

BOARD OF SELECTMEN

February 23, 2016

Needham Town Hall

Agenda

Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.

	6:45	<p>Informal Meeting with Citizens</p> <p><i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i></p>
1.	7:00	<p>Public Hearing- Eversource: Enslin Road</p> <ul style="list-style-type: none"> • Maureen Carroll, Eversource representative
2.	7:00	<p>Newly Appointed Firefighters</p> <ul style="list-style-type: none"> • Dennis Condon, Fire Chief
3.	7:05	<p>Introduction of New Director of Veterans Services</p> <ul style="list-style-type: none"> • Christopher Coleman, Assistant Town Manager/Operations
4.	7:10	<p>Major Trails Projects 2015</p> <ul style="list-style-type: none"> • Matt Varrell, Director of Conservation
5.	7:20	<p>Town Manager</p> <ul style="list-style-type: none"> • An Act to Modernize Municipal Finance and Government
6.	7:30	<p>Board Discussion</p> <ul style="list-style-type: none"> • Close Ascertainment Hearing – Verizon • Board Goal Update • Committee Reports

APPOINTMENTS

1.	PPBC User Representatives for Public Safety Building Feasibility Study	Dennis Condon (indefinite) John Schlittler (indefinite)
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CONSENT AGENDA *=Backup attached

1.*	Sign the Warrant for the Annual Town Election Warrant scheduled for April 12, 2016.
2.	Approve NBA's request for "meter free" parking in the downtown and the Heights for Saturday's in March as part of the "March into Spring" campaign.
3.	Approve a request from the Exchange Club of Needham to sponsor 4 th of July fireworks on Sunday, July 3, 2016 (rain date of July 4, 2016) and activities on Sunday, July 3, 2016, and Monday, July 4, 2016. Activities on the 4 th will include a Flag Raising on the Town Common, the Grand Parade, a 5K road race, the Crafts Fair/Flea Market, and athletic competitions for younger children. Coordination of all additional activities will be made with appropriate Town Departments.
4.*	Approve minutes of January 26, 2016, February 9, 2016, and February 10, 2016 Open

session meetings; and January 26, 2016 and February 9, 2016 Executive session meeting minutes.

5. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Brooks Goddard	50 Otis Street	Otis St. between Manning & Webster	5/15/16	5/22/16	12PM-3PM



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 02/23/2016

Agenda Item	Public Hearing- Eversource Energy: 25 Enslin Road
Presenter(s)	Maureen Carroll, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<p>Eversource Energy requests permission to install about 7 feet of conduit from pole 365/3. This work is necessary to provide underground electric service to 25 Enslin Road, Needham.</p> <p>The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's 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.</p>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<p><u>Suggested Motion:</u></p> <p>Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install about 7 feet of conduit from pole 365/3. This work is necessary to provide underground electric service to 25 Enslin Road, Needham.</p>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
<p>(Describe backup below)</p> <ul style="list-style-type: none"> a. Letter of Application b. Petition c. Order d. Petition Plan e. Notice Sent to Abutters f. List of Abutters 			

Revised



200 Calvary Street
Waltham, Ma 02453

January 28, 2016

RECEIVED

FEB - 3 2016

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

PUBLIC WORKS DEPT.
NEEDHAM, MA

RE: 25 Enslin Road
Needham, MA
W.O. #2116583

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install about 7 feet of conduit from pole 365/3.

This work is necessary to provide underground electric service to 25 Enslin Road, Needham.

If you have any further questions, contact Maureen Carroll @ (781) 314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

William D. Lemos, Supervisor
Rights and Permits

OK to proceed
Myer, DPW Engineer
2/10/16
OK R. P. Morrison
DPW Director
2/10/16

WDL/kj
Attachments
Revised

**PETITION OF NSTAR ELECTRIC D/B/A EVERSOURCE ENERGY COMPANY
FOR LOCATION FOR CONDUITS AND MANHOLES**

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

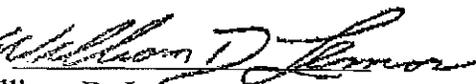
Respectfully represents **Nstar Electric D/B/A Eversource Energy Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated January 27, 2016**, and filed herewith, under the following public way or ways of said Town:

**Enslin Road – Northerly from pole 365/3 approximately 280± feet west of
Greendale Avenue about 7 feet of conduit**

(WO: 2116583)

EVERYSOURCE ENERGY COMPANY

BY 
William D. Lemos
Rights & Permits, Supervisor

Dated this 27th Day of January, 2016

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2016

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC D/B/A EVERSOURCE ENERGY 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 D/B/A EVERSOURCE ENERGY 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:

Enslin Road – Northerly from pole 365/3 approximately 280± feet west of Greendale Avenue about 7 feet of conduit

WO: (2116583)

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 January 27, 2016** 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 _____ Board of Selectmen
3 _____ the Town of
4 _____ **NEEDHAM**
5 _____

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 _____ day of _____ 2016 at _____ in said Town.

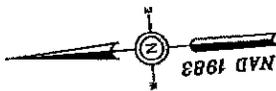
1 _____
2 _____ Board of Selectmen
3 _____ the Town of
4 _____ **NEEDHAM**
5 _____

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 _____, 2016 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

S:\SHARE\DIG\IMAGE\ENSLIN\ENSLIN.AAA.dwg



ENSLIN RD

#31

#25

#19

PROPOSED HH

CONCRETE SIDEWALK

CURB

GREENDALE AVE

280'±

CURB

CONCRETE SIDEWALK

#36

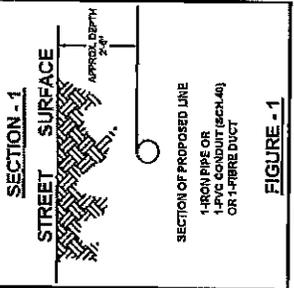
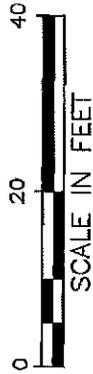
#28

#18

365/3

CUSTOMER TO INSTALL
1-2" PVC PIPES
SCH. 40 NO CONC.

7'±



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARTNERS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY, THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR DAMAGE OF ANY KIND OR NATURE, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, IN CONNECTION WITH THIS INFORMATION OR IN CONNECTION WITH THE RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION. CLAIMS FOR DAMAGES OR OTHER REMEDIES ARE LIMITED TO THE EXTENT OF THE INFORMATION OR USE OF THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	
Ward #	
Work Order #	2118583
Surveyed by:	N/A
Research by:	NEEDHAM
Plotted by:	BS
Proposed Structures:	MR
Approved:	A. DEBENEDICTIS
P#	
Scale	1"=20'
Date	1/27/2016
SHEET	1 of 1

NSTAR EVERSOURCE
 ELECTRIC
 GAS
 1765 MASSACHUSETTS AVE, DORCHESTER, MASS. 02125

Plan of ENSLIN RD
 Showing PROPOSED CUSTOMER CONDUIT LOCATION



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 23, 2016** upon petition of Eversource Energy dated **January 27, 2016, 2016** to install about 7 feet of conduit from pole 365/3. This work is necessary to provide underground electric service at 25 Enslin Road, Needham.

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Eversource Energy representative, Maureen Carroll, at 781-314-5053.

Maurice P. Handel
Matthew D. Borrelli
Marianne B. Cooley
Daniel P. Matthews
John A. Bulian

BOARD OF SELECTMEN

Dated: February 11, 2016

25 ENSLIN ROAD

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP	PARCEL ID	PROPERTY ADDRESS
LYNCH, JOHN E. & SUSAN E.	C/O BELENKIY, ROMAN & SIMANOVICH MARINA	19 ENSLIN RD	NEEDHAM	MA	02492	1990140001600000	19 ENSLIN RD
WASSELL, MARGARET T.	C/O CMI PROPERTIES CORPORATION	24 BROW AVE	BRAINTREE	MA	02184	1990140001700000	25 ENSLIN RD
CUSHMAN, JEFFREY		28 ENSLIN RD	NEEDHAM	MA	02492	1990140002500000	28 ENSLIN RD
BLACKBURN, DAVID G. & WU, XIAODONG &	BLACKBURN, LAURA ASINAS	32 BARBARA RD	NEEDHAM	MA	02492	1990140000500000	32 BARBARA RD
ALLEN, DUNCAN W. + CUMMINGS, SUSAN B.	CHEN, JIE	36 ENSLIN RD	NEEDHAM	MA	02492	1990140002400000	36 ENSLIN RD
LEWIS, JOSHUA M. &	ALLEN, JO-ANNE	31 ENSLIN RD	NEEDHAM	MA	02492	1990140001800000	31 ENSLIN RD
	LEWIS, DANA F.	18 ENSLIN RD	NEEDHAM	MA	02492	1990140002600000	18 ENSLIN RD
		26 BARBARA RD	NEEDHAM	MA	02492	1990140000600000	26 BARBARA RD

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
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	Introduce Firefighters
Presenter(s)	Dennis Condon, Fire Chief

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Chief Condon will introduce newly promoted firefighters: Deputy Fire Chief Matthew Dooher, Captain Peter Vigliano, and Lieutenant Patrick Muir.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	(Describe backup below)		
	a. Resumes		



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	Introduce Director of Veterans Services
Presenter(s)	Christopher Coleman, Assistant Town Manager/Operations

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Mr. Coleman will introduce the new Director of Veterans Services for the West Suburban Veterans District, Ms. Sarada Kalpee. The West Suburban Veterans District is comprised of the communities of Needham, Wellesley, Weston and Wayland.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	(Describe backup below)		



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	Major Trails Projects 2015
Presenter(s)	Matthew Varrell, Director of Conservation

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Mr. Varrell will present and provide narrative for a video on the major trails projects from 2015.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	An Act to Modernize Municipal Finance & Government
Presenter(s)	Kate Fitzpatrick, Town Manager David Davison, Assistant Town Manager/Finance Christopher Coleman, Assistant Town Manager/Operations

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<p>The Town Manager and Assistant Town Managers will discuss with the Board the legislation filed by Governor Baker to modernize many financial and operational functions of cities and towns.</p>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
<p>a. An Act to Modernize Municipal Finance and Government – Section by Section Summary</p>			

An Act to Modernize Municipal Finance and Government

Section by Section Summary

Municipal Procurement 1 (1-3, 6-7, 9-12) – These sections amend the “horizontal” construction procurement statute, c. 30, § 39M, to increase the dollar threshold for contracts requiring less-than-full competitive bidding from \$10K to \$50K. They also make procurement methods consistent with other construction and municipal procurement statutes by adding a “middle tier” of contracts valued at between \$10-50K, for which public entities may either give public notification of the contract or use OSD statewide contracts or other “blanket” contracts to solicit a minimum of three bids. Finally, these sections make conforming changes to dollar thresholds for existing exemptions under c. 30, § 39M, and the municipal procurement statute, c. 30B.

Municipal Procurement 2 (4, 226) – These sections create exemptions from construction bidding for contracts for the “installation, repair and maintenance of telecommunication and data cabling and wiring; telecommunication, security, audiovisual and computer equipment; and carpeting.” These sections require that such contracts be procured through OSD statewide contracts, but preserve the discretion of public entities to follow construction procurement rules, if it is in the “best interest” of the project (*e.g.*, if such work is part of a larger construction project).

Exemptions from Uniform Procurement (5) – This section removes the existing exemption from the municipal procurement statute, c. 30B, for contracts for bank services that are subject to the maintenance of a compensating balance. The exemption for bank services subject to a compensating balance is removed because municipalities are otherwise subject to c. 30B rules for other types of banking services. This is also consistent with loosening state oversight of such agreements, as described in sections 85-87.

Procurement Advertising (8, 229) – This section modifies the public advertising requirements for contracts awarded under the competitive bidding provisions of c. 30B, the municipal procurement statute, and c. 149, the “vertical” construction bidding statute, to permit advertising on the COMMBUYS system, rather than through costly newspapers.

Retiree Health Cost Sharing (13) – This section repeals the requirement in c. 32B, § 9A½ that a municipality be reimbursed in full, in the event a retired municipal employee or beneficiary receives healthcare premium contributions under circumstances in which a portion of the retiree’s creditable service is attributable to service in another municipality. This legislation was enacted in 2010 with municipal support, but has proven to be unworkable in practice.

