



**FISCAL YEAR 2021  
(July 1, 2020 – June 30, 2021)**

**TOWN CLERK'S RECORDS  
OF THE**

**STATE PRIMARY  
Tuesday, September 1, 2020**

**SPECIAL TOWN MEETING  
Sunday, October 4, 2020**

**STATE ELECTION  
Tuesday, November 3, 2020**

**ANNUAL TOWN ELECTION  
Tuesday, April 13, 2021**

**SPECIAL TOWN MEETING  
Saturday, May 1, 2021**

**ANNUAL TOWN MEETING  
Monday, May 3, 2021**



**Fiscal Year 2021  
WARRANT ARTICLE INDEX**

| <u>Article</u> | <u>Description</u> | <u>Page</u> |
|----------------|--------------------|-------------|
|----------------|--------------------|-------------|

**STATE PRIMARY – Tuesday, September 1, 2020 (Pages 1 – 8)**

**SPECIAL TOWN MEETING - Sunday, October 4, 2020**

|                                                                      |       |
|----------------------------------------------------------------------|-------|
| 1. Amend the FY2021 Operating Budget                                 | 11/12 |
| 2. Appropriate for Needham Property Tax Assistance Program           | 11    |
| 3. Appropriate for COVID-19 Expenses                                 | 11    |
| 4. Appropriate for Billing and Collection Software                   | 13    |
| 5. Appropriate Transportation Improvement Fees                       | 11    |
| 6. Amend Zoning By-Law - Avery Square Overlay District               | 13    |
| 7. Amend Zoning By-Law – Map Change to Avery Square Overlay District | 22    |
| 8. Appropriate for Walker Lane Sewer                                 | 11    |
| 9. Rescind Debt Authorization                                        | 22    |
| 10. Appropriate for Emergency Rental Assistance Program              | 23    |
| 11. Appropriate for First Baptist Church Preservation & Restoration  | 24    |
| 12. Appropriate for First Parish Church Steeple Preservation         | 25    |
| 13. Appropriate for Needham Community Farm Growing Bed Expansion     | 12    |
| 14. Claxton Field Lights & Skin Diamond Renovation – Design          | 12    |
| 15. DeFazio Track Synthetic Track Resurfacing                        | 25    |
| 16. Appropriate to Community Preservation Fund                       | 25    |
| 17. Resolution to Request a Study of Systemic Racism in Needham      | 26    |

**STATE ELECTION – Tuesday, November 3, 2020 (Pages 29 – 31)**

**ANNUAL TOWN ELECTION – Tuesday, April 13, 2021 (Pages 32 – 37)**

**SPECIAL TOWN MEETING - Saturday, May 1, 2021**

|                                                                                               |    |
|-----------------------------------------------------------------------------------------------|----|
| 1. Fund Collective Bargaining Agreement – Needham Independent Town Workers                    | 40 |
| 2. Fund Collective Bargaining Agreement – Needham Independent Public Employees Association    | 40 |
| 3. Fund Collective Bargaining Agreement – Needham Fire Union                                  | 41 |
| 4. Fund Collective Bargaining Agreement – Needham Police Union                                | 56 |
| 5. Fund Collective Bargaining Agreement – Needham Police Superior Officers Association        | 56 |
| 6. Amend the FY2021 Operating Budget                                                          | 41 |
| 7. Appropriate for Needham Property Tax Assistance Program                                    | 42 |
| 8. Appropriate for Compensated Absences Fund                                                  | 42 |
| 9. Appropriate for Public Facilities Maintenance Program                                      | 42 |
| 10. Appropriate for Small Repair Grant Program                                                | 42 |
| 11. Appropriate for Town Network and Internet Control Analysis and Reporting                  | 43 |
| 12. Appropriate for Planning Consulting Assistance                                            | 57 |
| 13. Appropriate for Public Health Consulting Assistance                                       | 43 |
| 14. Appropriate for Public Information Officer                                                | 57 |
| 15. Appropriate for Clinical Support Services for Law Enforcement                             | 58 |
| 16. Appropriate the National Pollutant Discharge Elimination System (NPDES) Permit Compliance | 43 |
| 17. Appropriate for Fleet Refurbishment                                                       | 44 |
| 18. Appropriate for Rosemary Dam Decommissioning                                              | 44 |



**Fiscal Year 2021  
WARRANT ARTICLE INDEX (Continued)**

| <u>Article</u> | <u>Description</u> | <u>Page</u> |
|----------------|--------------------|-------------|
|----------------|--------------------|-------------|

**SPECIAL TOWN MEETING - Saturday, May 1, 2021 (Continued)**

|     |                                                                                                                                         |    |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|----|
| 19. | Appropriate for Payment of Unpaid Bills of Prior Years                                                                                  | 44 |
| 20. | Appropriate the FY2022 Operating Budget                                                                                                 | 58 |
| 21. | Appropriate the FY2022 Sewer Enterprise Fund Budget                                                                                     | 45 |
| 22. | Appropriate the FY2022 Water Enterprise Fund Budget                                                                                     | 60 |
| 23. | Authorization to Expend State Funds for Public Ways                                                                                     | 47 |
| 24. | Appropriate for Emery Grover Renovation Design                                                                                          | 48 |
| 25. | Appropriate for Preservation of Town Marriage Records                                                                                   | 48 |
| 26. | Appropriate for Town Common Historic Redesign & Renovation                                                                              | 62 |
| 27. | Appropriate for Fisher Street Trailhead – Construction                                                                                  | 48 |
| 28. | Appropriate for Resurfacing the Synthetic Track at DeFazio Park                                                                         | 62 |
| 29. | Appropriate for McLeod Field Renovation Design                                                                                          | 62 |
| 30. | Appropriate for Trail Identification – Design                                                                                           | 49 |
| 31. | Appropriate for Town Reservoir Sediment Removal – Design                                                                                | 49 |
| 32. | Appropriate to Community Preservation Fund                                                                                              | 49 |
| 33. | Appropriate to Community Preservation Fund Supplement                                                                                   | 50 |
| 34. | Appropriate for Walker Pond Improvements                                                                                                | 50 |
| 35. | Appropriate for General Fund Cash Capital                                                                                               | 63 |
| 36. | Appropriate for Public Works Infrastructure                                                                                             | 50 |
| 37. | Appropriate for Public Safety Building Construction                                                                                     | 69 |
| 38. | Appropriate for Sewer Enterprise Fund Cash Capital                                                                                      | 51 |
| 39. | Appropriate for Sewer Main Replacement                                                                                                  | 52 |
| 40. | Appropriate for Water Enterprise Fund Cash Capital                                                                                      | 52 |
| 41. | Appropriate for Water Service Connections                                                                                               | 53 |
| 42. | Appropriate to Athletic Facility Improvement Fund                                                                                       | 70 |
| 43. | Appropriate to Workers Compensation Fund                                                                                                | 54 |
| 44. | Acceptance of Provisions of M.G.L. Chapter 41 Section 111F – Special Injury<br>Leave Indemnity Fund                                     | 54 |
| 45. | Foster Care Transportation Reimbursement                                                                                                | 55 |
| 46. | Special Education Stabilization Fund                                                                                                    | 55 |
| 47. | Amend General By-Law – Authorize Town Clerk to Ensure Consistency in Numbering                                                          | 56 |
| 48. | Needham Unite Against Racism Resolution                                                                                                 | 70 |
| 49. | Citizens' Petition – Storage of Receptacles Used for Household Waste Disposal Pickup at<br>Residential Properties by Commercial Vendors | 71 |
| 50. | Omnibus                                                                                                                                 | 72 |

**Annual Town Meeting, Monday, May 3, 2021**

|    |                                                                                           |    |
|----|-------------------------------------------------------------------------------------------|----|
| 1. | Annual Town Election                                                                      | 32 |
| 2. | Committee and Officer Reports                                                             | 76 |
| 3. | Established Elected Officials' Salaries                                                   | 76 |
| 4. | Set the Annual Department Revolving Fund Spending Limits                                  | 76 |
| 5. | Amend Zoning By-Law – Highway Commercial 1 Zoning District                                | 77 |
| 6. | Amend Zoning By-Law – Map Change to Highway Commercial 1                                  | 92 |
| 7. | Citizen's Petition/Amend Zoning By-Law – Map Change to Single Residence B Zoning District | 93 |
| 8. | Omnibus.                                                                                  | 94 |



**RECORD OF THE STATE PRIMARY  
Tuesday, September 1, 2020**

Pursuant to a Warrant issued by the Selectmen July 24, 2020 the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the First day of September in the year 2020 at seven o'clock in the forenoon for the purpose of nominating State and Country officers. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero-report printed. The boxes were then locked, and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

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 – Needham Golf Club – Community Room  
Precinct F – Rosemary Complex  
Precinct G – Rosemary Complex  
Precinct H – Needham Golf Club – Community Room  
Precinct I- Town Hall – Powers Hall  
Precinct J- Town Hall – Powers Hall

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

The ballot box returns in the Precincts were as follows:

| <u>PRECINCTS</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> |
|------------------|----------|----------|----------|----------|----------|
| 6:30 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 7:00 A.M.        | 2        | 0        | 0        | 0        | 0        |
| 8:00 A.M.        | 10       | 17       | 15       | 5        | 23       |
| 9:00 A.M.        | 40       | 88       | 44       | 61       | 60       |
| 10:00 A.M.       | 98       | 135      | -        | 74       | 97       |
| 11:00 A.M.       | 148      | 160      | 172      | 120      | 130      |
| 12:00 NOON       | 200      | 202      | 213      | 178      | 188      |
| 1:00 P.M.        | 215      | 219      | 241      | 206      | 207      |
| 2:00 P.M.        | 235      | 242      | 261      | 230      | 255      |
| 3:00 P.M.        | 249      | 264      | 290      | 247      | 349      |
| 4:00 P.M.        | 300      | 287      | 325      | 287      | 359      |
| 5:00 P.M.        | 325      | 313      | 392      | 366      | 371      |
| 6:00 P.M.        | 334      | -        | 420      | 409      | 433      |
| 7:00 P.M.        | 352      | 406      | 466      | 443      | 483      |
| 8:00 P.M.        | 357      | 493      | 504      | 491      | 544      |

| <u>PRECINCTS</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> |
|------------------|----------|----------|----------|----------|----------|
| 6:30 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 7:00 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 8:00 A.M.        | 60       | 100      | 18       | 18       | 45       |
| 9:00 A.M.        | 147      | 150      | 94       | 35       | 128      |
| 10:00 A.M.       | 165      | 178      | 161      | 134      | 163      |
| 11:00 A.M.       | 193      | 194      | 191      | 187      | 208      |
| 12:00 NOON       | 212      | 220      | 215      | 210      | 227      |
| 1:00 P.M.        | 224      | 264      | 231      | 231      | 240      |
| 2:00 P.M.        | 250      | 276      | 307      | 281      | 258      |
| 3:00 P.M.        | 303      | 365      | 325      | 336      | 336      |
| 4:00 P.M.        | 348      | 393      | 354      | 353      | 381      |
| 5:00 P.M.        | 364      | 420      | 376      | 375      | 411      |
| 6:00 P.M.        | 414      | 465      | 393      | 439      | 435      |
| 7:00 P.M.        | 442      | 496      | 454      | 492      | 462      |
| 8:00 P.M.        | 488      | 529      | 497      | 533      | 528      |

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the unofficial results at 2:00 A.M., September 2, 2020.

