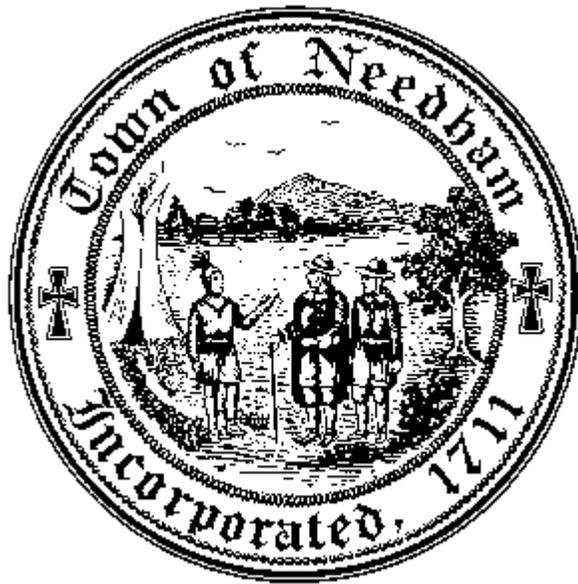


SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, MAY 11, 2009

7:30 P. M.

NEWMAN ELEMENTARY SCHOOL

CENTRAL AVENUE

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 at the Newman Elementary School:

MONDAY, THE ELEVENTH DAY OF MAY, 2009

at seven-thirty in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: APPROVE COLLECTIVE BARGAINING AGREEMENT/PUBLIC FACILITIES CUSTODIANS AND TRADES

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Public Facilities Custodial and Trades Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2009; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation at Town Meeting
PERSONNEL BOARD RECOMMENDS THAT: Recommendation at Town Meeting

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

ARTICLE 2: AMEND GENERAL BY-LAWS/TRENCH SAFETY

To see if the Town will vote, in accordance with M.G.L Chapter 82A, to amend Section 2.2.5 of the General By-laws by inserting a new Section 2.2.5.4:

- 2.2.5.4 Trench Safety
- 2.2.5.4.1 The Town Manager is authorized to designate a local permitting authority for issuing trench permits and/or licenses under the regulations promulgated by the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety in accordance with Chapter 82A of the General Laws relative to excavation and trench safety.
- 2.2.5.4.2 A trench is defined as a subsurface excavation greater than three feet in depth, and is fifteen feet or less between the soil walls as measured from the bottom.
- 2.2.5.4.3 The Board of Selectmen may, from time to time enact fees to cover the costs of processing said permits and for enforcement thereof.

2.2.5.4.4 The Board of Selectmen may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.

2.2.5.4.5 The Town may perform temporary repairs to private property if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations issue by the Board of Selectmen in accordance with Section 2.2.5.4.4. Said repairs shall be considered necessary to abate an immediate hazard.

And by inserting a new Subsection B under Section 8.2.2.8 as follows:

8.2.2.8

B Regulations Regarding Trench Safety Authorized by Section 2.2.5.4.4
Enforcement Agent: Director of Public Works
Fine Schedule: \$100 per offense,

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Section 2 of Chapter 82A of the General Laws requires cities and towns to designate a board or officer to issue permits for the excavation of trenches on public and privately-owned land and on public ways. Under the law, regulated trenches must be attended, covered, barricaded or backfilled. This article authorizes the Town Manager to designate the local permitting authority, and authorizes the Board of Selectmen to make regulations and set fees for the new permitting process.

ARTICLE 3: APPROPRIATE FOR FACILITY REPAIRS / NEWMAN SCHOOL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$450,000 for feasibility, design and engineering services related to extraordinary repair of the Newman School located at 1155 Central Avenue and shown as Lot 21 on the Needham Assessors Map numbered 216, to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7 or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of bonds or notes under this vote; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The May 12, 2008 Special Town Meeting appropriated \$650,000 for the installation of a temporary heating/ventilation system in the east wing of the Newman School, and for the development of a feasibility study of possible long-term solutions. The feasibility study was conducted by DRA Architects under the jurisdiction of the Permanent Public Building Committee. That study is now complete.

In February, 2009, the Massachusetts School Building Authority (MSBA) notified the Town that the agency is

interested in partnering with the Town to fund the needed repairs. The funding requested under this article will allow for the preparation of sufficient architectural and engineering narrative, diagrams and detail to illustrate the design of the project scope and enable the preparation of a reliable construction cost estimate. Once the Town and the MSBA reach agreement on a project scope and schematic design, the parties will enter into a project funding agreement, with the MSBA providing a portion of the approved project cost.