OPEB Trust Fund (14, 239) – These sections permits governmental units—defined broadly to include any political subdivision of the Commonwealth and housing authorities, redevelopment

authorities, regional councils of government, regional school districts and educational collaboratives—to establish an OPEB trust fund that complies with the legal requirements for trusts and with GASB. This change is necessary to clarify current language, which only authorizes a reserve/stabilization fund for retiree health insurance purposes. These sections also make clear that any OPEB fund created prior to the effective date of this act will continue unless the governmental unit re-accepts the provisions of this act.

County Borrowing Tech Correction (15) – This section permits counties to borrow money for emergency purposes upon approval by the municipal finance oversight board, and not (as is currently required) a board composed of the attorney general, the state treasurer and the director of accounts (within DLS).

Supervision of County Government 1 (16) – This section repeals provisions of the county finance statute that require DLS to review the accounts of county treasurers and other offices receiving money payable to the counties, prescribe accounting standards and provide technical assistance, and submit annual reports on county accounts to the Governor and Legislature. DLS does not perform these functions for any remaining county governments.

Supervision of County Government 2 (17) – This section repeals the provision of the county finance statute that requires DLS to submit county employee classification and compensation plans to county personnel boards, and to advise county commissioners and personnel boards on employment matters. DLS does not perform these functions for any remaining county governments.

Local Advertising 1 (18) – This section modifies the public notice requirement for town warrants, which are required for every town meeting or election, to permit municipalities to post notice in any manner prescribed or approved under the Open Meeting Law, rather than through bylaw or attorney general approval as is currently required. The Open Meeting Law requires meeting notices to be posted in a manner “conspicuously visible” at all hours, or in another manner prescribed or approved by the attorney general (such as on the town’s website).

Rental Revolving Fund (19) – This section allows cities and towns to create a revolving fund for proceeds from rental of surplus non-school properties, and authorizes expenditures without appropriation for upkeep of such properties. This is an expansion of current law, which authorizes a revolving fund only for the rental of surplus school properties.

City Reserve Funds (20) – This section increases the amount that cities may appropriate, as a reserve fund for extraordinary or unforeseen expenditures, from 3% to 5% of the tax levy for the preceding fiscal year. The 5% level conforms to that currently authorized for towns and districts.

Stabilization Funds 1 (21) – This section amends current law, which allows municipalities to create one or more stabilization funds, by permitting appropriations into the fund by majority vote and permitting the municipality, without appropriation, to dedicate all or a portion of

particular revenue streams to the fund. This section also eliminates the cap on the amount reserved (10% of the prior year property tax levy), but retains the requirement to obtain a 2/3 vote to make appropriations from the fund.

Parking Local Acceptance (22-24) – These sections allow revenue generated from parking meters to revert to the city or town’s general fund, unless specifically accepted by the city or town to be accounted for in a separate fund.

Local Advertising 2 (25-29, 36-39) – These sections amend the public notice requirements for zoning by-laws or amendments, as well as associated public hearings notices. Current law requires posting of a recently approved zoning by-law or proposed amendment in a town bulletin or pamphlet in several locations in the town, or publication in costly newspapers; cities are required to publish in newspapers. Public hearing notices must be published in newspapers and posted at the city or town hall. These sections permit cities and towns to post all zoning-related notices in any manner prescribed or approved under the Open Meeting Law.

Collection Liens Non-Resident (30, 184) – There is a common statutory scheme that lets municipalities and districts, by local option, establish liens when customers of municipal utility services – gas, electricity, steam, water and sewer – do not pay user charges when due. Lighting plants, water departments and sewer departments often provide utility services to ratepayers living in neighboring communities. However, only lighting plants may impose liens for customers located in those municipalities. This section extends that option to municipalities and districts that provide water and sewer services to customers outside their borders.

Certification of Local Property Assessments (31-32, 243) – These sections decrease the frequency with which DOR must certify that local property assessments reflect fair cash valuation from every three years to every five years. The certification is a condition of approving the municipality’s property classifications for purposes of allocating responsibility for the local tax levy. This change would take effect for the fiscal years starting on or after July 1, 2017.

Collections Taxpayer Good Standing (33-34) – These sections permit municipalities to deny local licenses and permits to any taxpayer who has neglected or refused to pay local taxes and who has not filed a good faith application for an abatement. Current law permits this collection method, but only if the taxpayer has been delinquent for at least one year. This change is intended to allow municipalities to mirror a “good standing” requirement for licensure under their implementation by-law or ordinance.

Municipal Fines Lien Collection (35) – This section amends current law, which permits a municipality to impose a lien on real property for unpaid local charges or fees, to permit a lien for unpaid fines. Consistent with current law, such unpaid amounts may be certified to the local assessors to be added to property taxes for collection. This section would have the effect of adding this method of collection for fines that are unpaid by persons who own real estate.

Water and Sewer Commissions (40-41) – These sections make a technical correction to the methods of local acceptance of statutory provisions creating local water and sewer commissions, by referencing the methods of local acceptance in c. 4, § 4, and clarifying that a water and sewer commission is an independent body politic. These sections also permit the commissions that enter into agreements with municipalities to have liens added to city or town tax bills and collected by the tax collector, rather than by the commissions.

District Improvement Financing (42-47) – These sections amend the district improvement financing statutes so that the “DIF” reserved for debt service and project costs equals the new property tax revenue generated by new development and added to the community’s levy limit as new growth under Proposition 2½. They also clarify that the requirement to reserve tax increment funds ends when monies are set aside to pay all debt service. The formula in the law is based on models used in other states that do not have levy limitations or require tax rate recalculation based on current values, i.e., where valuation increases generate additional revenue. For this reason, the tax increment is very difficult for local assessors to calculate and more importantly does not actually reflect the new property tax revenue generated by the project.

Fine Collection (48) – Revises municipal enforcement authority over violations of municipal housing, sanitary and ice removal requirements, by allowing the municipality to impose a lien on the related property, using the same procedures used for liens on real property for any unpaid local charge or fee.

Combine Treasurer Collector (49, 50) – These sections would allow municipalities to combine their treasurers and tax collectors into one appointed position without first obtaining a special act.

Town Administrator Term (51) – Increases the allowable term for an executive secretary or town administrator to serve, up to five years.

Appoint/Remove Finance Officers (52) – This section repeals three sections under which the Department of Revenue (DOR) may appoint, approve the appointment of or remove local finance officers (assessors, collectors, deputy collectors and treasurers) for non-performance. The statutes date back to a different era and are outdated given changes in the governance and operation of municipal finance offices. Responsibility and accountability for the performance of these officials belongs with the local appointing authority or the voters. Also, DOR has no record of exercising these functions in years, if ever.

Direct Deposit (53) – This section authorizes any city or town which accepts the section to require the use of direct deposit to pay employees.

Approval Bills Warrants (54, 55) – Allows multi-member boards, committee, commissions heading departments, including boards of selectmen, to designate one of its members, to review and approve bills or payment warrants, with a report provided at the next meeting. Currently, a

board or committee heading a department may delegate authority to approve payrolls to a member and a regional school committee may designate a subcommittee to approve bills and payrolls with a report to the next meeting of full committee. Absent a charter or special act, boards and committees must approve bills or payment warrants by majority vote at a meeting subject to the Open Meeting Law.

Compensation District Assessor (56) – Removes the DOR Commissioner’s role as mediator if a dispute arises about the amount annually appropriated for the salaries and compensations of assessors and tax collectors in tax levying districts.

Injured on Duty Fund (57) – Allows municipalities to create, appropriate money to and expend from a special injury leave indemnity fund for payment of police officer and firefighter injury leave compensation or medical bills, rather than charging them to current departmental appropriations.

CEO Charter Initiate (58, 59) – Allows selectmen or mayors to initiate movement to optional forms of municipal administration by a charter commission. This will provide flexibility in initiating governance changes, all of which require a referendum as a charter change. Currently, a citizens’ petition process is the only avenue to initiate a charter commission.

Debt Purposes (60, 62-63, 172) – These sections modernize and simplify the current laws that authorize cities, towns and districts to borrow by consolidating, updating and restructuring the allowable borrowing purposes. Also allows borrowing for a court judgment for more than 1 year if approved by the Municipal Finance Oversight Board.

Grant Anticipation Notes (61) – Broadens current law to allow municipalities to borrow in advance of any state or federal grant – advance or reimbursable. This updates the statute to add federal grants and reflect changes in state grant administration, as fewer advance grants that can be spent without appropriation are being made.

Ten Year BANs (64) – Amends current law to allow 10 year bond anticipation notes (BANs) with the same required principal paydown as current law, to provide treasurers greater flexibility in structuring debt, particularly for smaller purchases or projects.

Refunding Bonds (65, 67) – Allows final payment (of the original debt schedule) to be made no later than 6/30 of the fiscal year payment otherwise due, instead of annual anniversary of prior payments. Also, amends current law to allow with a finding by the mayor/manager/select-board that refunding is necessary for federal tax compliance purposes. This section also makes a technical change to the refunding procedures and payment schedule – allowing first principal payment of refunding bonds to be due no later than 6/30 of the fiscal year the payment would have otherwise been due, e.g., instead of 11/1 or 5/1. The payment still must be in the same fiscal year and cannot be deferred to another fiscal year.

Bond Premiums and Surplus Proceeds (66) – Amends current law by providing communities with a choice regarding how to treat bond premiums (net of issuance costs). Communities will be able to either apply it to the issuance, thereby reducing the amount needed to borrow, or place it in a separate fund and appropriate it for a capital project. It also amends current law by increasing the amount of surplus bond proceeds that can be applied to debt service from \$1,000 to \$50,000.

Lease Purchase (68) – Establishes a procedure governing the use of tax-exempt lease-purchase financing agreements (TELPs) by municipal departments and allows borrowing to pay off a TELP if it would result in interest savings.

Eliminate Debt Report (69) – Eliminates the requirement that the municipal treasurer notify the director of accounts when a payment is made. This eliminates the need to notify of duplicative information, as the annual year-end statement of indebtedness shows changes in debt levels over the course of the year.

Emergency Spending (70) – Amends current law to provide for automatic approval of payment for liabilities incurred as a result of emergencies and disasters, when the Governor declares a state of emergency.

Court Judgments (71, 72) – Amends current law to allow payment without appropriation of final court judgments and other final adjudicatory claims with municipal counsel certification. Currently, such payments over \$10K, require the approval of the director of accounts. Further, amends the statute to reflect the current operating environment where obligations to make immediate payments based on various legal claims now are just as likely to result from decisions of administrative agencies rather than just court judgments.

Snow and Ice Removal (73) – Eliminates prior approval for deficit spending for snow and ice removal by the council/selectboard; and alternatively, requires only that the chief administrative office of the municipality authorize deficit spending.

Year End Transfers (74, 75) – These sections eliminate the limits on types and amounts of appropriation transfers that can be made by the selectmen with finance committee approval at end of year. This would allow end-of-fiscal-year transfers from health insurance, debt service or other unclassified/non-departmental line item appropriation and eliminate a cap of 3% on the amount that may be transferred from any department (school and light department line items remain exempt from this procedure). Eliminating the cap on transfers will provide for greater flexibility in avoiding deficits and eliminate the need for additional town meetings by July 15 for minor transfers.

Director Powers (76-81, 174, 205) – These sections make several updates to statutes governing municipal audit and accounting systems to reflect the current focus of state oversight on establishing uniform accounting and reporting standards, ensuring periodic audits and instituting

best practices based on end of year reports, local management reviews and DLS reviews of cities, towns and special purpose districts. These changes are made through repealing or amending a number of statutes that have not been updated in years and still reflect the original mission of the Bureau of Accounts to install accounting systems, conduct financial and forensic audits and investigations of cities, towns and districts.

Insurance/ Restitution Funds (82) – This section amends the statute that requires all municipal receipts to be deposited to the general fund and be appropriated. This current statute includes several exceptions that allow certain receipts to be spent without appropriation for particular purposes, including insurance and restitution proceeds. This section increases the amount that may be spent without appropriation to restore or replace the damaged property from \$20,000 to \$150,000 and updates the lost or damaged school book and materials restitution exception to include electronic devices and equipment provided to students.

Grant Available Fund (83) – Makes all reimbursable grants from federal or state government available for appropriation once approved by the granting agency. The proposed amendment eliminates the need for the Director of Account’s approval in future bond bills for G.L. c. 90 grant funds and broadens the immediate availability of other reimbursable grants for expenditure.