The total number of votes cast was as follows:

|              | <b>Democrat</b> | <b>Republican</b> | <b>Libertarian</b> | <b>Green Rainbow</b> | <b>Total</b>  |
|--------------|-----------------|-------------------|--------------------|----------------------|---------------|
| Precinct A   | 864             | 110               | 1                  | 0                    | 975           |
| Precinct B   | 1033            | 135               | 1                  | 1                    | 1,170         |
| Precinct C   | 1005            | 106               | 1                  | 0                    | 1,112         |
| Precinct D   | 1023            | 123               | 4                  | 0                    | 1,150         |
| Precinct E   | 1104            | 142               | 2                  | 0                    | 1,248         |
| Precinct F   | 1064            | 98                | 0                  | 0                    | 1,162         |
| Precinct G   | 1060            | 140               | 5                  | 0                    | 1,205         |
| Precinct H   | 1046            | 133               | 0                  | 0                    | 1,179         |
| Precinct I   | 1131            | 96                | 2                  | 0                    | 1,229         |
| Precinct J   | 1022            | 89                | 3                  | 1                    | 1,115         |
| <b>TOTAL</b> | <b>10,352</b>   | <b>1,172</b>      | <b>19</b>          | <b>2</b>             | <b>11,545</b> |

(The absentee ballots are included in the Total Vote)

**TOTAL VOTE CAST – 11,545**  
**(48.70% of 23,686 Registered Voters)**

The result of the balloting was as follows:

|                                                                                                 | <u>A</u>   | <u>B</u>    | <u>C</u>    | <u>D</u>    | <u>E</u>    | <u>F</u>    | <u>G</u>    | <u>H</u>    | <u>I</u>    | <u>J</u>    | <u>TOTAL</u>  |
|-------------------------------------------------------------------------------------------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| <b><u>DEMOCRATIC PARTY</u></b>                                                                  |            |             |             |             |             |             |             |             |             |             |               |
| <b>Total # of Votes Cast</b>                                                                    | <b>864</b> | <b>1033</b> | <b>1005</b> | <b>1023</b> | <b>1104</b> | <b>1064</b> | <b>1060</b> | <b>1046</b> | <b>1131</b> | <b>1022</b> | <b>10,352</b> |
| <b><u>SENATOR IN CONGRESS (Vote for One)</u></b>                                                |            |             |             |             |             |             |             |             |             |             |               |
| Edward J. Markey                                                                                | 482        | 665         | 549         | 607         | 682         | 653         | 643         | 606         | 674         | 616         | 6177          |
| Joseph P. Kennedy, III                                                                          | 378        | 364         | 451         | 410         | 414         | 407         | 405         | 431         | 449         | 405         | 4114          |
| Scattered Write-Ins:                                                                            | 0          | 0           | 0           | 0           | 2           | 0           | 2           | 2           | 2           | 0           | 8             |
| Blanks                                                                                          | 4          | 4           | 5           | 6           | 6           | 4           | 10          | 7           | 6           | 1           | 53            |
| <b><u>REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)</u></b>                       |            |             |             |             |             |             |             |             |             |             |               |
| Jake Auchincloss                                                                                | 187        | 181         | 201         | 181         | 236         | 185         | 212         | 215         | 202         | 205         | 2005          |
| David Franklin Cavell                                                                           | 16         | 13          | 13          | 10          | 12          | 10          | 11          | 5           | 6           | 11          | 107           |
| Becky Grossman                                                                                  | 202        | 174         | 171         | 186         | 177         | 206         | 158         | 207         | 228         | 191         | 1900          |
| Alan A. Khazei                                                                                  | 71         | 103         | 113         | 110         | 114         | 77          | 100         | 99          | 98          | 105         | 990           |
| Ihssane Leckey                                                                                  | 55         | 70          | 40          | 68          | 77          | 95          | 69          | 64          | 73          | 75          | 686           |
| Natalia Linos                                                                                   | 78         | 112         | 108         | 101         | 93          | 94          | 109         | 71          | 96          | 87          | 949           |
| Jesse R. Mermell                                                                                | 154        | 242         | 217         | 256         | 279         | 287         | 290         | 255         | 301         | 222         | 2503          |
| Benjamin R Sigel                                                                                | 20         | 18          | 26          | 21          | 29          | 34          | 22          | 27          | 35          | 23          | 255           |
| Christopher Z. Zannetos                                                                         | 31         | 58          | 48          | 36          | 37          | 26          | 33          | 42          | 43          | 32          | 386           |
| Scattered Write-Ins:                                                                            | 1          | 0           | 0           | 0           | 0           | 0           | 0           | 2           | 3           | 2           | 8             |
| Blanks                                                                                          | 49         | 62          | 68          | 54          | 50          | 50          | 56          | 59          | 46          | 69          | 563           |
| <b><u>COUNCILLOR (Second District) (Vote for One)</u></b>                                       |            |             |             |             |             |             |             |             |             |             |               |
| Robert L. Jubinville                                                                            | 606        | 711         | 683         | 684         | 762         | 716         | 689         | 724         | 798         | 682         | 7055          |
| Scattered Write-Ins:                                                                            | 2          | 2           | 1           | 0           | 5           | 3           | 2           | 6           | 4           | 7           | 32            |
| Blanks                                                                                          | 256        | 320         | 321         | 339         | 337         | 345         | 369         | 316         | 329         | 333         | 3265          |
| <b><u>SENATOR IN GENERAL COURT (Norfolk, Bristol and Middlesex District) (Vote for One)</u></b> |            |             |             |             |             |             |             |             |             |             |               |
| Rebecca L. Rausch                                                                               | 690        | 824         | 805         | 0           | 0           | 0           | 0           | 0           | 921         | 772         | 4012          |
| Scattered Write-Ins:                                                                            | 2          | 4           | 3           | 0           | 0           | 0           | 0           | 0           | 9           | 39          | 57            |
| Blanks                                                                                          | 172        | 205         | 197         | 0           | 0           | 0           | 0           | 0           | 201         | 211         | 986           |
| <b><u>SENATOR IN GENERAL COURT (Norfolk &amp; Suffolk District) (Vote for One)</u></b>          |            |             |             |             |             |             |             |             |             |             |               |
| Michael F. Rush                                                                                 | 0          | 0           | 0           | 684         | 776         | 705         | 711         | 737         | 0           | 0           | 3613          |
| Scattered Write-Ins:                                                                            | 0          | 0           | 0           | 5           | 11          | 5           | 6           | 12          | 0           | 0           | 39            |
| Blanks                                                                                          | 0          | 0           | 0           | 334         | 317         | 354         | 343         | 297         | 0           | 0           | 1645          |

|                                | <u>A</u>   | <u>B</u>    | <u>C</u>    | <u>D</u>    | <u>E</u>    | <u>F</u>    | <u>G</u>    | <u>H</u>    | <u>I</u>    | <u>J</u>    | <u>TOTAL</u>  |
|--------------------------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| <b><u>DEMOCRATIC PARTY</u></b> |            |             |             |             |             |             |             |             |             |             |               |
| <b>Total # of Votes Cast</b>   | <b>864</b> | <b>1033</b> | <b>1005</b> | <b>1023</b> | <b>1104</b> | <b>1064</b> | <b>1060</b> | <b>1046</b> | <b>1131</b> | <b>1022</b> | <b>10,352</b> |

**REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)**

|                      |     |     |     |     |     |     |     |     |     |     |      |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Denise C. Garlick    | 703 | 856 | 842 | 821 | 896 | 873 | 874 | 886 | 960 | 833 | 8544 |
| Scattered Write-Ins: | 2   | 1   | 0   | 3   | 10  | 3   | 1   | 4   | 5   | 9   | 38   |
| Blanks               | 159 | 176 | 163 | 199 | 198 | 188 | 185 | 156 | 166 | 180 | 1770 |

**REGISTER OF PROBATE (Norfolk County) (Vote for One)**

|                        |     |     |     |     |     |     |     |     |     |     |      |
|------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Colleen Marie Brierley | 186 | 250 | 215 | 235 | 271 | 242 | 285 | 268 | 287 | 228 | 2467 |
| Noel T. DiBona         | 87  | 108 | 95  | 85  | 66  | 88  | 99  | 69  | 80  | 96  | 873  |
| Kathryn E. Hubley      | 120 | 112 | 99  | 114 | 134 | 126 | 126 | 121 | 146 | 120 | 1218 |
| Courtney M. Madden     | 56  | 69  | 61  | 49  | 85  | 82  | 47  | 75  | 69  | 63  | 656  |
| Michael F. Walsh       | 180 | 216 | 238 | 242 | 280 | 253 | 212 | 230 | 246 | 216 | 2313 |
| Scattered Write-Ins:   | 0   | 0   | 2   | 1   | 0   | 0   | 1   | 1   | 0   | 3   | 9    |
| Blanks                 | 235 | 277 | 295 | 297 | 268 | 273 | 290 | 282 | 203 | 296 | 2816 |

**COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)**

|                      |     |     |     |     |     |     |     |     |      |     |      |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|------|
| Joseph P. Shea       | 340 | 423 | 392 | 387 | 437 | 422 | 415 | 439 | 482  | 381 | 4118 |
| Dennis J. Guilfoyle  | 217 | 219 | 231 | 240 | 313 | 260 | 247 | 276 | 285  | 245 | 2533 |
| Charles B. Ryan      | 124 | 151 | 173 | 158 | 173 | 170 | 159 | 141 | 148  | 164 | 1563 |
| Richard R. Staiti    | 223 | 293 | 249 | 276 | 315 | 290 | 303 | 268 | 314  | 278 | 2809 |
| Scattered Write-Ins: | 0   | 0   | 5   | 0   | 2   | 3   | 5   | 1   | 0    | 9   | 25   |
| Blanks               | 824 | 980 | 960 | 985 | 968 | 983 | 991 | 967 | 1033 | 965 | 9656 |

**COUNTY TREASURER (Norfolk County) (Vote for One)**

|                      |     |     |     |     |     |     |     |     |     |     |      |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Michael G. Bellotti  | 390 | 452 | 424 | 453 | 477 | 460 | 430 | 432 | 471 | 414 | 4403 |
| Brad L. Croall       | 245 | 310 | 304 | 292 | 366 | 338 | 325 | 343 | 357 | 333 | 3213 |
| Scattered Write-Ins: | 0   | 2   | 2   | 0   | 0   | 1   | 1   | 2   | 1   | 3   | 12   |
| Blanks               | 229 | 269 | 275 | 278 | 261 | 265 | 304 | 269 | 302 | 272 | 2724 |

**SHERIFF (VACANCY) (Norfolk County) (Vote for One)**

|                      |     |     |     |     |     |     |     |     |     |     |      |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| James F. Coughlin    | 235 | 291 | 343 | 316 | 336 | 316 | 284 | 317 | 319 | 272 | 3029 |
| Patrick W. McDermott | 189 | 237 | 183 | 185 | 235 | 231 | 204 | 207 | 250 | 223 | 2144 |
| William J. Phelan    | 227 | 259 | 235 | 249 | 284 | 278 | 294 | 266 | 275 | 279 | 2646 |
| Scattered Write-Ins: | 1   | 2   | 3   | 1   | 1   | 1   | 1   | 2   | 4   | 2   | 18   |
| Blanks               | 212 | 244 | 241 | 272 | 248 | 238 | 277 | 254 | 283 | 246 | 2515 |

|  | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|

GREEN RAINBOW

|                              |   |   |   |   |   |   |   |   |   |   |   |
|------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| <b>Total # of Votes Cast</b> | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
|------------------------------|---|---|---|---|---|---|---|---|---|---|---|

SENATOR IN CONGRESS (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

COUNCILLOR (Second District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

SENATOR IN GENERAL COURT (Norfolk, Bristol and Middlesex District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

SENATOR IN GENERAL COURT (Norfolk and Suffolk District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanks               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

REGISTER OF PROBATE (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 |

|  | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|

GREEN RAINBOW

|                       |   |   |   |   |   |   |   |   |   |   |   |
|-----------------------|---|---|---|---|---|---|---|---|---|---|---|
| Total # of Votes Cast | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
|-----------------------|---|---|---|---|---|---|---|---|---|---|---|

COUNTY TREASURER (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

SHERIFF (Vacancy) (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Blanks               | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

|  | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|

LIBERTARIAN

|                       |   |   |   |   |   |   |   |   |   |   |    |
|-----------------------|---|---|---|---|---|---|---|---|---|---|----|
| Total # of Votes Cast | 1 | 1 | 1 | 4 | 2 | 0 | 5 | 0 | 2 | 3 | 19 |
|-----------------------|---|---|---|---|---|---|---|---|---|---|----|

SENATOR IN CONGRESS (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 1 | 1 | 0 | 1 | 1 | 0 | 4 | 0 | 2 | 3 | 13 |
| Blanks               | 0 | 0 | 1 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 6  |

REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 0 | 1 | 0 | 1 | 1 | 0 | 2 | 0 | 2 | 1 | 8  |
| Blanks               | 1 | 0 | 1 | 3 | 1 | 0 | 3 | 0 | 0 | 2 | 11 |

COUNCILLOR (Second District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 6  |
| Blanks               | 0 | 0 | 1 | 3 | 2 | 0 | 4 | 0 | 1 | 2 | 13 |

SENATOR IN GENERAL COURT (Norfolk, Bristol and Middlesex District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 3 |
| Blanks               | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 5 |

|  | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|

LIBERTARIAN

|                       |   |   |   |   |   |   |   |   |   |   |    |
|-----------------------|---|---|---|---|---|---|---|---|---|---|----|
| Total # of Votes Cast | 1 | 1 | 1 | 4 | 2 | 0 | 5 | 0 | 2 | 3 | 19 |
|-----------------------|---|---|---|---|---|---|---|---|---|---|----|

SENATOR IN GENERAL COURT (Norfolk and Suffolk District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |   |
| Scattered Write-Ins: | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 3 |
| Blanks               | 0 | 0 | 0 | 3 | 2 | 0 | 3 | 0 | 0 | 0 | 8 |

REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 1 | 6  |
| Blanks               | 1 | 0 | 1 | 3 | 2 | 0 | 4 | 0 | 0 | 2 | 13 |

REGISTER OF PROBATE (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| Scattered Write-Ins: | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 4  |
| Blanks               | 1 | 0 | 1 | 3 | 2 | 0 | 4 | 0 | 1 | 2 | 14 |

COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 0 | 2 | 0 | 2 | 0 | 0 | 1 | 0 | 2 | 2 | 9  |
| Blanks               | 2 | 0 | 2 | 6 | 4 | 0 | 9 | 0 | 2 | 4 | 29 |

COUNTY TREASURER (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 5  |
| Blanks               | 1 | 0 | 1 | 3 | 2 | 0 | 4 | 0 | 1 | 2 | 14 |

SHERIFF (Vacancy) (Norfolk County) (Vote for One)

|                      |   |   |   |   |   |   |   |   |   |   |    |
|----------------------|---|---|---|---|---|---|---|---|---|---|----|
| No Nomination        |   |   |   |   |   |   |   |   |   |   |    |
| Scattered Write-Ins: | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 5  |
| Blanks               | 1 | 0 | 1 | 3 | 2 | 0 | 4 | 0 | 1 | 2 | 14 |

---

|  | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|

REPUBLICAN PARTY

|                       |     |     |     |     |     |    |     |     |    |    |      |
|-----------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|------|
| Total # of Votes Cast | 110 | 135 | 106 | 123 | 142 | 98 | 140 | 133 | 96 | 89 | 1172 |
|-----------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|------|

**SENATOR IN CONGRESS (Vote for One)**

|                      |    |    |    |    |     |    |    |    |    |    |     |
|----------------------|----|----|----|----|-----|----|----|----|----|----|-----|
| Shiva Ayyadurai      | 43 | 44 | 36 | 24 | 37  | 36 | 43 | 49 | 32 | 46 | 390 |
| Kevin J. O'Connor    | 63 | 90 | 68 | 98 | 102 | 58 | 97 | 80 | 62 | 41 | 759 |
| Scattered Write-Ins: | 0  | 0  | 0  | 1  | 0   | 2  | 0  | 1  | 1  | 0  | 5   |
| Blanks               | 4  | 1  | 2  | 0  | 3   | 2  | 0  | 3  | 1  | 2  | 18  |

**REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)**

|                      |    |    |    |    |    |    |    |    |    |    |     |
|----------------------|----|----|----|----|----|----|----|----|----|----|-----|
| Julie A. Hall        | 66 | 72 | 65 | 86 | 74 | 61 | 82 | 82 | 59 | 56 | 703 |
| David Rosa           | 33 | 47 | 32 | 31 | 51 | 30 | 40 | 36 | 23 | 22 | 345 |
| Scattered Write-Ins: | 1  | 0  | 1  | 1  | 0  | 1  | 1  | 1  | 1  | 0  | 7   |
| Blanks               | 10 | 16 | 8  | 5  | 17 | 6  | 17 | 14 | 13 | 11 | 117 |

**COUNCILLOR (Second District) (Vote for One)**

|                      |     |     |     |     |     |    |     |     |    |    |      |
|----------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|------|
| No Nomination        |     |     |     |     |     |    |     |     |    |    |      |
| Scattered Write-Ins: | 4   | 19  | 6   | 12  | 18  | 8  | 13  | 17  | 7  | 10 | 114  |
| Blanks               | 106 | 116 | 100 | 111 | 124 | 90 | 127 | 116 | 89 | 79 | 1058 |

**SENATOR IN GENERAL COURT (Norfolk, Bristol and Middlesex District) (Vote for One)**

|                      |    |     |    |   |   |   |   |   |    |    |     |
|----------------------|----|-----|----|---|---|---|---|---|----|----|-----|
| Mathew T. Kelly      | 79 | 110 | 88 | 0 | 0 | 0 | 0 | 0 | 76 | 73 | 426 |
| Scattered Write-Ins: | 0  | 2   | 0  | 0 | 0 | 0 | 0 | 0 | 1  | 0  | 3   |
| Blanks               | 31 | 23  | 18 | 0 | 0 | 0 | 0 | 0 | 19 | 16 | 107 |

**SENATOR IN GENERAL COURT (Norfolk and Suffolk District) (Vote for One)**

|                      |   |   |   |     |     |    |     |     |   |   |     |
|----------------------|---|---|---|-----|-----|----|-----|-----|---|---|-----|
| No Nomination        |   |   |   |     |     |    |     |     |   |   |     |
| Scattered Write-Ins: | 0 | 0 | 0 | 15  | 17  | 6  | 12  | 15  | 0 | 0 | 65  |
| Blanks               | 0 | 0 | 0 | 108 | 125 | 92 | 128 | 118 | 0 | 0 | 571 |

**REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)**

|                      |     |     |    |     |     |    |     |     |    |    |      |
|----------------------|-----|-----|----|-----|-----|----|-----|-----|----|----|------|
| No Nomination        |     |     |    |     |     |    |     |     |    |    |      |
| Scattered Write-Ins: | 4   | 17  | 7  | 10  | 17  | 7  | 11  | 13  | 6  | 11 | 103  |
| Blanks               | 106 | 118 | 99 | 113 | 125 | 91 | 129 | 120 | 90 | 78 | 1069 |

**REGISTER OF PROBATE (Norfolk County) (Vote for One)**

|                      |     |     |     |     |     |    |     |     |    |    |      |
|----------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|------|
| No Nomination        |     |     |     |     |     |    |     |     |    |    |      |
| Scattered Write-Ins: | 4   | 19  | 5   | 9   | 13  | 7  | 11  | 18  | 4  | 8  | 98   |
| Blanks               | 106 | 116 | 101 | 114 | 129 | 91 | 129 | 115 | 92 | 81 | 1074 |

**COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)**

|                      |     |     |     |     |     |     |     |     |     |     |      |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| No Nomination        |     |     |     |     |     |     |     |     |     |     |      |
| Scattered Write-Ins: | 1   | 18  | 5   | 8   | 12  | 4   | 11  | 10  | 5   | 10  | 84   |
| Blanks               | 219 | 252 | 207 | 238 | 272 | 192 | 269 | 256 | 187 | 168 | 2260 |

|                                                                 | <u>A</u>   | <u>B</u>   | <u>C</u>   | <u>D</u>   | <u>E</u>   | <u>F</u>  | <u>G</u>   | <u>H</u>   | <u>I</u>  | <u>J</u>  | <u>TOTAL</u> |
|-----------------------------------------------------------------|------------|------------|------------|------------|------------|-----------|------------|------------|-----------|-----------|--------------|
| <b><u>REPUBLICAN PARTY</u></b>                                  |            |            |            |            |            |           |            |            |           |           |              |
| <b>Total # of Votes Cast</b>                                    | <b>110</b> | <b>135</b> | <b>106</b> | <b>123</b> | <b>142</b> | <b>98</b> | <b>140</b> | <b>133</b> | <b>96</b> | <b>89</b> | <b>1172</b>  |
| <b><u>COUNTY TREASURER (Norfolk County) (Vote for One)</u></b>  |            |            |            |            |            |           |            |            |           |           |              |
| No Nomination                                                   |            |            |            |            |            |           |            |            |           |           |              |
| Scattered Write-Ins:                                            | 2          | 10         | 3          | 8          | 12         | 6         | 8          | 10         | 3         | 8         | 70           |
| Blanks                                                          | 108        | 125        | 103        | 115        | 130        | 92        | 132        | 123        | 93        | 81        | 1102         |
| <b><u>SHERIFF (Vacancy) (Norfolk County) (Vote for One)</u></b> |            |            |            |            |            |           |            |            |           |           |              |
| Jerry P. McDermott                                              | 83         | 106        | 78         | 92         | 106        | 74        | 100        | 95         | 68        | 66        | 868          |
| Scattered Write-Ins:                                            | 0          | 1          | 0          | 0          | 0          | 3         | 0          | 1          | 1         | 1         | 7            |
| Blanks                                                          | 27         | 28         | 28         | 31         | 36         | 21        | 40         | 37         | 27        | 22        | 297          |

The ballots casts in the several precincts were returned to the Town Clerk in the sealed cases. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 2:00 A.M., September 2, 2020.

Theodora K. Eaton, MMC  
Town Clerk

A true Copy  
ATTEST

## RECORD OF SPECIAL TOWN MEETING Sunday, October 4, 2020

Pursuant to a Warrant issued by the Select Board September 19, 2020 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met at the Memorial Park parking lot on Sunday, October 4, 2020, at 1:00 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and 202 voters, including 194 Town Meeting Members, were checked on the list as being present and 46 absent.

The Moderator, Michael K. Fee, called the meeting to order at 1:05 o'clock. He announced that there are no opening ceremonies in the interest of time. The Moderator requested Town Members to rise in honoring our county by saluting the flag and reciting the Pledge of Allegiance and remain standing for a brief moment of Silent Reflection, in the absence of our usual Call for Spiritual Guidance led by a member of the Needham Clergy Association..

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator announced the following arrangement of the meeting space.

### ARRANGEMENT OF THE MEETING SPACE

1. You have been admitted to this meeting space because of your status as a Town Meeting Member. The entire space is reserved for Town Meeting Members. Registered voters have a space outside the barrier. The Marshal, Mr. Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. As always, please wear your badges.
2. Once situated please remain in your seats and do not move your chair. Seats have been arranged with more than sufficient spacing for purposes of observing recommended social distancing.
3. Please make a mental note of the location of your seat (For example, I sat in the left, or center, or right section, half way back or in the third row.) This will help greatly in the event contact tracing and notification is necessary.
4. Please keep your face covering on at all times during the meeting, including when one is addressing Town Meeting at the microphone. I am not wearing a face covering because Public Health authorities have deemed my location to be sufficiently distant from others. This will allow me to communicate a bit more clearly. I have a mask with me and if I need to confer with the Town Clerk or anyone else at a closer distance, I will put it on.

5. As you know, because of public health conditions, the Warrant Committee (Select Board) has determined that as in June, there are no hard-copy materials here for distribution and there will be no affirmative presentations under the Articles. All presentations from sponsors, the Finance Committee and other interested parties have been posted to the Town Website in advance and it is my sincere hope that you were able to view the presentations and supporting materials in advance.
6. You may address Town Meeting when recognized by the Moderator. The process for recognition is different and I will discuss them in a moment. Once recognized, please proceed to one of the seven microphones positioned around the meeting space for use by Town Meeting Members. There are two microphones designated for use by registered voters. Do not queue up at a microphone. Please do not leave your seat until you are recognized by the Moderator. These are no touch microphones. Please do not touch the microphones or attempt to adjust them. If adjustment is necessary, the Marshal will assist you.
7. Restrooms in the building behind me are open and available for your use on a one-at-a-time basis. Please be advised that due the limited time available and desire to maintain appropriate social distancing, there will be no recess, or break, this evening.
8. We are working under some very special conditions today. All of us who have had a hand in planning have been devoted to the twin goals of ensuring your safety and allowing our magnificent institution of representative town meeting to proceed. Please. I ask for your cooperation and your patience.
9. Finally, when we complete our work here today, please promptly exit through the gate you used to enter. We do not want groups forming to wait for access to the exits. So, with your indulgence, I will dismiss the Meeting one Precinct at a time. Please stay in your seats and listen for your Precinct and when it is called, exit through the gate you used to enter.

### RULES OF ORDER AND PARLIAMENTARY PROCEDURES

1. Because for public health reasons we are discouraging shouting, please rise to be recognized and raise your hand. I am looking into the sun and you are all wearing face masks. I will do my best but will likely point to you and recognize you perhaps by referring to the color of the article of clothing you are wearing. When a Member is recognized by the Moderator, proceed to the microphone nearest you and announce yourself by stating your name and precinct clearly so that the Town Clerk may keep accurate records. Any resident addressing Town Meeting must be a registered voter and should identify themselves and state that they are in fact a registered voter. If for some reason related to a disability a member cannot rise or raise their hand, please inform me so that appropriate accommodation may be made.

2. Anyone entering or exiting the meeting area, for example to use the rest room, while we are in session must use care not to disrupt the session.
3. Please silence all cell phones and other electronic devices. **(Please check this status now!) In addition, please consider putting these devices away entirely while we are in session so you may devote your full attention to our important work unless of course you have downloaded a document or the warrant on your device.**
4. No firearms or weapons may be brought into the meeting space except by law enforcement personnel.
5. The prohibition on hats that we enact when we are meeting in our usual indoor chamber is not in effect.
6. Members and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the sole judgment of the Moderator, exceeds the bounds of civility. Please remember that we are ONE community and ONE Town Meeting with one common goal; the best interests of our town.
7. All commentary, remarks and inquiries must be addressed to the Moderator as Chair of the Meeting.
8. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. I, Sec. 1.8 of the Needham General By-Laws.
9. Blank forms for lengthy motions are available from Town Counsel and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, particularly with regard to zoning articles, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

Special Note on zoning articles. Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memorandum to Town Meeting Members in connection with this Special Town Meeting and consistent with the rules adopted for the Annual Town Meeting, anyone who wishes to tender an amendment to a zoning article must confer in advance with the Planning Board, and if necessary Town Counsel and the Moderator to address questions and if possible, work with the Planning Board to address wording and the impact of any amendments.

10. Short motions to amend and procedural motions need not be in writing.
11. Parliamentary motions such as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.
12. Limits on debate shall be enforced by the Moderator.

13. Questions asked for general informational purposes unrelated to the matter under consideration by the Meeting shall be ruled out of order.

14. As stated in the Moderator's memorandum to Town Meeting Members in connection with this Special Town Meeting, this meeting is being televised through the good efforts of the Needham Channel. Any inappropriate conduct involving the T.V. coverage or cameras shall be deemed to be out of order addressed swiftly and definitively by the Moderator.

15. I seek unanimous consent to adopt the following rules of practice concerning debate:

For this meeting only, no affirmative presentations by proponents of articles, other interested parties and the Finance Committee, information having been published in advance on the town website.

An Article will be called by its number and the corresponding Main Motion will be placed on the floor by the Moderator for discussion by the Meeting.

Time limits for discussion: Town Meeting Members, non-TMMS, visitors other than attorneys: (5 min. all-inclusive per article).

Responsive remarks by sponsors, the Select Board, the Finance Committee and other Town Boards or Departments (5 minutes per response)

Hearing no objection, the Moderator finds unanimous consent that the rules of procedure and practice concerning debate as described by the Moderator are voted and adopted and the Town Clerk will so record.

#### **Announcements**

1. At our Annual Town Meeting in June, I announced that the customary awards presentation from the Richard Patton Melick Foundation would occur in our Fall Meeting. Well. That assumed we would be back to normal in the Fall and we are not. So, the Foundation asked me to announce the Town Meeting Members who are being recognized this year for 25 years of service and this year's Melick award winners. After Town Meeting, the Foundation will post a video of their awards presentation on the Town website. In addition, the Foundation itself will celebrate its 25<sup>th</sup> Anniversary next year.