Completion of the project is contingent upon a successful debt exclusion override and Town Meeting approval of the remaining project costs, both tentatively scheduled for late fall or early winter, 2009.

ARTICLE 4: AMEND FY2009 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2009 Operating Budget adopted under Article 17 of the 2008 Annual Town Meeting and amended under Article 4 of the October 27, 2008 Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
3	Group Health Insurance	8,258,510	To be Determined
4	Retiree Insurance & Insurance Liability Fund	3,702,211	To be Determined
15A	Finance Department Salary & Wages	1,304,013	1,281,513
15B	Finance Department Expenses	760,807	783,307
17A	Planning Department Salary & Wages	197,130	To be Determined
17B	Planning Department Expenses	16,260	To be Determined

or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation at Town Meeting

ARTICLE 5: APPROPRIATE TO STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate \$55,000 to the Stabilization Fund, said sum to be transferred from line 9 of the fiscal year 2009 operating budget, or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The intent of this transfer is to reserve funding for the settlement of a collective bargaining agreement between the Town and the custodial and trades employees of the Public Facilities Department. This Agreement is not likely to be completed during fiscal year 2009 due to the Union's decertification of its previous representative (AFSCME). The certification of a representative for the bargaining unit is under the jurisdiction of the Massachusetts Labor Relations Commission. Until a representative for the unit is certified, no Agreement can be made. A transfer out of the stabilization fund will be proposed in fiscal year 2010 once an Agreement is reached.

Municipalities are authorized under M.G.L., Chapter 40, Section 5B to establish stabilization funds. Monies

appropriated to the Stabilization Fund remain in the fund and carry forward from one fiscal year to another. The interest earned on the stabilization fund remains with the fund. The money from the Stabilization Fund can be appropriated for any lawful municipal purpose. Appropriations both into and from the fund require a two-thirds majority vote of Town Meeting.

ARTICLE 6: AUTHORIZE AGREEMENT TO ACCEPT STATE HIGHWAY

To see if the Town will vote to authorize the Board of Selectmen to execute an agreement between the Town of Needham and the Commonwealth of Massachusetts Highway Department to allow the Commonwealth to discontinue certain sections of Highland Avenue, which are currently designated as state highways, and thereafter said ways so discontinued shall become Town ways in accordance with Massachusetts General Laws Chapter 81, Section 12, and further to authorize the Board of Selectmen to accept from the Commonwealth of Massachusetts the above roadways “as is” contingent upon acceptance of funds to be expended under the direction of the Town Manager, for the purpose of improving said roadways to Town standards; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town of Needham and the City of Newton have worked together for the past decade to enable the rehabilitation of the Highland Avenue/Needham Street corridor. This roadway is under the jurisdiction of the Commonwealth of Massachusetts, which has provided financial support for the design of the project (currently at the 75% design stage). The two communities have submitted the “turnback” project for funding under the federal stimulus program. It is assumed that the Commonwealth will require that the Town vote to accept the road as a public way prior to receiving the funding. This is a similar process to that which was used to accept State funding for the on-going work on Chestnut Street. Under the proposed motion, the Town would authorize the Board of Selectmen to accept the roadway only if such acceptance is accompanied by funds to rehabilitate the road, or if the Commonwealth rehabilitates the roadway to Needham standards itself. This article allows the Town to participate in any State or Federal funding that may become available over the next few months.

ARTICLE 7: ESTABLISH MINUTEMAN SCHOOL STABILIZATION FUND

To see if the Town will vote to approve the establishment of a stabilization fund by the Minuteman Regional Vocational Technical School District, beginning July 1, 2009, in accordance with M.G.L. Chapter 71, Section 16G1/2; or take any other action relative thereto,

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation at Town Meeting

Article Information: The Minuteman School District proposes to establish a stabilization fund as part of its financial management structure. Town Meeting approval by majority of member communities (9 of 16) is required. The School District’s purpose is to improve flexibility and stability in its long term financial planning. The fund is intended be used to build up cash reserves to handle small and medium-sized capital projects, and to handle emergency capital needs without disrupting the District’s rate structure. The District is not requesting funding at this time.

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 fourteen (14) 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 21st day of April 2009.

Daniel P. Matthews, Chairman
John A. Bulian, Vice Chairman
Denise C. Garlick, Clerk
Gerald A. Wasserman
Maurice P. Handel

Selectmen of Needham

A TRUE COPY

Attest:

Constable:

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**Town Clerk's Office
Needham, MA 02492**

**First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224**

ATTN: SPECIAL TOWN MEETING WARRANT