Departmental Revolving Fund (84, 85) – These sections amend the revolving funds statutes to provide more flexibility by eliminating the departmental per fund and total fund caps, broadening the types of departmental receipts which funds can be established, and allowing revolving funds to be established by bylaw or ordinance. These sections also repeal the statute that governs revolving funds for parks and recreation program fees, as this separate statute is not necessary under our proposal to increase departmental flexibility over revolving funds.

Compensating Balance (86-88) – These sections remove DOR’s role in prescribing types of services and in receiving reports on municipal agreements with banking institutions for “compensating balance” agreements. However, these sections still require that the treasurer or collector of a municipality produce the report and submit to local officials and the inspector general.

Refundable Consulting Fees (89) – Current law allows consultant fees imposed by certain municipal permitting boards to pay the costs of their reviewing applications for permits or licenses, including zoning special permits, subdivision control, comprehensive permits, board of health permits, and conservation commission permits. The statute allows the board to spend the fees for consulting services, and if monies remain after the board makes its determination, to refund them to the applicant, without appropriation. This amendment would expand the use of special funds to include consulting fees charged by any municipal officer (for example, building inspector) or board with permitting authority where the imposition of fees for outside consultants is established by its own rule-making authority (if any), statute, ordinance or by-law.

Performance Deposits (90) – This section adds a provision that would allow municipalities to set up escrow accounts for refundable cash performance deposits and set standards for administration, investment and expenditure upon default.

Special Events Fund / Mitigation & Permitting/ Betterment Reserve (91) – This section amends or adds three special revenue funds, The first broadens the municipal celebration fund to include any special event (anniversary celebrations). The second specifically reserves betterment and special assessment revenue for appropriation for the payment of debt service on any bonds issued to finance the improvements for which the betterments were assessed. The third allows mitigation or other monies deriving from, or in connection with, an agreement or licensure or permitting obligation to be reserved and spent for the purposes for which they were received.

Revenue Cash Investment (92) – Amends current law to permit investment in certificates of deposit (CDs) for up to 3 years, an increase from the current no longer than 1 year requirement. This change also addresses an ambiguity in the statute as to whether a 1 year limit applies to these investments or solely to investments in United States treasury bonds. It would give treasurers more flexibility in investing short-term for better rates.

Penalty Electronic Payments (93, 94) – These sections amend the process for appealing penalties imposed on individuals who tender a check for local fees with insufficient funds, requiring the individual to appeal at the local level, rather than with the DOR Commissioner. It further amends the statute to cover electronic payments that are made with insufficient funds.

CPA Surcharge Exemptions (95) – This section sets a deadline for taxpayer applications for exemptions from the statutory surcharge on real property under the Community Preservation Act. The deadline is the same as that for other types of applications for local tax exemptions, and provisions are also made for appeals to the Appellate Tax Board and confidentiality on the same terms as those applicable to such other applications.

Elections 1 (96-98) – These sections require municipalities to hold voter registration sessions on the last day of registration from 9 a.m. until at least 5 p.m., but no later than 8 p.m. (the official deadline is 8 p.m.), and, for towns having less than 1,500 voters, from 2 to 5 p.m. This is a change from current law, which requires sessions to last continuously from 9 a.m. to 8 p.m., and, for town with less than 1,500 voters, from 2 to 4 p.m., and 7 to 8 p.m.

Elections 2 (99) – This section is taken from H. 587, which permits municipalities to use “electronic poll books,” in lieu of paper voting lists, at polling stations. The section requires poll books to produce a receipt with a voter’s name, address, date of birth, and voter identification number, and requires the election worker at the check-out table to accept the receipt before permitting the voter to deposit his or her ballot.

Elections 3 (100) – This section gives discretion to the presiding officer of each polling place to determine the most expedient manner in which to conduct the “dual checkoff” procedure under

c. 54, § 67, which requires voter names to be checked both when handing the voter a ballot and after the individual has cast his or her vote.

Corporations List (101, 116) – These sections require that the Department of Revenue identify those corporations that are classified as research and development corporations, so that cities and towns can use that classification in their administration of property tax exemptions.

Approval of Forms (102, 109, 131-132, 154, 162) – These sections eliminate existing requirements that the Department of Revenue print and distribute various forms, and approve electronic formats, used in the assessment and collection of local taxes.

Collection Title Foreclosure (103, 155) – These sections eliminate an existing but apparently never-exercised mechanism under which the Department of Revenue took over collection actions on behalf of towns.

Affordable Housing Abatements (104-105, 139-140) – These sections amend the property tax laws to allow local implementation of affordable housing abatement agreements in the same manner as brownfield abatement agreements under G.L. c. 59, § 59A. The brownfield abatement agreement is an entirely local process with an implementation by-law or ordinance providing transparency in allowable abatements within the statutory parameters. That process would be appropriate for affordable housing abatements as well.

State-Owned Land Valuation (106-107, 249) – These sections eliminate the current procedure under which the Department of Revenue values state-owned land every four years, replacing that process with a statutory formula for determining the valuation every two years after the 2017 valuation required by current law. That valuation will be adjusted every two years by the equalized valuation and the value of acquisitions and dispositions. The acquisitions and dispositions will be based on a per acre value that will also be adjusted every two years by the equalized valuation. These sections are proposed to take effect as of January 1, 2018, to govern the state-owned valuation on January 1, 2019 for distributions made in fiscal year 2021.

Schedule A Compliance (108) – This section improves compliance for municipal reporting by changing from October 1 to November 30 the annual deadline for cities and towns to submit the prior year's annual financial report. This would also modify the law to provide the intended consequence for non-compliance and withhold all future payments (regardless of fiscal year) until such time as the Schedule A is submitted and accepted.

Supplemental Assessments (110-113, 244) – Current law provides for supplemental assessments on new construction, and abatement of regular real estate for damage due to fire or natural disaster, unless a community rejects this option. These sections change this assessment by excluding the value of the land from the calculation of the 50% trigger for the supplemental assessment. They also clarify the applicable tax rate, and establish a one-year time limit in

which a property owner may apply to the assessors for abatement after a fire or other natural disaster.

Right of First Refusal (114) – This section would give a municipality a right of first refusal if property owned by a charitable organization or a church is being sold or developed for a non-exempt purpose. The right of first refusal would be similar to a municipality’s right when an owner of forest, farm or recreational land which has received a tax benefit sells for or converts that property for development. A tax-exempt organization would be required to give notice of the proposed sale or development to the city or town, which would have 120 days to exercise its right of first refusal. A city or town would be authorized to assign its rights to a nonprofit conservation organization, the Commonwealth or any of its political subdivisions.

Charitable Exemption Technical Correction (115) – This section corrects two references in the charitable exemption for real property to local adoption of a “paragraph.” The local adoption should be of the “sentence.”

Exemption Applications (117, 119, 121-122, 138, 242) – This section creates a single due date for personal exemption applications regardless of billing system used. This section would make April 1 the deadline for personal exemption applications in all communities, creating a uniform and consistent deadline for taxpayers.

Commercial Fishing Exemption (118) -- This section increases from \$10,000 to \$50,000 the value of the property tax exemption for boats, nets and gear used in commercial fishing, consistent with changes made to the boat excise exemption under Sections 118, 166, 185 and 186 of the bill. It also increases eligibility for the exemption by eliminating the current requirement that the exempt property be used “exclusively” in commercial fishing, requiring instead that at least half of the taxpayer’s income is from commercial fishing.

Residential Exemption (120, 242) – Increases from 20% to 35% the statutory limit on the amount of a residential exemption that can be granted, if a municipality grants such an exemption as one of its property tax classification options. Five of the thirteen municipalities that have decided to grant such an exemption have asked for, and received approval for, residential exemption amounts that are higher than the current statutory limit of 20%.

DOR’s Authorization to Assess (123-125, 244) – These sections eliminate the requirement that local assessors obtain the Department of Revenue’s approval before assessing taxes on real property to unknown owners or owners of present interests. The Department is unable to conduct independent title or other analyses to verify these requests. Moreover, local assessors determine record ownership for assessment purpose for millions of real estate parcels and there is no regulatory purpose served in having them obtain the Department’s approval about the party assessed in these selected situations. The Department has the power to issue guidelines on

assessment administration and can provide appropriate oversight and guidance on the statutory standards and best practices.

Single Overlay (126-127, 143, 246) – This section would create a single overlay account and remove anachronistic references to a repealed cap on cities. Currently, there is a separate overlay reserve for each fiscal year. A surplus in one year cannot be used to cover a deficit in another year without the assessors declaring a surplus, the accounting officer transferring the amount to an overlay surplus account and the legislative body appropriating from the surplus by year end. This is cumbersome and inefficient.

Central Valuation (128-130) – These sections change the timelines for company reporting and DOR certification to conform to the same schedule as pipeline companies, and to be able to obtain the most current company regulatory reports. These sections also define a telephone company for central valuation purposes to include only landline incumbent local exchange carriers (ILECs) under the federal Telecommunications Act and allow DOR to share information with local assessors so they can make an informed decision whether to appeal. Finally, these sections provide for a more streamlined and expeditious appeal process by allowing one party to file a notice of appeal in response to another parties' filing.

Interest on Collections (133-135, 245) – These sections standardize the accrual of interest on delinquent property tax installments, addressing an inequity in the accrual of interest on overdue installments between communities using semiannual and quarterly billing. Currently, under semiannual systems, interest accrues from the date the tax bills are mailed, i.e., if the payment is one day overdue, the taxpayer is charged 31 days interest. Under the quarterly system, interest does not accrue until the due date. They also permit all communities to make small bills of \$100 or less payable in one installment.

Mortgagee Abatements (136-137, 242) – These sections change the timeline for applying for an abatement, in recognition of the widespread use of quarterly billing systems in cities and towns of the Commonwealth. Currently, any holder of a mortgage (regardless of the property tax payment system in use in the city or town) must apply for abatement between September 20 and October 1. These sections change that requirement so that the application must be filed during the last ten days of the abatement period, regardless of the city or town's billing system. They also correct a reference to ensure that Section 59 of Chapter 59 of the General Laws applies to all persons who may represent a person's estate. These changes are proposed to take effect for the fiscal year starting on July 1, 2016.

Appeals (141-142) – These sections clarify that the failure to pay semiannual and quarterly preliminary tax payments, as well as actual tax payments, is a bar to Appellate Tax Board appeal. Taxpayers are obligated to pay preliminary taxes based on prior year actual under quarterly and semiannual systems. Their failure to pay preliminary taxes subjects them to the same interest on overdue amounts that accrues on overdue actual installment payments.

Abatement on Low Value Lands (144, 146) – These sections repeal the Department of Revenue’s authority to authorize assessors to abate taxes on low value lands and under a local option, let assessors abate these taxes when the collector determines the costs to collect are more than the amount owed. Treasurers can also foreclose the tax title under the land of low value procedure.

Apportionment Appeal (145) – This section extends from seven to thirty days the time period within which a taxpayer may appeal an apportionment decision.

Mailing Tax Bills (147) – This section modernizes where tax bills are mailed in absence of written direction by the taxpayer. Under current law, the tax bill only has to be sent to the “town” where the person resides. This is anachronistic language. Bills should be mailed to the taxpayer’s address if known, or the property address, unless the taxpayer directs otherwise.

E-Billing Technical Correction (148) – This section corrects an internal cross-reference to the electronic billing program.

Betterment Suspension (149) – Under current law, the Department is authorized to approve assessors’ suspension of betterments for persons receiving certain exemptions. There is no institutional record of exercising this authority and if a request was received, it is not clear what criteria are to be used to determine approval. This section will delete an obsolete provision that pre-dates the enactment of local option G.L. c. 80, § 13B, which allows for betterment deferrals for seniors.

Scholarship and Educational Funds (150-153) – These sections amend the authorization for cities and towns to form such funds to clarify that each fund is separately accepted and to clarify the distinct purposes for which such funds can be used.

Electronic Payment Penalties (156-157) – These sections amend the process for appealing penalties imposed on individuals who tender a check for local taxes with insufficient funds, requiring the individual to appeal at the local level, rather than with the DOR Commissioner. It further amends the statute to cover electronic payments that are made with insufficient funds.

Covenant Extension (158) – Under current law, a city or town must apply to the Department of Revenue to extend (for up to one year) the duration of the municipality’s statutory exemption from the terms of a covenant running with the land. There is no institutional record of receiving any request to exercise these powers and DOR is not in position to do so. There is no regulatory purpose served by a DOR role in the local tax title foreclosure process. This section strikes references to post-foreclosure extensions of such exemptions.