Recognized for 25 years of service as Town Meeting Members;

Paul J. Durda

Steven M. Rosenstock

Martin L. B. Walter, and

Michael K. Fee

This year's Melick Award Winners: The late Paul Attridge and his wife Polly Attridge.

Massachusetts General Laws Chapters 80 and 83, using the fixed uniform rate method at a rate of up to \$60 per linear foot of frontage and \$0.95 per square foot of accessible area within 100 feet of the street; and to authorize the Select Board to acquire by purchase, gift, or eminent domain or otherwise, easements for utility purposes to permit the installation, maintenance and repair of municipal sewer line in Walker Lane.

ACTION: Adopted by unanimous consent.

### **ARTICLE 13: APPROPRIATE FOR NEEDHAM COMMUNITY FARM GROWING BED EXPANSION**

To see if the Town will vote to raise and/or transfer and appropriate \$6,200 for Needham Community Farm Growing Bed Expansion, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Open Space Reserve; or take any other action relative thereto.

*Article Information:* The Needham Community Farm is requesting funding to expand the growing area of the Community Farm to enhance its current growing beds. The Needham Community Farm offers community gardening classes, public volunteer opportunities, and community activities, and supplies fresh produce to the Needham Food Pantry and Needham Housing Authority sites. The requested funding would result in an increase of approximately 20% in growing area.

MOVED: That the Town vote to raise and/or transfer and appropriate \$6,200 for Needham Community Farm Growing Bed Expansion, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Open Space Reserve

ACTION: Adopted by unanimous consent.

### **ARTICLE 14: CLAXTON FIELD LIGHTS & SKIN DIAMOND RENOVATION – DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate \$101,500 for Claxton Field Lights and skin diamond renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

*Article Information:* This article will fund the design of two key improvements to Claxton Field. The current fields were constructed on a closed landfill that is not properly graded due to site conditions, settling of materials, and age. The project will include design of the skin diamond, involving removal of the existing skins, evaluation of soil conditions, and amendments and grade improvements as necessary to prevent future puddling after heavy rains and to reduce field closures. The second element of this design project will include an evaluation of the lighting needs of the field, upgrading the field lighting system, and inclusion of more energy efficient lights.

MOVED: That the Town vote to raise and/or transfer and appropriate \$101,500 for Claxton Field Lights and skin diamond renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts.

ACTION: Adopted by unanimous consent.

At this time the Moderator proceeded with the remaining articles in the warrant.

### **ARTICLE 1: AMEND THE FY2021 OPERATING BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2021 Operating Budget adopted under Article 14 of the 2020 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

| <u>Line Item</u> | <u>Appropriation</u> | <u>Changing From</u> | <u>Changing To</u> |
|------------------|----------------------|----------------------|--------------------|
| 9                | Reserve Fund         | \$2,077,091          | TBD                |

or take any other action relative thereto.

*Article Information:* The purpose of this article is to provide a possible funding source for extraordinary COVID-19 expenses identified under Article 3 of this warrant.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2021 Operating Budget adopted under Article 14 of the 2020 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

| <u>Line Item</u> | <u>Appropriation</u> | <u>Changing From</u> | <u>Changing To</u> |
|------------------|----------------------|----------------------|--------------------|
| 9                | Reserve Fund         | \$2,077,091          | TBD                |

The Moderator advised the articles under which proponents no longer have an interest in presenting a main motion to this meeting include Articles 1, 3 and 15.

The Moderator announced that Articles 9 and 17 are subject to motions to amend or other motions from their proponents or for other reasons cannot be passed by unanimous consent.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 2. No Town Meeting Members responded with "question" or "debate" to Articles 2, 5, 8, 13, and 14. The Moderator then called the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was unanimously voted, and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

#### **ARTICLE 2: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

*Article Information:* The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The Select Board's recent practice has been to seek an annual appropriation for the Property Tax Assistance Program that is at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,945 in fiscal year 2020.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

ACTION: Adopted by unanimous consent.

#### **ARTICLE 5: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES**

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$21,390 for the purpose of supporting transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

*Article Information:* Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public

*purpose substantially related to the operation of transportation network services in the city or town. Funding for transportation improvements in FY2021 will be allocated to pedestrian and bicycle safety initiatives, unless circumstances require otherwise.*

MOVED: That the Town vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$21,390 for the purpose of supporting transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager.

ACTION: Adopted by unanimous consent.

#### **ARTICLE 8: APPROPRIATE FOR WALKER LANE SEWER**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$270,000 for the purpose of constructing an extension of the sewer main in Walker Lane, to be spent under the direction of the Town Manager, and to meet this appropriation that \$170,000 be raised from Sewer Enterprise Fund receipts, and that \$9,000 be transferred from Article 15 of the November 2011 Special Town Meeting, \$36,000 be transferred from Article 9 of the May 2013 Special Town Meeting, \$12,000 be transferred from Article 44 of the May 2015 Annual Town Meeting, and that \$43,000 be transferred from Article 45 of the May 2015 Annual Town Meeting; to provide that two-thirds of the whole cost of the improvement shall be borne by the Town and one-third of whole cost shall be borne by the properties benefitted thereby; to authorize the assessment of betterments on the properties benefitted by the improvement in accordance with the provisions of Massachusetts General Laws Chapters 80 and 83, using the fixed uniform rate method at a rate of up to \$60 per linear foot of frontage and \$0.95 per square foot of accessible area within 100 feet of the street; and to authorize the Select Board to acquire by purchase, gift, or eminent domain or otherwise, easements for utility purposes to permit the installation, maintenance and repair of municipal sewer line in Walker Lane; or take any other action relative thereto.

*Article Information:* This project involves the extension of an existing sewer main in Walker Lane to service up to five houses abutting Walker Pond. Septic systems servicing the homes, which are approximately 50 feet from the pond, are affecting the quality of the waterbody and causing excessive aquatic vegetative overgrowth. The impairment is limiting the recreational use of Walker Pond. The pond is owned jointly by the Town and the abutters. The article would fund the effort to improve the water quality by reducing the amount of nutrient laden groundwater entering the pond. The cost of the project will be borne by the town (2/3) and the abutters (1/3) in accordance with the Town Charter.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$270,000 for the purpose of constructing an extension of the sewer main in Walker Lane, to be spent under the direction of the Town Manager, and to meet this appropriation that \$170,000 be raised from Sewer Enterprise Fund receipts, and that \$9,000 be transferred from Article 15 of the November 2011 Special Town Meeting, \$36,000 be transferred from Article 9 of the May 2013 Special Town Meeting, \$12,000 be transferred from Article 44 of the May 2015 Annual Town Meeting, and that \$43,000 be transferred from Article 45 of the May 2015 Annual Town Meeting; to provide that two-thirds of the whole cost of the improvement shall be borne by the Town and one-third of whole cost shall be borne by the properties benefitted thereby; to authorize the assessment of betterments on the properties benefitted by the improvement in accordance with the provisions of

**Article 1** was withdrawn earlier this afternoon.

**Article 2** was adopted by unanimous consent earlier this afternoon.

### **ARTICLE 3: APPROPRIATE FOR COVID-19 EXPENSES**

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of funding COVID-19 related expenses, to be spent under the direction of the Town Manager, and to meet this appropriation that a sum be raised from the tax levy, a sum be transferred from Overlay Surplus; and a sum to be transferred from an available source; or take any other action relative thereto.

*Article Information:* This article will fund extraordinary expenses related to the COVID-19 pandemic, including those needed to open the Needham Public Schools for both in-person learning and remote instruction. Costs include enhanced cleaning, HVAC maintenance and upgrades, PPE, teaching staff, public health support, and other mitigation costs.

MOVED: That the Town vote to raise and/or transfer and appropriate a sum for the purpose of funding COVID-19 related expenses, to be spent under the direction of the Town Manager, and to meet this appropriation that a sum be raised from the tax levy, a sum be transferred from Overlay Surplus; and a sum to be transferred from an available source.

**Article 3** was withdrawn earlier this afternoon.

### **ARTICLE 4: APPROPRIATE FOR BILLING AND COLLECTION SOFTWARE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,075,000 for the purpose of funding the development, design, acquisition, installation and implementation of new municipal billing and collection applications, network, hardware, and related technology, and the decommissioning and phase out of the Town's existing enterprise billing and collection applications, including prior accounting and financial reporting applications, and other related expenses to be spent under the direction of the Town Manager, and to meet this appropriation that \$56,000 be raised from the tax levy, \$193,500 be raised from Water Enterprise Fund receipts, and that \$800,000 be transferred from Overlay Surplus, and \$25,500 be transferred from Article 8 of the October 5, 2016 Special Town Meeting; or take any other action relative thereto.

*Article Information:* This warrant article will fund the acquisition and implementation of new billing software for the Town's major receivables (motor vehicle and trailer excise, property tax, and utilities) and for miscellaneous billing and over-the-counter transactions. The project also includes decommissioning the current system, which necessitates the exporting, printing, and archiving of the various financial records maintained in the system that will be retired. The project is anticipated to take 30 to 36 months to complete.

*The current software is used by the Collector Treasurer to process, record, report, and reconcile all revenue collections daily. The Town*

*bills and collects motor vehicle excise tax, real, and personal property taxes with the system. The software is also used to bill water and sewer consumption and services, service details, commercial disposal, out-of-district tuition, and numerous Town and School departmental receipts. The system maintains all taxpayer accounts (current and historical) related to all billing and collections. The system is used to provide legal data to homebuyers and sellers relative to municipal charges and payment history.*

*The current billing applications were written in a language that is not well-supported. The software is operated using IBM System I AS/400 hardware, technology the Town has relied upon for 30 years but that is now outdated. The application provider may no longer support the tax billing software with patches and enhancements, and the system has limited functionality and compatibility with other more modern systems in use in the Town.*

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,075,000 for the purpose of funding the development, design, acquisition, installation and implementation of new municipal billing and collection applications, network, hardware, and related technology, and the decommissioning and phase out of the Town's existing enterprise billing and collection applications, including prior accounting and financial reporting applications, and other related expenses to be spent under the direction of the Town Manager, and to meet this appropriation that \$56,000 be raised from the tax levy, \$193,500 be raised from Water Enterprise Fund receipts, and that \$800,000 be transferred from Overlay Surplus, and \$25,500 be transferred from Article 8 of the October 5, 2016 Special Town Meeting.

