion by Mr. Bulian 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.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

8:45 p.m. Board Discussion:

1. Committee Reports

Mr. Bulian reported three vendors were selected to make presentations to the Greene's Field Committee. He said two presentations have been received, and the third presentation is scheduled for Thursday, February 16, 2012. Mr. Bulian said the Committee will make a recommendation to the Board of Selectmen on February 28, 2012.

Mr. Wasserman said the Cultural Council is in desperate need of additional volunteers, particularly due to the events of New Year's Needham.

Mr. Handel said the CEA held the first of two seminars discussing with owners, brokers, and developers the status of the mixed use route 128 area/Highland Avenue corridor. He said a second meeting will be held on Wednesday, February 15, 2012 at 8 a.m. at 500 Dedham Avenue.

8:50 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. 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, Two World and In Between: The Best of Caitlin R. Kiernan (\$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, 5 Steps to Your Next Job: A powerful Manual for Job Search and Career Development (\$11.95); Tom Harkins donated a DVD of A Portrait of the Artist as a Young Man (\$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, Simple Perseverance: Stories by Mothers of Adult Children with Developmental Disabilities (\$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, Walking Tours of Civil War Boston: Hub of Abolitionism (\$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.**
- 10. Sign and submit letter supporting the nomination of the Town Hall renovation project for the 2012 Rehabilitation and Restoration Award bestowed by the Massachusetts Historical Commission.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

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=>

8:50 p.m.

Executive Session (Exceptions 3 and 6)

**Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session.**

**Exception 3 – To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares; and**

**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. Bulian. Mr. Handel polled the Board. Unanimously approved 4-0.**

(The meeting adjourned at 9:45 p.m.)

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

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

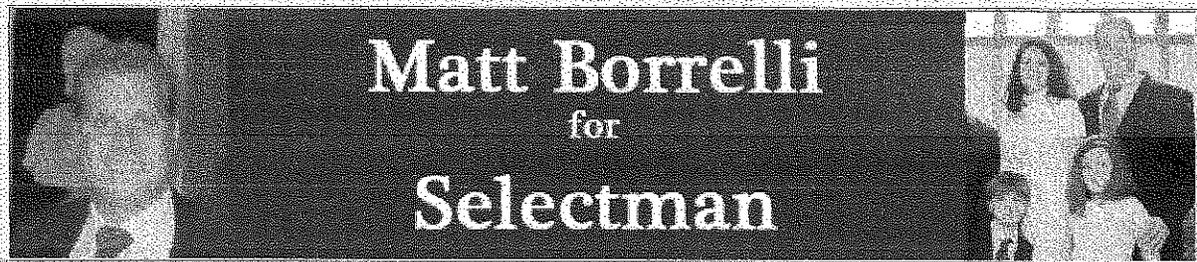
Event Manager Name (Name that will appear on license)	Matthew D. Borrelli		
Event Manager Address	1175 Great Plain Avenue		
Event Manager Phone Number			
Organization Representing (if applicable)	Cleans For Matt Borrelli		
Is the organization (if applicable) you are representing non-profit? If so, please 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	Matt Borrelli for Selectman Kickoff Party		
Date of Event	3/9/12		
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: 5pm	TO: 8pm	
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ 0	/per ticket	<input type="checkbox"/> NO
Is there an admission fee for this event?	<input type="checkbox"/> YES \$	/per ticket	<input checked="" 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 Weston Street, Needham			
Who will be serving the alcohol to your guests?			
Robert Papetti			
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).			
Robert Papetti			
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.			
Purchase Alcohol AT BAR			
<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: <i>[Signature]</i>			Date: 2/21/12

O.K. P.B.

**Alison Borrelli**

**From:** Matt Borrelli for Selectman <mborrelli@borrellilegal.com>  
**Sent:** Monday, February 20, 2012 10:00 PM  
**To:** alisonborrelli@gmail.com  
**Subject:** Matt Borrelli for Selectman Kick-off Party - 3/9/12 at 5pm

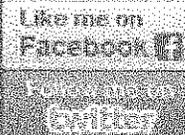
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## Campaign Kick-Off Party!

### Matt Kicks Off his Campaign for Needham Selectman!

Join Matt as he kicks off his campaign! The rally and open house immediately following will be held on March 9th at the Needham Village Club beginning at 5:00pm. Children welcome.

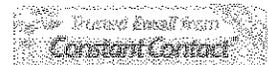
Meet Matt and share your thoughts, questions or concerns. This event is open to the public so please share this invitation with your friends!