Foreclosure of Abandoned Buildings (159-160) – These sections eliminate the need for the involvement of the Department of Revenue in determining whether buildings are abandoned. Currently, the Commissioner is required to “make an affidavit” confirming that the

Commissioner agrees with the conclusions of local officials that the building is abandoned. These sections eliminate references to the involvement of the Department of Revenue, and allow the affidavits and writings of the local officials involved, including a recitation of efforts to locate the property owner, to be recorded and to be treated as prima facie evidence that the building is in fact abandoned.

Taxes in Litigation (161) -- This section eliminates a purely ministerial requirement that the Department of Revenue authorize and allow the transfer of taxes in litigation by an accounting officer. By law, if the collector cannot perfect the tax lien due to bankruptcy or other litigation, the lien securing collection continues when the tax collector records a statement of the legal action. Providing a copy of the recorded statement to the accounting officer should be sufficient for the transfer of those taxes from the collector's current books.

Prisoners of War Exemption from Motor Vehicle Excise (163) -- This section re-organizes and clarifies the paragraph granting a local option exemption from the motor vehicle excise to prisoners of war or their surviving spouses.

Motor Vehicle Excise Collection (164-165) -- These sections allow a tax collector to be able to notify the Registry of Motor Vehicles of non-payment of the motor vehicle excise directly, after notifying delinquent taxpayer of the intent to "mark" their license or registration for non-payment. This would reduce fees imposed on taxpayers. These sections are intended to address the *Wright* court decision, that a warrant to collect must be issued to a deputy collector for a collector to mark.

Boat Excise (166, 185-186, 247) -- These sections reform the administration and collection of the excise on boats. They address the lack of data on documented boats by requiring boat owners to supply statutorily-prescribed information to the Environmental Police and to obtain a decal. They include a procedure to require payment of boat excise for non-commercial boat owners to renew their registrations with the director of the division of law enforcement of the department of fisheries, wildlife and environmental law enforcement, similar to the non-renewal procedure when vehicle owners do not pay their motor vehicle excises. These proposals were developed with the Environmental Police. These sections also allow boat owners an extra month within which to file their return with the city or town where their vessel is habitually moored, or otherwise principally situated. They also update the excise exemption for fishing boats and gears to reflect changes in the fishing industry that no longer make it a full-time occupation and sole source of income for most fishermen.

Jet Fuel Excise (167-169, 248) -- These sections implement changes to comply with a recent change in FAA policy that requires use of state and local taxes on aviation fuel for airport purposes. Under the amended policy, excises imposed after December 30, 1987 are subject to federal revenue use restrictions, i.e., can be used for just aviation and airport purposes. If any municipality accepted and imposed the excise after that date, the FAA requires a state action plan

to amend any non-compliant laws. States have until the end of 2015 to come up with any required action plan. All but 1 community that has adopted the excise is either grandfathered from complying with the new policy or has adopted/can adopt an enterprise fund for its municipal airport that will effectuate this policy. The sections also allow a community whose airport is located in another community to receive and use the taxes for airport purposes.

Regional School District Debt (171) – Makes a technical change, inserting the word “committee”, to clarify that it is the regional district school committee that may require the approval of any particular authorized issue of indebtedness by referendum.

Regional School District Transportation (173) – Clarifies that any funds to be reimbursed by the Commonwealth for regional school district transportation are subject to appropriation.

Regional School District Stabilization Fund (175-176) – Under current law, a regional school district can have a stabilization fund, not to exceed 5% of the total assessment upon member communities. These amendments substitute the Commissioner of Elementary and Secondary Education instead of the Director of Accounts to approve a higher level of stabilization fund appropriation and expenditures from the fund for other than capital purposes.

Extended School Programs (177 -179) – Under current law, school committees may provide pre-school and extended school services for certain children and establish a revolving fund for payments made by parents and other monies received in connection with these programs. These amendments would remove outdated restrictions on the students who may receive the services and extend these sections to regional school committees.

Community School Program Fund (180) – Increases the current community school fund’s \$3,000 expenditure limit for material and equipment purchases within a fiscal year, to \$10,000.

School Revolving Fund (181) – Qualifies revenue received from enrichment and summer programs authorized by the school committee, and parking fees as monies received in connection with the "use-of school property" for the purposes of the district’s revolving fund.

Vocational School Revolving Fund (182) – Removes the \$5,000 expenditure limit placed on vocational schools’ revolving funds, used for culinary arts or other related programs.

Betterment Installments (183) – This section amends current law to allow cities, towns, and districts greater flexibility in setting interest rates that run on betterments or special assessments, at any level up to 2% above the rate of borrowing the city, town, or district is paying. It also makes interest accrual/due date run from the mailing of the bill (not the commitment to the tax collector).

RMV E-Citations (187-203) – These sections make various changes to c. 90C, regarding motor vehicle offenses, to implement the new “E-Citations” project jointly administered by EOPSS and the RMV. The changes amend definitions and other references to paper citations to include

electronically issued citations; give EOPSS authority to promulgate regulations to set standards for e-citations and associated equipment requirements; and ensure that both paper and electronic copies of citations are properly delivered by police departments to the RMV and district courts.

Veterans Service District (204) – Removes the current restriction that prevents two cities from sharing a veterans’ service director. This will provide for greater flexibility in providing for effective and efficient operation of veteran services.

Municipal Debt/Urban Renewal (206-208) – This amendment repeals a duplicative requirement regarding approval of debt issued by cities and towns to support housing and urban renewal projects, as cities and towns are subject to an overall debt limit under G.L. c. 44, § 10, which may be exceeded with approval of MFOB. In addition, the statute still refers to the Emergency Finance Board (EFB) rather than the Municipal Finance Oversight Board (MFOB).

Liquor Licenses (209-20, 238, 240) – These sections permit municipalities, except Boston, to set quotas for liquor licenses issued to facilities (such as restaurants) permitting on-premises drinking (all such licenses to be non-transferable) and to managers of special outdoor events. These sections do not change the statutory quota for facilities (such as liquor stores) not permitting on-premises drinking, though other provisions permitting supplemental licenses beyond the minimum quota and capping the total number of licenses issued to any person or corporation will be repealed. These sections also make clear that the number of licenses authorized under current law will continue, unless changed by a municipality pursuant to the municipal plan permitted under these sections.

Demolition Liens (221) – This section extends the period of time in which a “demolition lien,” imposed on a property for failure to demolish damaged or dilapidated buildings or structures, may last. Specifically, this section permits a lien added to real estate tax property in the next year to extend for the same period of time permitted for the tax lien. If the demolition lien is not added to a tax until later, it expires on October 1 of the third year after filing of the lien (current law specifies October 1 of the next year after filing).

Municipal Procurement 3 (222-25, 227-28) – These sections amend the “vertical” construction procurement statute, c. 149, § 44A, to increase the dollar threshold for contracts requiring less-than-full competitive bidding from \$25K to \$50K. It also makes procurement methods consistent with other construction and municipal procurement statutes by modifying the method for “middle tier” contracts, valued at between \$10-50K, to permit public entities to either give public notification of the contract or use OSD statewide contracts or other “blanket” contracts to solicit a minimum of three bids. These sections increase the dollar thresholds for contracts requiring competitive bidding (from \$100K to \$150K for first tier) and for triggering the requirement to submit “sub-bids” and “sub-trade” bids.

Unemployment Insurance (230-31) – These sections extend existing exemptions from unemployment insurance benefits—which are applicable to school employees absent during

sabbaticals and school vacations with a “reasonable assurance” of returning to work—to employees who provide services to or on behalf of schools, but are paid by municipalities. These sections also reduce the amount of unemployment insurance benefits to 65% for employees receiving government pensions.

Double Poles (232) – This section allows cities and towns to enforce the statutory prohibition on keeping double poles up after ninety days, after passing a local ordinance authorizing them to do so. Penalties authorized to be imposed are limited to up to \$1,000 per occurrence.

Registers of Probate (233) – Requires registrars of probate to provide assessors with copies of petitions upon request. Assessors are charged with knowledge of records of registry of deeds and probate regarding ownership of real estate, but only registrars of deeds are required to provide them with information on transactions relating to title of real estate within their municipality. This will allow assessors to access names of deceased so they can check against their records and set up a mechanism to track and review later for disposition of property.

Small Claims Actions (234, 235) – Amends the jurisdiction of small claims court to hear all cases to collect locally assessed personal property taxes regardless of amount. This would provide tax collectors with the ability to make more effective use of lawsuits as a remedy to collect delinquent property taxes where there is personal liability only, i.e., no lien such as for personal property taxes.

Federal Public Work Borrowing (236, 237) – Eliminates the requirement that the Governor approve local borrowing for federally funded public works projects and substitutes the municipal finance oversight board

Civil Service Exemptions (241) – This section permits municipalities to exempt positions from civil service rules by vote of the governing body or executive, rather than through special legislation as is currently required to obtain an exemption from c. 31.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	Close Needham Cable Television Public Ascertainment Hearing- Verizon
Presenter(s)	Board of Selectmen

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	<p>The current cable television license held by Verizon will expire on December 4, 2016. A Cable Television Public Ascertainment Hearing for Verizon was conducted at the 2/9/16 Board of Selectmen's meeting as mandated by the renewal provisions of the Federal Cable Act. The Board Chair, Mr. Moe Handel, stated at the conclusion of the hearing that the hearing record will remain open for fourteen (14) days to receive any additional, written comments for inclusion into the hearing record. This period has expired and the hearing should be formally closed.</p>		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
	<p><i>Suggested Vote: That the Board of Selectmen vote to close the Ascertainment Hearing for Verizon.</i></p>		
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/23/2016

Agenda Item	Board Goal Update
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Board members may wish to discuss progress toward the Board's FY2016-2017 goals.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	a. Board of Selectmen FY2016 – 2017 Goals – 12.8.15 Update		

Board of Selectmen/Town Manager
FY2016 – FY2017 Board of Selectmen Goals
Status 12.8.2015

Board Goals	
<i>1. Maximize the use of Town assets and ensure that Town and School services are housed in buildings that provide suitable and effective environments.</i>	
Goal	Status
New Initiative: Work with School Committee, Finance Committee, and PPBC to develop options for High School space needs, to include a financing plan.	<i>The Town Manager and Vice Chair of the Board participated on the High School Task Force. The School Department has requested funds for additional feasibility analysis in the CIP.</i>
New Initiative: Work with School Committee, Finance Committee and PPBC to determine the appropriate location for the Hillside School, to include a financing plan.	<i>The 11/2/15 Special Town Meeting appropriated funding for the acquisition of the Owen's Farm and related properties. The PSR for the project was submitted and will be reviewed by the MSBA Board on January 27, 2016.</i>
New Initiative: Continue to work with the School Committee to evaluate the implementation of full-day kindergarten.	<i>School officials made a presentation to the Board of Selectmen on 11/10/15. The School Committee is continuing its review.</i>
New Initiative: Continue to work with the School Committee to determine the best methodology for projecting enrollment trends.	<i>A by-law revision of the composition of the Future School Needs Committee has been drafted and is proposed for inclusion in the 2016 Annual Town Meeting Warrant. A stakeholders meeting is scheduled for 12/10/15.</i>
New Initiative: Develop a Land Use Master Plan.	<i>A land use jurisdiction swap plan has been developed. Further discussion and a public hearing are proposed for early 2016.</i>
New Initiative: Evaluate the concept of creating a community campus at Ridge Hill	<i>This item will be taken up after the completion of the jurisdiction swap plan.</i>
New Initiative: Conduct a DPW/PSAB Relocation Feasibility.	<i>The RFP for the feasibility study will be released on 12/8/15.</i>

<p>New Initiative: Evaluate options for renovating Fire Station 2, including the possibility of staffing a second ambulance at Station 2.</p>	<p><i>The 11/2/15 Special Town Meeting appropriated funding for this study.</i></p>
<p>New Initiative: Evaluate options for renovation or reconstruction of the Memorial Park Building.</p>	<p><i>The Memorial Park Trustees have submitted a request for feasibility funding in the 2017 – 2021 CIP.</i></p>
<p>Continuing Strategy: Participate in the evaluation of capital facilities and Regional Agreement for Minuteman School.</p>	<p><i>Selectman Matthews and Selectman Cooley are actively participating in the regional agreement and school building discussions.</i></p>
<p>Continuing Strategy: Evaluate targeted options for property acquisition.</p>	<p><i>On-going.</i></p>