In response to an inquiry from Mr. Peter D. Atallah, Mr. Matthew D. Borrelli, Vice Chair of the Select Board, advised that this article does include procurement funds. The appropriation was determined from a survey which included all aspects of the purchase.

In response to Mr. Paul A. Siegenthaler, Mr. Borrelli advised that no decision has been made on whether the Town will own the software or an outside company will own the software.

In response to an inquiry from Carl Mathew Snow, Mr. Borrelli stated that the storage of data will go back 30 years per state law.

Carol I. Urwitz questioned the inclusion of training and additional staff. Mr. Borrelli advised that training will be included but no additional staff. There may be some overtime.

ACTION: The main motion was presented and carried by unanimous vote.

**Article 5** was adopted by unanimous consent earlier this afternoon.

### **ARTICLE 6: AMEND ZONING BY-LAW – AVERY SQUARE OVERLAY DISTRICT**

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

- (a) Amend the definition of “Independent Living Apartments” in Section 1.3, Definitions, by (i) adding the words “or Avery Square Overlay District” after the words “Elder Services Zoning District”; (ii) deleting the word “only” before the words “residential uses”; and (iii) adding to the end of the definition the sentence “; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.”, so that it reads as follows:

“A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.”

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“ASOD -- Avery Square Overlay District”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

“3.15 Avery Square Overlay District

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district provided that such development complies with all other requirements of this Section 3.15.

3.15.2 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.3 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) Accessory uses permitted as of right in the underlying district.

3.15.3.2 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities
- (c) Independent Living Apartments.
- (d) Buildings with multiple uses containing, as a primary use, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

### 3.15.4 Dimensional Regulations

#### 3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet.

A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied, except in the following circumstances:

- (a) With respect to the existing building, if a different use is proposed for the building that does not include Independent Living Apartments and/or Assisted Living and/or Alzheimer's/ Memory Loss Facilities as the primary use(s), then the proposed use shall be governed by the use regulations of Section 3.15.3, above, but the fourth story cannot be occupied without a special permit.
- (b) If the Special Permit described in subparagraph (a), above is not granted, the fourth story shall remain unoccupied for any use without a Special Permit, but the fourth story, and any associated mechanical equipment, does not need to be demolished.
- (c) In the event the existing building is demolished, if the primary use(s) of the successor building is not one or both of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), then the successor building shall not be permitted to have a fourth story.

The ability to use and occupy the fourth story, when permitted by a Special Permit granted pursuant to Sections 3.15.3.2 (b) and/or 3.15.3.2 (c), shall continue notwithstanding (i) a shift in the number of units from the use described in Section 3.15.3.2 (b) to the use described in Section 3.15.3.2 (c), or vice-versa; or (ii) the elimination of one of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), provided such shift or elimination is allowed by such Special Permit or amendment thereto.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern façade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western façade of the building, zero (0) feet; from the southern façade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the building may not exceed thirty-five percent (35%) of the total roof area of the building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

#### 3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other limitations on floor area ratio, lot coverage, or building bulk contained in Sections 4.4.2, 4.4.7 and 4.4.9.

### 3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

- (1) For Independent Living Apartments, there shall be one space per Apartment.

- (2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.
- (b) Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District
- (1) is adjacent to the Avery Square Overlay District;
  - (2) is in common ownership with adjacent land located in the Avery Square Overlay District; and
  - (3) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single Residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

### 3.15.6 Affordable Housing

Any building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law, as may be modified in this Section 3.15.6. The following requirements shall apply to a development that includes ten or more Independent Living Apartments:

- (a) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.
- (b) If the Applicant provides at least one-half of the affordable Independent Living Apartments required herein for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are therefore not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.
- (d) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (e) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction."

- (d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:

"In the Avery Square Overlay District, the front setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District."

- (e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase "for each square foot" before the words "of parking space (excluding driveways and aisles)" on the fourth line of the first paragraph of that section so that it reads as follows:

"Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself."

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision.”

- (f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number “3.15” after the number “3.14” on the second line of that Section so that it reads as follows:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6.”

Or take any other action relative thereto.

Article Explanation: Articles 6 and 7 are proposed Zoning By-Law amendments that are intended to facilitate the redevelopment of the currently vacant Carter Mill Building at the corner of Highland Avenue and West Street. The Carter factory and mill was established at that site beginning around 1865, and, for the next 125 years until approximately 1990, the factory and mill operated at that location. The building has become a well-known landmark in Needham.

In 1993, the building was approved for the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home. In 1995, a small portion of the building was also approved for medical office use. In 2017, Avery Crossing and Avery Manor were closed, as well as the medical offices, and the building has remained vacant since that time. The proposed By-Law amendments will allow the empty Carter Mill building to be renovated to create a senior housing community (155 units are proposed), including age restricted Independent Living apartments (72 units proposed), Assisted Living apartments (55 units proposed), and Memory Care units (28 units proposed).

Article 6 proposes to create the Avery Square Overlay District (“ASOD”) and lays out the regulatory framework for the new overlay district, while Article 7 describes its geographic boundaries. The boundaries of the ASOD match the boundaries of property on which the former Carter Mill building sits, except at the southern end of the property, where the overlay district boundary matches the boundary of the Avery Square Business District. The overlay district’s key provisions are summarized below.

#### Geographic Designation of the District

The ASOD is bounded on the north by West Street; on the east by Highland Avenue; on the south by the existing zoning boundary line between the Avery Square Business District and the adjacent SRB district, which runs through the existing parking area south of the existing building; and on the west by the MBTA commuter railroad right-of-way.

#### Purpose of the District

The purposes of the ASOD are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the Town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the proposed Avery Square Overlay District would be permitted to exceed certain density and dimensional requirements that normally apply in the underlying Avery Square Business District, provided that such development complies with all other requirements of the proposed Warrant Article.

#### Definitions

The proposed Warrant Article would amend the definition of “Independent Living Apartments” in Section 1.3 of the Bylaw so that within the ASOD, Independent Living Apartments may be located in the same building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.

#### Permitted Uses

The proposed ASOD Warrant Article lists the uses that are allowed as-of-right or by special permit. The use schedule largely mirrors that of the underlying Avery Square Business District with the following additional uses allowed by special permit: Assisted Living and/or Alzheimer’s/Memory Loss Facilities; Independent Living Apartments; and Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

The proposed ASOD warrant Article specifies that the Planning Board will be the Special Permit Granting Authority for all such special permits.

#### Allowable Building Height, Number of Stories, and Occupancy

The proposed maximum allowable building height (including mechanical structures such as HVAC equipment) in the ASOD is 44 feet. This height limitation does not apply to elevator shaft overruns, which cannot exceed a maximum height of 49 feet. The building may include, but not exceed,

four (4) stories, all of which may be occupied. At present, the building includes three stories, all of which were occupied while the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home were in operation.

#### Restrictions on the 4<sup>th</sup> Story

Under the proposed ASOD Warrant Article, the total floor area of any fourth-floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, is not included in the calculation of maximum allowable floor area.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building, are proposed as follows: from the eastern façade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western façade of the building, zero (0) feet; from the southern façade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade would be required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The minimum setbacks and limit on the percentage of the existing footprint of the building that can be used for a fourth story will reduce the visual impact of the fourth story.

If the primary use of the existing building ceases to be Independent Living Apartments and/or Assisting Living and or Alzheimer's/Memory Care Facilities, then the 4<sup>th</sup> story cannot continue to be occupied unless a special permit is granted allowing such continued occupancy, but the 4<sup>th</sup> story need not be demolished, and if the existing building is demolished and the primary use(s) are not Independent Living Apartments and/or Assisting Living and or Alzheimer's/Memory Care Facilities then the new building cannot have a 4<sup>th</sup> story.

#### Building Bulk and Other Requirements

The proposed maximum floor area ratio ("FAR") in the ASOD is 1.1. The property at the southern end of the parcel, in the adjacent SRB district, that is contiguous with and in common ownership with property in the Avery Square Overlay District, will be included in the lot for purposes of calculating FAR. In the proposed overlay district, the FAR calculation excludes garage parking within the building.

#### Off-Street Parking

The minimum number of off-street parking spaces specified in Section 5.1.2 of the By-Law will apply except that for Independent Living Apartments, there will be one parking space per apartment; and for Assisted Living units and Alzheimer's/Memory Loss units, the requirement will be one parking space for every two beds, plus one parking space for every two employees on the largest shift.

At present, there is a portion of the southern parking area that extends into the SRB district adjacent to the boundary of the ASOD (and underlying ASB District). Parking in this area will be continued and will be allowed as-of-right, provided that the parking area does not extend any further into the SRB district than is presently the case.

#### Affordable Housing

In the proposed ASOD Warrant Article, twelve and one-half percent (12.5%) of the Independent Living Apartments must be affordable units. Fractions are rounded up to the nearest whole number. There is no affordable housing requirement for Assisted Living and Alzheimer's/Memory Loss Facilities. Affordable units will be dispersed within the building and not concentrated in one area or on one floor. They will generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the building's market-rate units. The selection of eligible homebuyers or renters for the affordable units will be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the building. The affordable units will also be subject to an affordable housing restriction as defined in Section 1.3 of the Town By-Laws.

#### Other Proposed Changes to the By-Law

In order to facilitate the proposed renovation of the building, the proposed Warrant Article would amend the definition of "Front Setback" elsewhere in the By-Law to allow ground-level patios (of less than 100 square feet each), and walls no higher than 36 inches around those patios, serving some of the ground-floor units that will face Highland Avenue.

The proposed Warrant Article also would make a small change to the By-Law Section 4.4.6, Enclosed Parking, to correct a wording error, but not change its meaning and effect.