Date: Friday, March 9th  
Time: 5pm - 8pm  
Location: Needham Village Club, 83 Morton Street, Needham  
RSVP: <http://mattborrellikickoff.eventbrite.com/>

Citizens for Matt Borrelli  
1175 Great Plain Avenue, Needham, MA 02462  
[www.mattborrelli.com](http://www.mattborrelli.com)

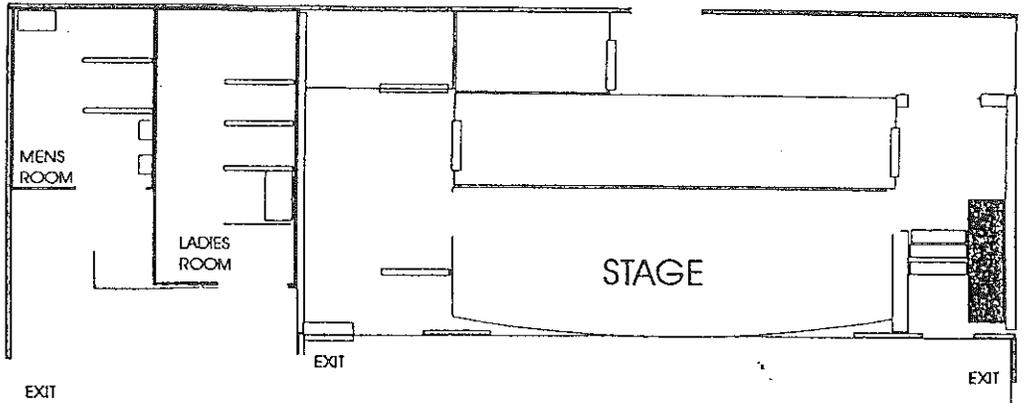
**Forward this email**

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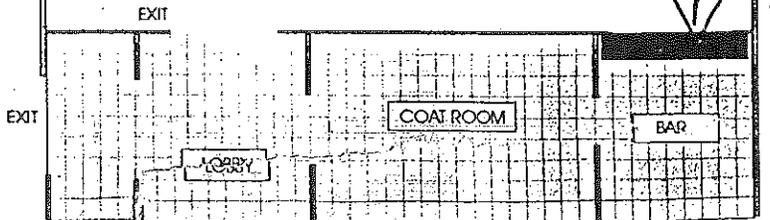
Try it FREE today.

This email was sent to alisonborrelli@gmail.com by [mborrelli@borrellilegal.com](mailto:mborrelli@borrellilegal.com) | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
Matt Borrelli for Selectman | 1175 Great Plain Avenue | Needham | MA | 02492



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

HIGHLANDVILLE  
HALL  
60' X 40'



ALL ALCOHOL SERVED HERE

CERTIFICATION NUMBER:

67035

ALCOHOL INTERVENTION METHODS  
CERTIFIES:

*ROBERT H. PAPETTI*

CAMPBELL TRENT  
508-756-8542

EXPIRES:  
APR 10 2013



53 Coulton Park. Needham, MA 02492

RECEIVED  
TOWN OF NEEDHAM  
BOARD OF SELECTMEN  
2011 DEC -5 P 3:03

December 1, 2011

Board of Selectmen, Town of Needham

Dear Selectmen,

I am writing to request your consent for the use of public roads in connection with the 22nd running of the **Great Bear Run** on Sunday, May 6, 2012. It is once again to be hosted on the grounds of the Pollard Middle School, for which the school department has issued us a permit.

We will have a need to close down parts of Harris Avenue between 10:00 AM and 2:45 pm . The span of Harris Ave in which we must close runs for varying lengths depending on the specific event in progress (between Bradford and Eaton for the children's events and between Bradford and Fair Oaks for the 1 Mile Run / Walk) Other roads used for the extended race course (5K) include Great Plain Ave to South Street to Dedham Ave and Bradford Street. We deploy road marshals along these parts of the course, with a lead police escort.

MORE ON THE GREAT BEAR RUN OF NEEDHAM....

Last year, the race involved roughly 900 participants.

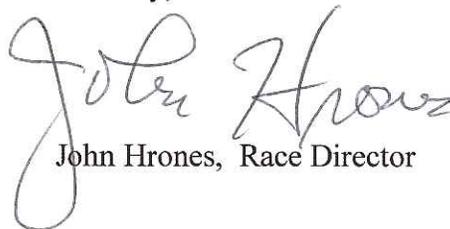
**The race will include a Prostate Cancer Walk – and all proceeds from the Great Bear Run will benefit the Prostate Cancer cause.**

For the past ten years, this race has been recognized in the "They're the Best" (top 50) road races in the New England / New York area by New England Runner magazine in company with many prestigious races. The unique quality of The Great Bear Run is that its emphasis is on entire families participating.

The Needham Track Club appreciates the support we've received from the school system, and public works department in past races. *As always, we invite any and all town officials to come to the race as special guests.* There are plenty of races that can use a distinguished VIP at the starting line, or hand to distribute awards at the finish line !