2. Maintain and improve the vitality and economic success of the Town.

<p>Goal</p>	<p>Status</p>
<p>New Initiative: Re-evaluate the Food Truck Policy.</p>	<p><i>A working group of stakeholders has identified options to be presented to the Board and to the Park & Recreation Commission. A public hearing is proposed for 2016.</i></p>
<p>New Initiative: Ensure appropriate coordination of all the major road projects affecting the Town.</p>	<p><i>Staff are closely coordinating with MassDOT on the various road projects. In conjunction with the City of Newton, a meeting for business owners was held to discuss project impacts. We have worked with State Representative Garlick to draft a road construction handout, and are working to create a social media presence for road construction updates.</i></p>
<p>New Initiative: Ensure support for redevelopment opportunities in Needham Crossing.</p>	<p><i>The Town has been working to ensure that proponents seeking to develop in Needham Crossing are receiving the appropriate support.</i></p>
<p>New Initiative: Develop a strategy to work with local businesses affected by road work, bridge closures, and the like.</p>	<p><i>See above. The Planning and Economic Development staffs of Needham and Newton are working to develop plans to mitigate the bridge closure to the extent possible.</i></p>
<p>Continuing Strategy:</p>	<p><i>An update on the final plans is proposed for a Board</i></p>

<p>Improve the Needham Center streetscape and infrastructure.</p>	<p><i>meeting in January or February. DPW and Economic Development will work together to develop a communication plan for downtown merchants and residents and the community at large. The project will begin with the installation of the traffic signals next summer.</i></p>
<p>Continuing Strategy: Complete the preferred renovation of Highland Avenue from Webster Street to the Charles River (State highway).</p>	<p><i>The Town and MassDOT have agreed to convert the First Avenue signal project to MassWORKS funding. MassDOT will design the project, ensure the takings, and turn the project over to the Town for construction. The original MassWORKS project – First Avenue to the River – will be absorbed into the larger corridor project scheduled for FFY18 on the TIP. An amendment to the Town’s MassWORKS grant is being developed.</i></p>
<p>Continuing Strategy: Monitor implications of the add-a-lane project and assure that Needham’s interests are addressed in the final design.</p>	<p><i>Staff are actively engaged in this effort.</i></p>
<p>Continuing Strategy: Develop a consensus with Newton regarding transportation options along the Highland Avenue/Needham Street corridor.</p>	<p><i>Pending.</i></p>
<p>Continuing Strategy: Evaluate the possibility of partnering with local businesses to relocate and/or consolidate private dumpsters in municipal lots.</p>	<p><i>The DPW has completed the infrastructure work and the stockade enclosure has been installed. The Town will continue to pursue signage for safety and parking.</i></p>
<p>Continuing Strategy: Develop a plan for snow removal in the business districts.</p>	<p><i>Pending.</i></p>
<p>3. Expand energy efficient and environmentally sound operations for the Town and its residents and businesses.</p>	
<p>New Initiative: Evaluate the possibility of creating a sustainability project manager to investigate and help implement energy saving initiatives.</p>	<p><i>Pending.</i></p>
<p>4. Maintain and develop amenities that contribute to the desirability of Needham as a place to live and work.</p>	

Goal	Status
<p>New Initiative: Evaluate the need for public water fountains.</p>	<p><i>A working group has identified issues and is drafting recommendations. Funding for replacement of targeted water fountains is included in the Public Facilities budget request.</i></p>
<p>New Initiative: Explore changes to the Mixed Use 128 zoning to allow multi-family housing.</p>	<p><i>This item was deferred at the 11/2/15 Special Town Meeting.</i></p>
<p>New Initiative: Coordinate the Friendly 40B at Second Avenue.</p>	<p><i>The Board approved the LIP and the ZBA approved the Comprehensive Permit on 11/18/15.</i></p>
<p>New Initiative: Evaluate the possibility of implementing a Quiet Zone in Needham.</p>	<p><i>Representatives of BETA will meet with stakeholders on 12/17 to present concepts. A Board presentation will follow in early 2016.</i></p>
<p>New Initiative: Engage with State agencies to ensure that Town projects are run as smoothly and economically as possible.</p>	<p><i>On-going.</i></p>
<p>New Initiative: Develop a process for reviewing applications for medical marijuana dispensaries.</p>	<p><i>The Board approved an RMD policy at its meeting on 8/18/15. The Town Manager and other staff have met with three interested applicants. We are in the process of working with the Board of Health to develop regulations for RMD operations in Needham.</i></p>
<p>New Initiative: Work with the Park & Recreation Commission to initiate the permitting process to operate the pool beyond the date of the current permit, if necessary.</p>	<p><i>Staff will recommend that the pool be operated in 2017 without draining the lake – the “Plan B” option, subject to approval of the project.</i></p>
<p>Continuing Strategy: Evaluate the impact of broadening the historical demolition delay By-law.</p>	<p><i>A draft By-law revision has been forwarded to the Historic Commission for review and is proposed for the 2016 ATM Warrant.</i></p>
<p>Continuing Strategy: Work with the Planning Board on zoning provisions relating to residential construction.</p>	<p><i>The subject is being considered by the Large House Study Committee.</i></p>

Continuing Strategy: Consider the merits of a tree removal by-law.	<i>The subject is being considered by the Large House Study Committee.</i>
Continuing Strategy: Update the Towns' Housing Plan including an emphasis on the maintenance and expansion of multi-family housing.	<i>The Board reviewed and discussed housing strategies. Staff will recommend certain strategies for focus in FY16 and FY17.</i>
Continuing Strategy: Develop an inventory of memorial signs and plaques and a plan for cleaning and maintenance.	<i>On-going.</i>
Continuing Strategy: Coordinate with DCR to encourage access to Cutler Park.	<i>The Barnes Pathway Project is underway.</i>
Continuing Strategy: Establish fishing areas at ponds and on the Charles River.	<i>The boat launch feasibility will begin in early 2016.</i>
Continuing Strategy: Expand the hours of operation of the Senior Center.	<i>Representatives of Health & Human Services and the COA updated the Board on expanded programming. Additional offerings will be considered.</i>
Continuing Strategy: Evaluate the concept of constructing a hockey rink in a public/private partnership.	<i>Pending.</i>
5. Maintain and Enhance Town's Financial Sustainability	
Goal	Status
New Initiative: Review the Town's debt policies.	<i>The 11/2/15 Special Town Meeting approved the creation of the Debt Service Stabilization Fund. Staff are working with BOS and FC chairs to develop a recommendation for revising the debt policy.</i>
New Initiative: Explore the creation of an energy budget.	<i>Pending.</i>
New Initiative: Evaluate alternatives to the Town's Group Health Insurance program.	<i>The Town has engaged a consultant to help review options for group health insurance.</i>

6. Evaluate Town Operations and Administration.	
Goal	Status
New Initiative: Develop a schedule for departments, boards and committees to make presentations to the Board.	<i>On-going.</i>
New Initiative: Update the Town's Emergency Management Plan.	<i>On-going.</i>
New Initiative: Pilot a new performance measurement program.	<i>The new performance measurement program will be piloted during the FY2017 budget process.</i>
New Initiative: Implement a new performance evaluation program for management employees.	<i>The new performance evaluation program for managers was piloted this fall.</i>
New Initiative: Evaluate the staffing needs of the Police and Fire Departments in the context of the current and planned growth in Needham Crossing.	<i>On-going.</i>
Continuing Strategy: Develop a board and committee handbook.	<i>The Board and Committee Handbook was completed and disseminated in conjunction with the Town Clerk.</i>
Continuing Strategy: Update and post Board of Selectmen and Personnel policies.	<i>2 – Important. Many of the policies will be updated as to style, format, and consistent numbering system and will be presented to the Board as a consent item on August 18th. The goal is to have 90% of the policies reviewed and posted on the website by the end of September. Senior Staff are developing a schedule for completing a similar review of the personnel policies.</i>
Continuing Strategy: Develop a policy to promote the rotation of appointed board chairs.	<i>On-going.</i>



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 02/23/2016

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	<i>Board members will report on the progress and / or activities of their Committee assignments.</i>		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	(Describe backup below)		
	None		

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 12, 2016
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	-	The Center at the Heights
Precinct B	-	The Center at the Heights
Precinct C	-	Newman School - Gymnasium
Precinct D	-	Newman School - Gymnasium
Precinct E	-	Broadmeadow School - Performance Center
Precinct F	-	Needham High School – Gymnasium
Precinct G	-	Needham High School – Gymnasium
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE TWELFTH DAY OF APRIL, 2016

from seven 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 Three Years;
One Selectman for Three Years;
One Town Clerk for Three Years;
One Assessor for Three Years;
Three 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 Member of Needham Housing Authority for Five Years;
One Commissioner of Trust Funds for Three Years;
One Commissioner of Trust Funds for One Year;
Two Members of Park and Recreation Commission for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
Eight Town Meeting Members from Precinct B for Three Years;
Eight Town Meeting Members from Precinct C for Three Years;
Eight Town Meeting Members from Precinct D for Three Years;
Eight Town Meeting Members from Precinct E for Three Years;
One Town Meeting Member from Precinct E for One Year;
One Town Meeting Member from Precinct E for Two Years;
Eight Town Meeting Members from Precinct F for Three Years;
Eight Town Meeting Members from Precinct G for Three Years;
Eight Town Meeting Members from Precinct H for Three Years;
Eight Town Meeting Members from Precinct I for Three Years;
One Town Meeting Member from Precinct I for Two Years;
Eight Town Meeting Members from Precinct J for Three Years;
One Town Meeting Member from Precinct J for One Year.

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 23RD day of February 2016.

MAURICE P. HANDEL, *Chairman*
MATTHEW D. BORRELLI, *Vice Chairman*
MARIANNE B. COOLEY, *Clerk*
DANIEL P. MATTHEWS
JOHN A. BULIAN
Selectmen of Needham

A true copy,

ATTEST

2016

Constable

(month) (day)

**Town of Needham
Board of Selectmen
Minutes for January 26, 2016
Powers Hall
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens: John Gallo, Chair, YMCA told the Board the Charles River YMCA reached a milestone and reached out to more than 800 families by making phone calls about a possible future Needham Center location or elsewhere.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Maurice P. Handel. Those present were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Recognition of the Needham Girl's Cross Country and Girl's Soccer Teams: Micah Hauben, Director of Athletics, Needham High School presented the Needham Girl's Cross Country and Girl's Soccer Teams, both of whom enjoyed very successful seasons.

The Board offered its congratulations to the Needham High School Girl's Cross Country Team and Girl's Soccer Team, each winning the MIAA Division 1 State Championship. Mr. Handel read remarks about the history of soccer at Needham High School. He noted the teams won thrilling victories on the same day, November 21, 2015. Mr. Handel recognized Girl's Cross Country coach Cara Van Cott and Girl's Soccer coach Carl Tarabelli.

Ms. Cooley read a proclamation recognizing the Needham Girl's Soccer Team and coaches on winning the 2015 MIAA Division 1 State Championship with an impressive record of 22-0-2.

Ms. Cooley read a proclamation recognizing the Needham Girl's Cross Country Team and coaches on winning the 2015 MIAA Division 1 State Championship with an impressive record of 11-0.

Ms. Van Cott and Mr. Tarabelli thanked the Board, parents, and community for their support.

The Board recessed for 5 minutes.

7:15 p.m. Mr. Handel asked for a moment of silence to honor John "Jack" D. Marr who passed away on January 17, 2016 at the age of 95. He said Mr. Marr was a long serving member of the community and the Board of Selectmen.

Mr. Matthews said Mr. Marr served in the Engineers during World War II carrying out a very dangerous assignment in rounding up hundreds of German soldiers. He said Mr. Marr applied his practical good sense and knowledge of engineering to solve many challenges facing Needham at the time. He said Mr. Marr was involved in the development of Rosemary Pool and Ridge Hill Reservation, a charter member of the Conservation Commission, and a member of the Board of Selectmen for 12 years.

7:19 p.m. Proclamation - American Heart Association's Go Red for Women:
Mr. Borrelli read a proclamation recognizing the American Heart Association's Go Red for Women movement and its effort to address heart disease among women.

Motion by Mr. Borrelli that the Board of Selectmen vote to sign a proclamation recognizing Friday, February 5, 2016 to be "WEAR RED DAY" in Needham.