MOVED: That the Town vote to amend the Needham Zoning By-Law, as follows:

- (b) Amend the definition of "Independent Living Apartments" in Section 1.3, Definitions, by (i) adding the words "or Avery Square Overlay District" after the words "Elder Services Zoning District"; (ii) deleting the word "only" before the words "residential uses"; and (iii) adding to the end of the definition the sentence "; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer's/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.", so that it reads as follows:

"A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living

Apartments may be located in a building that also houses Assisted Living and/or Alzheimer's/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community."

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

"ASOD -- Avery Square Overlay District"

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

"3.15 Avery Square Overlay District

3.15.4 Purposes of District

The purposes of the Avery Square Overlay District ("ASOD") are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer's/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district provided that such development complies with all other requirements of this Section 3.15.

3.15.5 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.6 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (f) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (g) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (h) Business uses permitted as of right in the underlying district.
- (i) Accessory uses permitted as of right in the underlying district.

3.15.3.3 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities
- (c) Independent Living Apartments.
- (d) Buildings with multiple uses containing, as a primary use, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

3.15.4 Dimensional Regulations

### 3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet. A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied, except in the following circumstances:

- (d) With respect to the existing building, if a different use is proposed for the building that does not include Independent Living Apartments and/or Assisted Living and/or Alzheimer's/ Memory Loss Facilities as the primary use(s), then the proposed use shall be governed by the use regulations of Section 3.15.3, above, but the fourth story cannot be occupied without a special permit.
- (e) If the Special Permit described in subparagraph (a), above is not granted, the fourth story shall remain unoccupied for any use without a Special Permit, but the fourth story, and any associated mechanical equipment, does not need to be demolished.
- (f) In the event the existing building is demolished, if the primary use(s) of the successor building is not one or both of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), then the successor building shall not be permitted to have a fourth story.

The ability to use and occupy the fourth story, when permitted by a Special Permit granted pursuant to Sections 3.15.3.2 (b) and/or 3.15.3.2 (c), shall continue notwithstanding (i) a shift in the number of units from the use described in Section 3.15.3.2 (b) to the use described in Section 3.15.3.2 (c), or vice-versa; or (ii) the elimination of one of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), provided such shift or elimination is allowed by such Special Permit or amendment thereto.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern façade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western façade of the building, zero (0) feet; from the southern façade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the building may not exceed thirty-five percent (35%) of the total roof area of the building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

### 3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other limitations on floor area ratio, lot coverage, or building bulk contained in Sections 4.4.2, 4.4.7 and 4.4.9.

### 3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

- (j) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
  - (1) For Independent Living Apartments, there shall be one space per Apartment.
  - (2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.
- (k) Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District
  - (1) is adjacent to the Avery Square Overlay District;
  - (2) is in common ownership with adjacent land located in the Avery Square Overlay District; and
  - (3) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single Residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

### 3.15.6 Affordable Housing

Any building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law, as may be modified in this Section 3.15.6. The following requirements shall apply to a development that includes ten or more Independent Living Apartments:

- (a) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.
- (b) If the Applicant provides at least one-half of the affordable Independent Living Apartments required herein for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are therefore not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (l) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.
- (m) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (n) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction."
- (d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:
 

"In the Avery Square Overlay District, the front setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District."
- (e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase "for each square foot" before the words "of parking space (excluding driveways and aisles)" on the fourth line of the first paragraph of that section so that it reads as follows:
 

"Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself."

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision."
- (f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number "3.15" after the number "3.14" on the second line of that Section so that it reads as follows:

"The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6."

Jeanne S. McKnight, Chair, Planning Board, moved that Articles 6 and 7 be discussed together and voted on separately. The motion was presented and carried by unanimous vote.

In response to two questions from Carol Urwitz, Mr. Adam Block advised that nursing care is already permitted. The zero rear setback to the railroad tracks has not changed and was not a problem previously.

ACTION: The main motion was presented and carried by unanimous vote.

## **ARTICLE 7: AMEND ZONING BY-LAW – MAP CHANGE TO AVERY SQUARE OVERLAY DISTRICT**

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

- (a) Place in the Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

Or take any other action relative thereto.

*Article Explanation: This article describes the geographical boundaries of the new Avery Square Overlay District, which is bounded on the north by West Street; on the east by Highland Avenue; on the south by the northern and western boundaries of the property located at 1049 Highland Avenue and the northern boundary of the property located at 95 Dana Place; and on the west by the MBTA commuter railroad right-of-way.*

MOVED: That the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (b) Place in the Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

ACTION: The main motion was presented and carried by the required two-thirds vote as declared by the Moderator on a voice vote.

**Article 8** was adopted by unanimous consent earlier this afternoon.

## **ARTICLE 9: RESCIND DEBT AUTHORIZATION**

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

| <u>Project</u>                                                      | <u>Town Meeting</u> | <u>Article</u> | <u>Authorized</u> | <u>Rescind</u> |
|---------------------------------------------------------------------|---------------------|----------------|-------------------|----------------|
| Hillside School Construction (Sunita L. Williams Elementary School) | 2016 October STM    | 2              | \$57,542,500      | \$9,000,000    |
|                                                                     |                     |                |                   |                |
| Total                                                               |                     |                |                   | \$9,000,000    |

or take any other action relative thereto.

***Article Information:** When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids. The rescission for the Sunita Williams School does not represent the total open balance. At the time of the printing of this warrant, the final audit by the Massachusetts School Building Authority was not yet complete. There may be an additional portion of the borrowing authorization that will be needed to cover expenses which are determined by the State to be the Town's obligation.*

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

| <u>Project</u>                                                      | <u>Town Meeting</u> | <u>Article</u> | <u>Authorized</u> | <u>Rescind</u> |
|---------------------------------------------------------------------|---------------------|----------------|-------------------|----------------|
| Hillside School Construction (Sunita L. Williams Elementary School) | 2016 October STM    | 2              | \$57,542,500      | \$9,000,000    |
|                                                                     |                     |                |                   |                |
| Total                                                               |                     |                |                   | \$9,000,000    |

A motion to amend was offered by Daniel P. Matthews, Selectman, to delete the sum of "\$9,000,000" and insert in place thereof the sum of "\$10,000,000". The motion to amend was presented and carried by unanimous vote.

ACTION: The main motion, as amended, was presented, and carried by unanimous vote.

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

| <u>Project</u>                                                      | <u>Town Meeting</u> | <u>Article</u> | <u>Authorized</u> | <u>Rescind</u> |
|---------------------------------------------------------------------|---------------------|----------------|-------------------|----------------|
| Hillside School Construction (Sunita L. Williams Elementary School) | 2016 October STM    | 2              | \$57,542,500      | \$10,000,000   |
|                                                                     |                     |                |                   |                |
| Total                                                               |                     |                |                   | \$10,000,000   |

#### **ARTICLE 10: APPROPRIATE FOR EMERGENCY RENTAL ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$120,000 for an emergency rental assistance program, to be spent under the direction of the Town Manager, and to meet this appropriation that said \$100,000 be transferred from the Community Housing Reserve and that \$20,000 be raised from Community Preservation Fund receipts; or take any other action relative thereto.

***Article Information:** The Needham Affordable Housing Trust is proposing to establish a short-term emergency rental assistance program for qualifying Needham renter households who have suffered a reduction in income due to the pandemic. Participation guidelines would restrict eligibility to households with incomes at or below 80% of area median income (AMI), with a preference given for those at or below 50% AMI. Applicants must provide documentation of income reductions due to Covid-19. The program will cover 50% of a household's monthly rent with a maximum*

*monthly assistance of \$1,500 for three months of payments. The Program would be administered by a non-profit housing organization responsible for accepting applications, determining eligibility, selecting beneficiaries, entering into agreements with participants and landlords, disbursing checks to landlords, and providing regular reporting on progress.*

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$120,000 for an emergency rental assistance program, to be spent under the direction of the Town Manager, and to meet this appropriation that said \$100,000 be transferred from the Community Housing Reserve and that \$20,000 be raised from Community Preservation Fund receipts.

Mr. Ross M. Donald expressed concern that this article is not for individuals, but for landlords and does not create affordable housing. The pandemic deserves a COVID-19 response and comprehensive long-term solutions.

Mr. Daniel P. Matthews, Member of the Select Board, noted that the Select Board shares many of the spokesman's concerns. This is a specific \$50,000 allotment from the State which allows payment of 50% rent for up to three months. It is very calculated. And yes, the rent is paid to the landlord.

In response to an inquiry from Kimberly Nichols-Tierney, Mr. Matthews explained that if the article is approved, there will be an application process, grants will begin in January and it is expected that all funds will be used by next year.

Emily Rose Cooper advised that over 80 towns are running these programs and using CPC funds. The moratorium is ending. Ms. Cooper rose in support of this article.

Lisa Cherbuliez also rose in favor of this article. She asked if there are good records to determine who needs help. Mr. Matthews explained that there will be a 30-day application process to assist in making these determinations.

In response to an inquiry from Carl Matthew Snow, Mr. Matthews advised that the town will use an RFP (Request for Proposal) and seek a reliable firm to administer the program.

Mr. Matthews advised Carlos Aqualimpia that if the number of qualified applicants exceeds the available funds, it will be decided by a lottery.

**ACTION:** The main motion which requires a majority vote was presented and carried by majority vote declared by the Moderator on a voice vote.

#### **ARTICLE 11: APPROPRIATE FOR FIRST BAPTIST CHURCH PRESERVATION & RESTORATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$90,200 for the First Baptist Church Preservation and Restoration, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

*Article Information: The First Baptist Church is requesting funding for the historic preservation of the street facing front porch and columns. The First Baptist Church, located at 858 Great Plain Avenue, is on the Town's historic register and has historic significance to the Town of Needham. The front porch of First Baptist Church in Needham is a prominent and identifying feature of the Great Plain Avenue streetscape. The First Baptist Church was originally located on the corner of Highland Avenue and Great Plain Avenue and was moved to the current location in 1928. The requested funds will help restore the historic capstone, steps, and landing of the front porch, the porch columns, architectural detailing around the roof line and of the porch façade, as well as a cornice piece on the east wing of the church.*

**MOVED:** That the Town vote to raise and/or transfer and appropriate the sum of \$90,200 for the First Baptist Church Preservation and Restoration, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts.