I await your response to my request for use of public roads on May 6<sup>th</sup>, 2012.

Sincerely,

  
John Hrones, Race Director

cc. Chief of Police, Needham

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**MEMORANDUM**

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**TO:** Rick Merson, DPW ✓  
Chief Phil Droney, Police ✓  
Lt. John Schlittler, Police ✓  
Chief Paul Buckley, Fire ✓  
Patty Carey, Park & Recreation ✓

**FROM:** Nikki Witham *Nikki*

**SUBJECT:** Great Bear Run

**DATE:** 12/12/2011

Our office received a letter from John Hrones of Needham Track Club, requesting consent to hold the 22<sup>nd</sup> running of the Great Bear Run road race on May 6, 2012. Event details are included in the attached letter.

As per our general process for granting permission for events, please review the details and return to our office your concerns or approval of allowing this event.

Please have your response back to me (email is fine) by Friday, January 13, 2012. If that date is not possible, please let me know what is more reasonable for you.

Thanks in advance for your anticipated cooperation.

Rick ✓  
Patty ✓  
Police ✓

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

<b>Name of Organization:</b> Middle School PTC + Needham SEPAC (Community Week Committee)	
<b>Organization Mailing Address:</b> Pollard Middle School 200 Harris Ave.	
<b>Primary Contact:</b> Tee Stock	<b>Contact Title:</b> event organizer, parent
<b>Contact Address:</b> 49 Hillcrest Rd	
<b>Contact Phone (Day):</b> 781-444-4528	<b>Contact Phone (Cell):</b> 781-690-0881
<b>Contact Email:</b> edandtee@cron.com	
<b>Event Date(s):</b> 4/28/12 Saturday	<b>Date Expected to be in Needham:</b> 4/28/12
<b>Earliest Time Expected in Needham:</b> 11 am start	<b>Latest Time Expected in Needham:</b> 12 am finish
<b>Number of Expected Participants:</b> 150	<b>Number of Expected Spectators at Peak Time:</b> 11:00 am → 50-70 spectators
<b>Is event for-profit or not-for-profit?</b> not for profit	<b>Are participants charged a fee?</b> NO

special  
education  
Parent  
Advisory  
Committee

<b>Estimated Number of Vehicles:</b> 50	<b>What type of Parking is needed:</b> on street (Harris) + Pollard lot
<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> will still take place	
<b>Are there other events that take place at the same time as this one, just before or just after this event?</b> just after - band "Plugged In" (teen band) will perform at Pollard	
<b>Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked:</b> Expect 2 hrs of parking in Pollard lots and on Harris street	
<b>Will neighborhoods be impacted by parking and traffic?</b> Pollard	
<b>What activities are planned for the start of the race (if in Needham)?</b> Tables set up at Pollard from local organizations and refreshments	
<b>What activities are planned for the end of the race (if in Needham)?</b> Teen Band will play for 1 hr	
<b>What facilities are needed for the start of the race (if in Needham)?</b> access to Pollard bathrooms	
<b>What facilities are needed for the end of the race (if in Needham)?</b> same	
<b>Once the event begins, how long will it take to complete the event?</b> 1 hr at most	

<b>Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?</b>	Yes - committee will make signs
<b>Will volunteers be placed along the route?</b>	if needed. not sure needed at this time
<b>Will you be using a sound system? If yes, please describe where and when it will be used.</b>	only for band at Pollard
<b>Will there be any food served?</b>	yes pizza + water
<b>Will portable toilets be used?</b>	no
<b>Will hydration stops be set up along route? If yes, please include these on route plan.</b>	no only at start
<b>If the event takes place after dark, what is the plan to meet lighting needs?</b>	N/a
<b>What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?</b>	Will have first aid kit available
<b>Does the event take place during commuter times?</b>	N/a
<b>Is school in session during the event? Will school drop off or pick up be impacted by the event?</b>	N/a
<b>Are businesses open during the time of the event?</b>	yes but not relevant
<b>Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)</b>	may walk along great plain by businesses
<b>Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?</b>	N/a
<b>What is the plan to handle trash?</b>	Committee will take it or deposit it in Pollard dumpster
<b>Please attach event route map, include map and text of route.</b>	

**The Walk for Respect 4/28/12 11am**

Proposed route is beginning at Pollard School on Harris Ave.

Left on Harris from Pollard

Right on Dedham Ave

Left on Great Plain

Left on Linden

Right into High Rock School driveway and then reverse back to Pollard.

Total distance = 2.12 miles roundtrip

We will stay on side walks and use crosswalks

Thank you

Tee Stock

781-444-4528

Email: [edandtee@rcn.com](mailto:edandtee@rcn.com)

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