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

7:20 p.m. Public Hearing - Eversource Energy: 122 Valley Road
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 10 feet of conduit in Valley Road. She said this work is necessary to provide underground electric service to 122 Valley Road, Needham.

Kate Fitzpatrick, Town Manager said all paperwork is in order.

Mr. Handel invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Valley Road. This work is necessary to provide underground electric service to 122 Valley Road, Needham.

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

7:21 p.m. Public Hearing - Eversource Energy: 49 Wachusett Road
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 6 feet of conduit in Wachusett Road. She said this work is necessary to provide underground electric service to 49 Wachusett Road, Needham.

Kate Fitzpatrick, Town Manager indicated all paperwork is in order.

Mr. Handel invited public comment.

Paul Dawson, 46 Wachusett Road said he does not object to the conduit, and asked when it will be installed. He said he is concerned about erosion from the property and wondered if erosion control could be a condition of granting approval.

Ms. Carroll said once the Board of Selectmen approves the petition, the contract is sent to the DPW and a street opening permit will be obtained. She said the DPW controls when the work will be done, and commented a moratorium is currently in place.

Mr. Handel asked Rick Merson, Director of Public Works and David Tobin, Town Counsel to advise on the matter of erosion.

Mr. Tobin said the utility company should not cause erosion while doing the work, but beyond that, it is not the subject matter at this purview.

Mr. Merson confirmed the current moratorium. He said the pole, in this case, is on the near side of the property and, therefore, the conduit is only a short distance from the back of the pole to the property. He said typically this type of work would be done after April 1st.

Kate Fitzpatrick, Town Manager said the work being done by the contractor to install the conduit would be under the direction of the David Roche, Building Inspector, and that any concerns about erosion should be directed to him.

Mr. Handel asked Mr. Dawson if he understood. Mr. Dawson said yes.

Mr. Matthews clarified the moratorium is for the winter season. He noted the development is subject to potential litigation, and concurred with Town Counsel saying as long as the utility company does no harm, it is a straightforward hookup.

Mr. Dawson said he is concerned with erosion from the property into the street. He asked if the contractor doing the excavation is able to ask the developer to install erosion control as a condition to granting the approval.

Mr. Matthews said issue is specific to the pipe going underground.

Mr. Dawson said he was hoping the excavator could install erosion control.

Mr. Handel said it is a matter for the Building Department.

Mr. Borrelli clarified the matter is for 6 feet of conduit from the pole to the property, not for the entire property, which he said was a Building Inspector purview.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 6 feet of conduit in Wachusett Road. This work is necessary to provide underground electric service to 49 Wachusett Road.

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

7:30 p.m.

Needham Public Library Long Range Plan:

Margaret Pantridge, Chair, Trustees of Needham Public Library, Ann MacFate, Director, Needham Public Library, Dana Mastroianni, Assistant Director, Needham Public Library, and Library Trustees appeared before the Board with an update on the Library's Strategic Plan - FY2017-FY2021.

Ms. MacFate said a long range plan is important in that it explains the library's programs, assists in budget development, and gives a clear sense of purpose.

Ms. Mastroianni said feedback from the community was wonderful. She explained the mission statement and the process for making the plan. She noted 6 key elements: Collections, Program Service, Technology, Community Engagement & Partnerships, Facility, and Staff. She asked the Board for questions or comments.

Mr. Borrelli noted the partnership with the schools is terrific. He asked what was found to be the main priority from doing the plan.

Ms. Pantridge said many respondents indicated they wanted more Sunday and summer hours, more diversity, community partnerships, and more space.

Mr. Matthews said many people want more hours, but cautioned about higher taxes. He said it's important to be creative to add more value for the customer. He said the library is welcoming and the staff is helpful. He cautioned not to overreach.

Ms. Cooley said she is intrigued about the reference area and maker spaces, noting there are a lot of possibilities.

Mr. Handel noted the library was sited at its current location in 1915 to unify the Town. He said the Plan demonstrates the wisdom of that decision. He thanked the Needham Public Library staff and trustees for their work.

Ms. MacFate commented the library will be celebrating its 100th anniversary on April 30, 2016.

7:55 p.m.

RTS Rate Amendment:

Dave Davison, Director of Finance/ATM and Rick Merson, Director of Public Works appeared before the Board asking for its approval of proposed rate changes.

Mr. Davison said the Board approved changes to some of the RTS rates which became effective November 1, 2015. He asked the Board to amend two other rates.

Motion by Mr. Bulian that the Board approve the proposed rate changes and that the box spring/mattress rate change becomes effective February 1, 2016, and the small pay-to-throw bag rate change become effective July 1, 2016.

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

8:02 p.m. Execute Low Interest Bonds:
Dave Davison, Director of Finance/ATM and Evelyn Poness, Treasurer/Collector appeared before the Board to discuss a loan with the MWPAT approved by the Board in December 2014 in the amount of \$175,004 for the Reservoir B Sewer Pumping Station project. Mr. Davison said now that the project is complete from a state financing point, and the eligible expenses have been paid, the actual amount needed from that loan approval was \$78,491. New documents were presented for approval of the lesser amount.

Motion by Mr. Bulian that the Board approve and execute the closing documents for the amended loan in the amount of \$78,491 with the Massachusetts Clean Water Trust presented to the Board on January 26, 2016. Second: Ms. Cooley. Unanimously approved 5-0.

8:05 p.m. Town Manager:
Kate Fitzpatrick, Town Manager, appeared before the Board with 2 items to discuss:

1. Positions on February Special Town Meeting Warrant Articles
The Board took positions on the February 10, 2016 Special Town Meeting Warrant Articles:

Article 1 - Defer

Motion by Mr. Bulian that the Board vote to support Article 2 - Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District in the Special Town Meeting Warrant. Second: Mr. Borrelli. Unanimously approved 5-0.

Mr. Matthews noted the first of sixteen required Town Meeting approvals was voted last night by the Town of Arlington, which he said is a significant step forward. Mr. Matthews said the Regional Agreement is linked to the rebuilding project, and that Town Meeting members must understand the project and why it is important. He said a substantial investment will be made over the next 30 years to improve vocational education.

Ms. Cooley concurred with Mr. Matthews. She said the revised Regional Agreement is in the best interest of Needham, even if there was no school project. She said the new Agreement gives towns the ability to enter and leave the district in an orderly way.

Mr. Handel thanked Mr. Matthews and Ms. Cooley for their hard work on behalf of Needham.

Motion by Mr. Bulian that the Board vote to support Article 3 - Appropriate for Feasibility Study in the Special Town Meeting Warrant.

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

Ms. Fitzpatrick said it makes sense to couple fire station #1 and #2 in the same feasibility study and have the same designer for each project.

2. FY2017 Budget Presentation

Ms. Fitzpatrick presented the Board with the “Balanced Budget Proposal 2017” dated January 26, 2016.

Ms. Fitzpatrick said the budget includes funding items reflective of the Board’s goals, such as preserving capital assets, continued financial sustainability, economic vitality, making sure the Town continues its stewardship of the land, items contributing to the Town’s appearance, and efficiency in operations. She reminded the community the Town is working in a climate of fiscal discipline, continuing to work within recurring revenue to fund services, and refrain from relying on one-time funds to support on-going services. She said this year, in particular, the Town is looking to continue increasing reserves for more flexible budgeting, and to maintain its strong credit rating. Ms. Fitzpatrick said it has been a good year for the Town in terms of revenue growth, but we must refrain from over-committing. She noted it was also a year of expense growth.

Ms. Fitzpatrick commented on the Financial Forecast of the Town, and recommended State Aid be level funded, except for an increase of 2.5% for Chapter 70. She said there has been very strong tax levy growth due to significant building activity, with an increase in property taxes of \$5,738,787 (4.8%). She commented New Growth is estimated to be \$3,113,804, which she said was very high for the Town. She said coupled with other revenue sources, it is one of the strongest revenue growth years in a long time. She commented on the strong free cash level estimate of between \$5.9 million-\$6.9 million for use in FY2017, recommending any additional monies certified over \$6 million be directed to reserves for the Athletic Facilities Stabilization Fund and New Debt Service Stabilization Fund.

Ms. Fitzpatrick discussed State Aid Estimates including Chapter 70 School Aid and Unrestricted General Government Aid/Annual Formula Aid. She said Unrestricted State Aid is not proposed to increase, but it is recommended lines on a 2.5% increase in school aid. She noted the Governor’s FY2017 estimate is slightly lower.

She commented on General Fund Revenue sources.

Ms. Fitzpatrick said key budget factors include increased school enrollment, noting 587 more students than in the 2006-2007 school year. She said the Town must think prudently about how it builds its schools for capacity. She commented on the average changes in salary lines and increase in headcount.

She discussed Balanced Budget Highlights including free cash uses, the proposal to consolidate Needham electric, light and gas into one budget under the Needham

Electric, Light and Gas Program, the new solar array, allocation of items from the capital plan, the increasing complexity and needs of mental health and substance abuse, the proposal to restructure in the Health and Human Services Department, and renewed evaluation of the Emergency Preparedness Plan.

She reviewed the free cash chart including the operating budget, capital, financial articles, and reserves. Ms. Fitzpatrick commented on specific budget recommendations saying a proposed increase of \$208,388 for funding of employee health insurance and other related costs associated with 9 full time employees and some part time hours. Ms. Fitzpatrick commented on retirement assessments, the declining debt service budget, and the Needham Electricity, Light & Gas Program proposed funding of \$3,414,290. Ms. Fitzpatrick commented on network hardware, Planning/Community Development, a part time Housing Specialist, part time Fire Inspector, and hiring of a Fire Engineer Consultant and 2 part-time Inspectors. Ms. Fitzpatrick spoke about budget recommendations in the Public Works department, Public Facilities department, Health and Human Services department, and the Park and Recreation department.

Ms. Fitzpatrick said the recommendation for the Needham Public Schools is 5.8% over the appropriated FY2016 budget, including the reallocation of \$340,700 in cash capital from Capital Plan to the School Budget. She noted the School Committee is voting tonight, January 26, 2016, on its recommended budget. Ms. Fitzpatrick commented the Minuteman Regional High School budget has increased due to the number of enrolled students. She addressed the Enterprise Fund Budgets (RTS, Sewer, and Water), and Financial Warrant Articles. Ms. Fitzpatrick commented on Reserves, noting 2 priorities include the Athletic Facility Stabilization Fund and the Debt Service Stabilization Fund. Ms. Fitzpatrick recapped the discussion noting a total budget of \$151,009,409 (5.2% change from FY2016).

She referred to the FY2017 budget as “Needham Rising” saying it is a very exciting time for the Town, with significant planned growth. She said residents continue to rate the quality of life in Needham higher than 95%, and that it is a positive time to “live, work, and play” in Needham.

Mr. Handel asked for Board comment.

Mr Borrelli said the highlight of the budget are the Reserves for the Athletic Facility Stabilization Fund and the Debt Service Stabilization Fund. He said planning for the future is key.

Mr. Matthews said there are many people engaged in the budget process. He said it is a carefully thought out plan.

Ms. Cooley said there are difficult choices in making sure the Town is responsible stewards of available resources.

Mr. Handel said Needham has been strategic and prudent over several years, allowing the Town to meet its needs with a sustainable budget.

The Board thanked Ms. Fitzpatrick for the presentation.

Motion by Mr. Bulian that the Board vote to recommend approval of the Town Manager's Proposed Annual Budget for FY2017.

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

8:50 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- 1. Needham Contributory Retire Board Sandra Cincotta (term expires 11/7/2017)**
- 2. Needham Contributory Retire Board Evelyn Poness (term expires 1/25/2019)**
- 3. Rail Trail Advisory Committee Christopher Gertel (term expires 6/30/2017)**

CONSENT AGENDA *=Backup attached

- 1. Accept donations made to the Needham Health Department's Gift of Warmth fund from the following: \$1,000 – Congregational Church of Needham; and \$1,250 – Needham Women's Club.**
- 2. Approve and forward to the ABCC the pledge of license application received from Lianos Liquors, Inc. (full application on file in the Office of the Town Manager).**
- 3.* Approve Special One Day Wine and Malt Beverages Only licenses for David Volante of Volante Farms to host the following events at Volante Farms in its Greenhouse at 292 Forest Street, Needham: a cooking class on February 6, 2016 from 1:30 p.m. to 4:00 p.m.; a cooking class on March 5, 2016 from 1:30 p.m. to 4:00 p.m.; a Grand Beer Tasting on February 27, 2016 from 1:00 p.m. to 4:00 p.m.; and a Grand Wine Tasting on March 19, 2016 from 1:00 p.m. to 4:00 p.m.**
- 4.* Approve a Special One Day All Alcoholic Beverages license for Gloria Greis of the Needham Historical Society to hold "The Needham Speakeasy" event on February 6, 2016 from 7:00 p.m. to 11:00 p.m. The event will be held at the Needham Historical Society, 1147 Central Avenue, Needham.**
- 5.* Sign the Warrant for the Presidential Primary scheduled for March 1, 2016.**
- 6.* Approve Open Session minutes of December 8, 2015, January 12, 2016, and Executive Session minutes from January 12, 2016 meeting.**
- 7.* Water & Sewer Abatement Order #1211.**
- 8.* Approve Special One Day Wine and Malt Beverages Only licenses for Robert T. Timmerman II, of Needham Knights of Columbus to host the following events at Needham Knights of Columbus at 1211 Highland Avenue, Needham: a Superbowl Party on February 7, 2016 from 4:00 p.m. to 11:00 p.m.; and a Saint Patrick's Dinner Dance on March 12, 2016 from 6:00 p.m. to 11:00 p.m.**

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

8:50 p.m. Board Discussion:
1. Committee Reports
No Committee Reports were made.

8:50 p.m. Executive Session: (Exception 6)
Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Borrelli. Mr. Handel polled the Board. Unanimously approved 5-0.

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=>

Note: The meeting adjourned at 9:10 p.m.

**Town of Needham
Board of Selectmen
Minutes for February 9, 2016
Powers Hall
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 Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. LEGO League Appreciation:
5th grade students Adam Kuechler, Dilin Meloni, Omri Sde-Or, Daniel King, Noah Dooley, and Zachary Brown appeared before the Board with their award winning presentation for reducing mealtime trash and recycling. They are hoping to start a pilot program at Hillside Elementary School, where food waste from the school is turned into compost at Needham's Recycling and Transfer Station.

Mr. Borrelli read a Certificate of Appreciation congratulating the members of the Radioactive Hamburgers on winning the Innovation Award at this year's LEGO League competition.

7:12 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

1. **Taxation Aid Committee** Jack Cogswell (term expires (6/30/2019)
2. **Needham Community Revitalization Trust Fund (Needham Crossings)** Robin Brodsky (term expires 6/30/2019)

CONSENT AGENDA *=Backup attached

1. **Accept the following donations made to the Needham Public Library during the period October 1, 2015 to January 31, 2016: The Metcalf Family donated the following books in memory of long-time Library Volunteer Evelyn Metcalf: Hiking! The Ultimate Natural Prescription for Health and Wellness (\$14.95), and Dementia with Lewy Bodies & Parkinson's Disease Dementia (\$36.95); Mary Haggerty gave the library a copy of Carol Fenster's book Gluten-Free 101 (\$19.99); Mr. & Mrs. Vimal Sodhani gave the library the following books in honor of their grandchildren Orissa Bela and Nirvan Sodhani Pandya: Finders Keepers? A true Story in India by Robert Arnett (\$14.95), and India Unveiled: Spirit, Tradition, People by Robert Arnett (\$65.00); Christianne Bayliss donated a copy of Borya and the Burps: An**

Eastern European Adoption Story by Joan McNamara to the Children's Room (\$18.00); Ted Gelsthorpe gave the library six cases of Staples multi-purpose paper (\$323.94); Needham Author Laurie A. Perkins gave the library a copy of her new book, Salt and Peppered to Death (\$19.00); Jeanne and Joe Gerber donated the following DVDs in memory of Laurie Ann Gerber: Bought: Your Health, Now Brought to You by Wall Street (\$24.95), and Fed Up: It's Time to Get Real about Food (\$14.99); Needham Artist Bob Larsen donated three cartoons that publicize the Friends' book sales (priceless); Visilia Laskaris--\$25.00 commission from sale of painting displayed in Friends' Gallery; Lu-Ann Caron-Leslie donated a copy of The Way Around: Finding My Mother and Myself Among the Yanomami by David Good (\$26.99); The Massachusetts Department of Veterans' Services gave the Children's Room a copy of Veterans: Heroes in our Neighborhood by Valerie Pfundstein (\$18.95); Sheikh Wahid donated copies of the following books to the library: The Philosophy of the Teachings of Islam (\$10.00), World Crisis and the Pathway to Peace (\$4.00), Jihad and World Peace (\$5.00), Jesus in India (\$10.00), The Holy Qur'an; Arabic Text and English Translation (\$95.00); The Estate of Robin Brant Lodewick sent the library a copy of her poetry book, Rain Cycle (\$15.00); Ginger Shapiro donated a puzzle, Cookies, Biscuits, Galletas (\$17.00); Yvonne Unger gave the library a \$40.00 commission check from the sale of a painting that was part of the Needham Art Association display; The Friends of the Needham Public Library gave the library a check for \$150.00 that was given in memory of Bernie and Eileen Ford for mystery books; Henry Hicks donated the following books: The Great Boston Fire of 1872 by Anthony Sammarco (\$16.99), and Baseball: A Literary Anthology edited by Nicholas Dawidoff (\$35.00); Bruce Novak gave the library a copy of Conceptual Physical Science, Sixth Edition by Hewitt, Suchocki, and Hewitt (\$210.00); Lisa Vergara gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$200.00+); Diane Brown gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$100.00+); Nancy Teich gave the Children's Department fourteen costumed Build-a-Bears, plus additional clothes (\$490.00+); and Kelly Cummings donated foam blocks for the Children's Play Area (\$30.00).

- 2.* Approve a request for a Special One Day Wines & Malt Beverages Only license from Carol Stento, of the Needham Women's Club to host its Needham Grand Tasting on Sunday, April 3, 2016 from 3:00 p.m. to 6:00 p.m. The event will be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.
- 3.* Approve a request from Arik Grier of Bikes Not Bombs for its event to be held on June 5, 2016. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 11:45 a.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.
- 4.* Water and Sewer Abatement Order #1212.

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

7:13 p.m. Public Hearing: Change of Manager, Change of Officers/Directors - Not Your Average Joe's
Amy Wilson, Proposed Manager appeared before the Board to discuss an application for a change in manager, New Officer/Director, and a Transfer of Stock for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham.

Kate Fitzpatrick, Town Manager confirmed all paperwork is in order and noted Ms. Wilson meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Mr. Handel invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to Amy Wilson, a change in New Officer/Director, and a Transfer of Stock for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.

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

7:17 p.m. Needham Cable Television Public Ascertain:
Michael Greis, Cable Advisory Television Committee appeared before the Board to discuss the current cable television license held by Verizon which will expire on December 4, 2016.

Mr. Handel opened the public hearing and read a prepared statement noting the purpose of tonight's hearing is to (i) identify future cable-related community needs and interests, and (ii) review the performance of Verizon under its current cable television license.

Mr. Handel invited public comment. No comments were made.

Michael Greis said the Town has licenses with three cable providers, noting Verizon is completing its 10 year license. He said it is in the Town's interest to ensure a mutually beneficial agreement for the community, noting good customer service and a long term contract are of value. Mr. Greis said local access programming by The Needham Channel and the potential ability for local programming to be shown in HD (high definition) is important. He said Marc Mandel, Executive Director, The Needham Channel will submit testimony to that effect. Mr. Greis said he looks forward to working with Verizon to attain a mutually satisfactory license agreement by the end of 2016.

Mr. Handel asked for Board comment.

Mr. Matthews asked for an overview of the process in the coming months and the likely issues to arise due to changing needs of the Town or changing technology.

Mr. Greis said having a 10 year license is an appropriate length for a contract due to changes in the industry and technology, and works well for the community by providing certainty. He noted changing technologies as licensees consider their business. Mr. Greis said there is every expectation the licensees want to continue serving Needham, and that the existing 10-year license will, in all likelihood, be used as a template.

Mr. Handel asked if a Verizon representative had any comment.

Mr. Greis noted Verizon is not present at the Ascertainment Hearing, but that discussion will commence shortly with the hope of having a renewal agreement signed by the end of the year.

Mr. Handel closed tonight's public hearing and said the hearing will remain open for fourteen days in order to receive additional testimony on any renewal related issue discussed tonight or any cable related issue. He said written testimony or comments may be submitted to the Board of Selectmen's Office by February 23, 2016, Town Hall, 1471 Highland Avenue, Needham, MA 02492 or by email to Selectmen@needhamma.gov.

The Board thanked Mr. Greis.

7:28 p.m.

Update from State Representative Denise Garlick:

Denise Garlick, State Representative, updated the Board as to the legislative accomplishments over the past year.

Ms. Garlick expressed her appreciation and gratitude to Kate Fitzpatrick, Town Manager, Sandy Cincotta, Support Services Manager, the Board of Selectmen, and the people of Needham. She said it is her privilege to serve as State Representative for the Town of Needham.

Ms. Garlick commented constituent services are most important to her and that she represents all of Needham and Dover, and half of Medfield for a total of 40,487 children, individuals, families, seniors, and veterans. She commented on the current legislative session and the great pressure on the budget. Ms. Garlick said she was recently appointed Chair of the Joint Committee of Elder Affairs, and noted that planning is needed for the increasing senior population in the Commonwealth.

Ms. Garlick spoke about priorities, including substance abuse, elders and those requiring help navigating the Massachusetts health system, and children and family issues. Ms. Garlick commented on the Eversource Vegetation Management plan and thanked the Board of Selectmen and Town Manager for their efforts. She said her legislative aide was based at the Public Service Administration building for 5 weeks to assist town staff and be a liaison for residents. Ms. Garlick said she is also dealing with the Needham commuter rail, as it relates to on-time performance,

scheduling, and fare increases. She noted the diligent work done by the Needham Transportation Committee. Ms. Garlick said she is concerned about the impact of the Eversource Vegetation plan and erosion. Ms. Garlick spoke about the MASSDot project on Route 128, noting current construction is happening all at once. Ms. Garlick said staff is devoted and diligent to the issue of transportation and understanding the projects. Ms. Garlick said staff from her office also attended hearings concerning the MSBA and Needham, particularly the issue of the Minuteman Career and Technical High School. Ms. Garlick said a major energy bill, expected within the next 8 weeks has many groups working on the issue, including Green Needham.

Ms. Garlick discussed the budget process. She commented that at a time when there are no new taxes, Kate Fitzpatrick, Town Manager and Dan Gutekanst, School Superintendent are innovative in dealing with their budget. She spoke about the increase in Chapter 70 state aid, money related to the Special Education circuit breaker, and the increase in unrestricted general government aid (local aid).

Ms. Garlick highlighted her service as a fellow for the Blue Cross Blue Shield foundation for the Massachusetts Institute for Community Health Leaders, which she said was an ongoing program from September through June. She said it was an extraordinary experience.

She concluded by providing her contact information, and invited questions and comments from the Board.

Mr. Handel said Ms. Garlick is a very effective advocate for Needham and the State.

Mr. Borrelli thanked Ms. Garlick for being accessible to constituents. He asked about substance abuse and how to address concerns.

Ms. Garlick commended the Board of Selectmen for continuing to fund the position of Program Director for the Needham Coalition for Youth Substance Abuse Prevention. She said she served as State Representative for 6 years on the Joint Committee on Public Health and the Joint Committee on Health Care Financing dealing with substance abuse. She commented on discharging patients with no plan and no place to go, which she said is the most overwhelming issue for families and individuals. She said there is a window of time where a person is willing to accept help and use available resources. She commented there is discussion on limiting opiate prescriptions to 7 days for first time prescriptions. Ms. Garlick said it is recommended drug education and the substance abuse discussion start in elementary school. She said she is working on the Prescription Monitoring Program.

Mr. Matthews said he appreciates the detail surrounding the opiate issue, noting that many people in the general public and some physicians do not realize the addictive

potential of some of the drugs. He gave a statistic that if someone has an advanced painkiller for more than 60 days, they are likely to be still on it 6 years later. He said that is not an acceptable medical outcome that leads to many other medical problems. Mr. Matthews thanked Ms. Garlick for the report and presentation. He said it is obvious how much effort Ms. Garlick puts into her job as State Representative, and thanked her for her work for the Town of Needham.

7:40 p.m. Joint meeting with School Committee and Park and Recreation Commission
Regarding Potential Transfer of Jurisdiction for Parcels of Land:
The Board of Selectmen, Park & Recreation Committee and School Committee members reviewed the potential options for transfer of jurisdiction of parcels leading toward Town Meeting action.

Ms. Fitzpatrick said there are several sites identified as possible candidates for jurisdictional transfer. A map and aerial photographs showing the parcels of land under consideration was viewed.

Ms. Fitzpatrick discussed Parcel 74, saying the proposal is to transfer the parcel from the Park and Recreation Commission (from park land) to the Board of Selectmen for general municipal use. She commented the transfer recognizes the struggle the Town has had over the last decade of siting locations for capital facilities. She noted Parcel 74 is park land, and would require a home rule petition and signature of the Governor to transfer the land.

Ms. Fitzpatrick commented on the Hillside School site, saying once the Hillside School is rebuilt on Central Avenue the site would be available for repurposing, noting the possibility of using the site as "swing space." Ms. Fitzpatrick said that while the site is 24 acres, it is virtually unusable, except for 5 acres. She said the proposal is to transfer the Hillside School property on Glen Gary Road from the School Committee to the Board of Selectmen.

Ms. Fitzpatrick commented on the possible transfer of the Nike site from the School Committee to the Board of Selectmen for municipal use. She noted if the transfer occurred, conversations about linking Ridge Hill Reservation and the Nike site to create additional community use could occur. She said for the foreseeable future, the property will continue being used for community farming and the dog park.

Ms. Fitzpatrick commented on the proposal to transfer jurisdiction of the Daley Building, located on Highland Avenue, from the School Committee to the Board of Selectmen for continued municipal use.

Ms. Fitzpatrick commented on the proposal to transfer Greene's Field from the jurisdiction of the Board of Selectmen to the jurisdiction of the Park and Recreation Commission for continued recreational use.

Ms. Fitzpatrick said the most complex proposal is the jurisdictional split of DeFazio Field. She described the proposal for each parcel of land within the DeFazio Field property.

Ms. Fitzpatrick discussed the recently acquired Central Avenue site for the purpose of constructing a new school. She said the proposal is to transfer the jurisdiction of the entire parcel from the Board of Selectmen to the School Committee for educational use.

Mr. Handel invited questions from each Board.

Cindy Chaston, Park and Recreation Commission member, said the Committee has not yet voted on the transfers, but in general, favors the proposals. She said the Committee appreciates the proposal to transfer Greene's Field to the Park and Recreation Commission to protect it as a park and keep it for continued recreational use. She said the Park and Recreation Commission is reluctant to give up space but knew the Town may need Parcel 74. She said Parcel 74 is an important buffer of Route 128, and hopes and expects the Town to do its best to keep the property as a buffer and for passive recreation as much as possible. Ms. Chaston said, in general, the Park and Recreation Committee favors the jurisdictional proposal for DeFazio Field as it makes sense.

Mr. Handel noted the Board of Selectmen has historically been sensitive to the Route 128 buffer zone.

Michael Greis, School Committee member asked if the "practice" regarding the DeFazio Field complex of all Boards agreeing prior to anything being done on the complex has been codified and/or should it be codified.

Mr. Handel said he was not sure if anything has been codified, but said it is anticipated that a memorandum of understanding will be drafted between the Boards with respect to some issues arising in the future.

Ms. Fitzpatrick said it certainly could be codified if major changes were to be made to particular sections.

Mr. Borrelli commented the need is not as pressing when parcelling out land because there are definite jurisdictions that do not require memoranda. He said it clarifies jurisdictions.

Mr. Bulian commented it is important the schools have a dedicated space for a future school at the DeFazio Field complex, should it be necessary. He said the rationale for taking action is well grounded.

Mr. Matthews said he is glad to see the plan and that all Boards are involved. He said siting is the biggest single issue, noting the system is intentionally

decentralized so different Boards have primary jurisdiction over different parcels of land. He said the public expects the Boards find ways to work together for the common good. Mr. Matthews said it is hoped any major decision affecting any of the parcels, regardless of primary jurisdiction, would try to make sure every Board had an opportunity to have a say. He said marking land for primary jurisdiction makes a lot of sense, including having a reserve school site at DeFazio Field. He also commented on the potential combination of the Ridge Hill Reservation/Nike sites for future use.

Mr. Handel noted the Board of Selectmen, School Committee, and the Park and Recreation Committee work well together.

Mr. Borrelli elaborated the future of Ridge Hill Reservation/Nike sites and commented on the potential recreational and educational uses.

Dr. Gutekanst, School Superintendent suggested the idea of refurbishing the mansion at Ridge Hill Reservation for use by both the Park and Recreation and School departments.

8:10 p.m.

Rosemary Pool Project:

Dave DiCicco, Chairman, Park and Recreation Commission, Patty Carey, Director of Park and Recreation and members of the Park and Recreation Commission appeared before the Board with an update on the status of the Park & Recreation's evaluation of options for Rosemary Pool.

Mr. DiCicco gave a brief history of the process, noting the property is now considered the Rosemary Recreation Complex, not just a pool site.

Matt Toolan presented a Powerpoint presentation. He discussed guiding principles in the effort to rebuild the pool, meet the needs of the Town, and to incorporate year round use of the site. He discussed the design timeline, major project cost factors, pool location and preliminary pool design, base building, parking, and costs. Mr. Toolan said it costs more to retrofit the current building than to build a new building. He said the new building design has 2 floors and includes showers, bathrooms, storage, multipurpose and office space for year round use. Mr. Toolan commented hundreds of children have had their first job working and thousands of children have been taught how to swim at Rosemary Pool. He said building the Rosemary Pool Complex will boost the economy of the Town because people will stay in Needham. He commented doing nothing is not free, with a cost estimated to be \$2 million to \$3 million to close down the site. He asked the Board if it had any questions.

Mr. Bulian said he likes the proposal and it makes a lot of sense.

Mr. Matthews said he is struck by how everything is interrelated, and that having an outdoor pool at the site is a great amenity for the Town. He commented on the

many potential uses for the site, and said he is glad the idea of enclosing the pool was removed from consideration. He commented on fitting the project into the capital plan, while considering many other projects. He noted consideration of a seasonal or year round building, saying there are trade-offs. Mr. Matthews said it is a 50 year plan and having flexibility would be a big plus, noting the additional cost is not much extra. He said he understands both sides and hopes everyone will work together.

Ms. Cooley said she appreciates the efforts made by the Committee and the effort to extend the season. She suggested employing high school students to extend the season into September.

Mr. Handel noted the issue has been the subject of an enormous amount of public process. He said a lot has been learned from the Commission and from the public.

Mr. Borrelli noted the cost and commented on the value of a seasonal vs. year round building. He commented on the potential to use the lake for canoeing and ice skating, and to make it a true complex. He said that while the price tag is "shocking," there is great value in the project. He asked if it would be helpful if the Board of Selectmen voted its support? Mr. Toolan said yes.

Mr. DiCicco concurred with Mr. Borrelli that there is great value to locating the Park and Recreation department at the site, not just for the multi purpose space, but as a central location in Town. He commented on the value of the office space.

**Motion by Mr. Borrelli that the Board of Selectmen vote to support the recommendation by the Park and Recreation Department for Option C plus Alternate 3 - Raise pool to elevation 102 with compensatory storage.
Second: Mr. Bulian. Unanimously approved 5-0.**

9:00 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Accept Conservation Restriction - Sun Life Assurance
Motion by Ms. Cooley that the Board accept and sign the Conservation Restriction to the Town of Needham from Sun Life Assurance Company of Canada for the land referenced in the document.
Second: Mr. Bulian. Unanimously approved 5-0.
2. Accept Conservation Easement - 720 South Street
Motion by Mr. Bulian that the Board accept and sign the Conservation Easement to the Town of Needham from Joseph L. Zink for 720 South Street.
Second: Ms. Cooley. Unanimously approved 5-0.
3. Accept and Refer Zoning

Ms. Fitzpatrick said that at its meeting on January 26, 2016, the Planning Board voted to place the following 7 articles on the warrant for the 2016 Annual Town Meeting: Amend Zoning By-Law Mixed Use Overlay District; Amend Zoning By-Law Map Change to Mixed-Use Overlay District; Amend Zoning By-Law Permitted Uses in New England Business Center District; Amend Zoning By-Law Maximum Building Bulk; Amend Zoning Map-Special Permit Granting Authority in Center Business District; Amend Zoning By-Law Retaining Walls; Amend Zoning By-Law Minimum Side and Rear Line Setbacks: Accessory Structures. She told the Board that under State law, the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning Board for its review, hearing, and report. She said the Board's action in this matter is not discretionary.

Motion by Mr. Bulian that the Board vote to accept the proposed zoning amendments: Amend Zoning By-Law Mixed Use Overlay District; Amend Zoning By-Law Map Change to Mixed-Use Overlay District; Amend Zoning By-Law Permitted Uses in New England Business Center District; Amend Zoning By-Law Maximum Building Bulk; Amend Zoning Map-Special Permit Granting Authority in Center Business District; Amend Zoning By-Law Retaining Walls; Amend Zoning By-Law Minimum Side and Rear Line Setbacks: Accessory Structures.

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

4. Close ATM Warrant

Motion by Mr. Bulian that the Board vote to close the warrant for the 2016 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

9:10 p.m.

Board Discussion:

Mr. Handel said the Board of Selectmen has been made aware of a matter before the Zoning Board of Appeals that is of concern to members of the Board of Selectmen. He asked Ms. Fitzpatrick to elaborate on the issue.

Ms. Fitzpatrick said there is a request for the Zoning Board of Appeals regarding property on South Street to convert from a commercial establishment to 6 units of multi-family housing under specific clauses in the zoning by-law that allow a substituting use if it is determined not to be more detrimental. Mr. Handel confirmed the location is in the Red Wing Bay area.

Mr. Bulian said it is a 25,000 sq. ft. lot/acre zoning near South Street and Charles River Street. He said the proposed developer wants to build 6 single family homes. He said he does not support the use as it is too dense for the area and will change the area in an irreparable way. Mr. Bulian said he has been contacted by a constituent who expressed concerns for the neighborhood. He asked, if the Board agrees, to ask the Town Manager to issue a letter from the Board opposing the change of use.

Mr. Borrelli said the crux of the issue Town zoning, which has a provision that allows for substitute non-conforming use with the idea that it will make an enhancement to the property. He said to try and maximize zoning and use a “loophole” is not the intent of the by-law. He commented on the intent of the by-law.

Mr. Handel said the proposed project is not a 40B, but is using the “loophole” identified by Mr. Borrelli to create the kind of neighborhood change in characteristics the Town has worked hard to avoid by reaching the 10% affordable housing goal. He commented it behooves the Board to reinforce the idea that certain neighborhoods have characteristics that need to be preserved. Mr. Handel said the area is very rural and to create a relatively high density residential development in place of a relatively benign business presence is inappropriate. He said he supports sending a letter to the Zoning Board of Appeals.

Mr. Handel noted the ZBA will hold the first hearing on the case tonight.

Motion by Mr. Bulian that the Board of Selectmen vote to authorize the Town Manager to write a letter to the Zoning Board of Appeals expressing the Board of Selectmen’s concern about the proposed development on South Street.

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

Mr. Handel noted Special Town Meeting is scheduled for tomorrow night.

9:15 p.m. Executive Session: (Exceptions 3 & 6)

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

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

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Borrelli. Mr. Handel polled the Board. Unanimously approved 5-0.

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=>

Note: The meeting adjourned at 9:35 p.m.

BOARD OF SELECTMEN

* MINUTES *

February 10, 2016

7:10 p.m. A special meeting of the Board of Selectmen was convened by Chairman Maurice Handel at the Needham Town Hall. Present were Mr. Matthew Borrelli, Ms. Marianne Cooley, Mr. Daniel Matthews, Mr. John Bulian, and Town Manager Kate Fitzpatrick.

The Board of Selectmen briefly discussed the items on the warrant for the Special Town Meeting.

Motion: Ms. Cooley moved that the Board vote to withdraw Article 1 – BCTIA Collective Bargaining Agreement. Mr. Bulian seconded the motion. Unanimous: 5 – 0.

7:15 p.m. **Motion: Mr. Bulian moved that the Board adjourn its meeting contemporaneously with the adjournment of Town Meeting. Mr. Borrelli seconded the motion. Unanimous: 5-0.**

Note: The Special Town Meeting adjourned for the evening at approximately 9:05 p.m.