Mr. Robert T. Smart, Jr. rose in support of Article 11 and 12. He stated that he is a member of the First Parish Church. While State law prevents expending money for religious purposes, the Town's purpose is to preserve two historic buildings. It is possible

that this article could be challenged but I do not think that will happen. Mr. Smart urged support of Articles 11 and 12.

Mr. Jeffrey D. Heller also rose in support of these articles. He noted that he asked if he should recuse himself from the Historic Commission but was told it was not necessary. He is also a member of the First Parish Church. He noted that First Parish Church did major renovations a couple of years ago.

On the suggestion of the Moderator, Jeffrey D. Heller moved to discuss Articles 11 and 12 together and vote on these articles separately. The motion was presented and carried by unanimous vote.

Mr. Heller indicated that the Historical Commission advised that the First Baptist Church was the first church built in the new town center in 1711 and it is an historic building. Mr. Heller urged support of both articles.

Mr. Ford Peckham questioned if this was going to become an annual request.

Mr. Steven Anthony Frail rose in opposition of these articles. He stated that we have many religious buildings that may also need assistance.

Mr. Erik J. Bailey stated that he is a member of the First Parish Church but is speaking as a Town Meeting Member. In 1711 the Town of Needham separated from the Town of Dedham and was required to build a church. This is the epitome of our history. He urged support.

Doug H. Fox agreed that these buildings are historic buildings, but it could be a problem. He stated that he will vote no but would write a check to help with the funding.

Shari D. Stier stated that it is important to maintain historic sites and suggested obtaining possible funding through COVID Assistance.

Mr. Philip Edward Brandish recommended a no vote on these articles.

Ms. Jill C. Kahn-Borsel advised that the Finance Committee was not in favor of these two articles and these articles were not reviewed by Town Counsel. Private fund raising could help with these restorations. In response to an inquiry from Ms. Kahn, Finance Committee member Thomas Jacob stated that the Finance Committee voted 8 – 0 not to adopt these articles.

In response to an inquiry from Mr. Steven M. Rosenstock, Mr. Peter J. Pingitore, Member of the Community Preservation Committee, advised that individuals living in historic buildings could apply for funding. However, Town Meeting could vote to provide benefits to the public such as tours and public meetings. Mr. Rosenstock stated that this would be spending money on non-town-owned land and he opposed these articles.

Jeanne S. McKnight, Chair, Planning Board, advised that the town typically gets an interest in land and the town issues a restriction held by the town for a period.

Mr. Pingitore stated that the CPC did consult with Town Counsel and requested the Moderator to recognize Mr. Christopher Heap, Town Counsel and non-resident. Unanimous consent was given to allow Mr. Heap to address Town Meeting.

Mr. Heap advised that Mrs. McKnight is correct in that a town can issue an Historic Preservation Restriction or the town could issue a grant restriction in which funds would be paid to the town.

Paul A. Siegenthaler and Carol I. Urwitz rose in opposition to Articles 11 and 12.

Mr. Ross M. Donald rose in favor of Article 12 indicating that he is a member of the First Parish Church.

Maurice P. Handel rose as a citizen and not as a member of the Select Board. He suggested that this is not about religion. These building need to be preserved.

A motion to move the previous question on Articles 11 and 12 was offered by Mr. John P. Kirk. The motion was presented, but the Moderator was in doubt as to the voice vote. The following Town Meeting Member were sworn in as tellers by the Moderator: William R. Dermody, Jane B. Murphy, Michael J. Greis, Cynthia J. Chaston, Richard S. Creem and Lorraine M. Murphy. The motion was presented again and carried by a count of hands. The hand count was Yes 137 No 49.

ACTION (Article 11): The main motion under Article 11 was presented, but the moderator was in doubt. The motion was again presented and carried by a count of hands. The hand count was Yes 101 No 83.

#### **ARTICLE 12: APPROPRIATE FOR FIRST PARISH CHURCH STEEPLE PRESERVATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for First Parish Church Steeple Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

*Article Information:* The First Parish Church is requesting funding for the historic preservation of the steeple. The First Parish Church, located at 23 Dedham Avenue, is on the Town's historic register and has historic significance to the Town of Needham. The steeple houses a Paul Revere Bell that still rings on special occasions. The First Parish Church hosted Needham's original Town Meeting and still hosts community events throughout the year. The requested funds would help preserve the steeple to ensure continued protection of this historic building.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for First Parish Church Steeple Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts.

ACTION (Article 12): The main motion was presented, but the Moderator was in doubt. The motion was again presented and carried by a count of hands. The hand count was Yes 109 No 76.

**Article 13** was adopted by unanimous consent earlier this afternoon.

**Article 14** was adopted by unanimous consent earlier this afternoon.

#### **ARTICLE 15: DEFAZIO TRACK SYNTHETIC TRACK RESURFACING**

To see if the Town will vote to raise and/or transfer and appropriate \$160,000 for the resurfacing of the synthetic track at DeFazio Field Complex, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

*Article Information:* This article will fund the replacement of the surfacing of the track at the DeFazio Field Complex. The track is subject to delamination (separation into layers) due to its age. The resurfacing project is intended to extend the life of this track by approximately 10 additional years, thereby delaying a full replacement.

MOVED: That the Town vote to raise and/or transfer and appropriate \$160,000 for the resurfacing of the synthetic track at DeFazio Field Complex, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts.

**Article 15** was withdrawn earlier this afternoon.

#### **ARTICLE 16: APPROPRIATE TO COMMUNITY PRESERVATION FUND**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2021 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

##### **Appropriations:**

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

##### **Reserves:**

|                                               |            |
|-----------------------------------------------|------------|
| B. Community Preservation Fund Annual Reserve | \$ 817,977 |
| C. Community Housing Reserve                  | \$364,788  |
| D. Historic Resources Reserve                 | \$0        |
| E. Open Space Reserve                         | \$364,788  |

or take any other action relative thereto.

*Article Information:* Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur

during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.

MOVED: That the Town vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2021 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

**Appropriations:**

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

**Reserves:**

B. Community Preservation Fund Annual Reserve \$  
817,977  
C. Community Housing Reserve  
\$364,788  
D. Historic Resources Reserve  
\$0  
E. Open Space Reserve  
\$364,788.

ACTION: the main motion was presented and carried by unanimous vote.

**ARTICLE 17: RESOLUTION TO REQUEST A STUDY OF SYSTEMIC RACISM IN NEEDHAM**

To see if the Town will adopt the following resolution or take any other action relative thereto.

RESOLUTION TO REQUEST A STUDY OF THE EFFECTS OF SYSTEMIC RACISM IN NEEDHAM, PARTICULARLY IN REGARD TO THE CORE ISSUES OF RACIAL PROFILING, PUBLIC SAFETY, AND HOUSING, WITH AN UPDATE ON PROGRESS MADE TOWARD COMPLETION OF THE STUDY TO BE PROVIDED PRIOR TO THE 2021 ANNUAL TOWN MEETING INCLUDING, IF WARRANTED, RECOMMENDATIONS OF ACTIONS TO BE TAKEN BY THE TOWN OF NEEDHAM TO ADDRESS THESE CONCERNS, INCLUDING BUT NOT LIMITED TO, THE POSSIBLE APPROPRIATION OF FUNDS AT A FUTURE TOWN MEETING AND ADDITIONAL RESULTS AND RECOMMENDATIONS TO BE COMPILED AND PROVIDED IN A TIMELY FASHION TO FUTURE TOWN MEETINGS.

WHEREAS, since the murder of George Floyd there have been demonstrations and other public activity in the Town of Needham in support of police reform and in support of the victims of police violence, leading to the initiation of the town's Unite Against Racism Initiative;

WHEREAS, Town Meeting believes incidents of racism have occurred and continue to occur in Needham;

WHEREAS, the Town of Needham should thoughtfully consider the testimony of those who have been affected by racism;

WHEREAS, Town Meeting wishes to study actions that may be taken to improve the life experience of Black, Indigenous, and all People of Color (BIPOC) in Needham;

WHEREAS, Town Meeting understands law enforcement has historically been directly or indirectly tied to the perpetuation of discrimination and systemic racism;

WHEREAS, reimagining public safety has become a focus for our surrounding communities;

WHEREAS, the oversight of Needham Police, including but not limited to policies and practices concerning the use of force, hiring, firing and arbitration and discipline, as well as activity tracking, performance measurement, and ease of accessing information may require revision and clarification;

WHEREAS, alternative and more effective and appropriate approaches to the current police use of force policy are available;

WHEREAS, qualified immunity provides public safety officers nationally with such broad protections that they are rarely punished for unconscionable and apparently illegal actions;

WHEREAS, the Equal Justice Placard Program has been adopted by businesses throughout Needham and is affixed in the Town Hall;

WHEREAS, Needham housing and zoning policies have historically been directly or indirectly tied to perpetuation of discrimination and systemic racism;

BE IT RESOLVED THAT town officials and staff, perhaps through a new Citizens Committee, a newly-empowered Human Rights Committee, or a new working group, to be determined in whole or in part by the Select Board of the Town of Needham, Massachusetts, conduct a review of the effects of systemic racism in Needham and, if warranted, present to the 2021 Annual Town Meeting and subsequent Annual and Special Town Meetings specific warrant articles aimed at improvement. The review shall include evaluation of:

- Racism experienced by people in Needham;
- Discussions with the Town Committee Chairs to understand the role of racism within their areas of responsibility;
- Police oversight and accountability, including but not limited to qualified immunity, use of force policies, training (de-escalation, crisis intervention, legal education, diversity/inclusion), hiring and firing, arbitration and discipline, activity tracking, performance measurement, and ease of publicly accessing information;
- Evaluation of alternative police policies such as those offered by Campaign Zero;
- Racial profiling in public spaces;
- Expansion of the Equal Justice Placard Program through all Needham Town buildings; and
- Housing and zoning policies.

*Article Information:* This article is inserted by the Select Board at the request of the petitioners who submitted revised text after the submission of their original petition. This non-binding resolution would request that the Select Board conduct a review of the effects of systemic racism in Needham and provides certain findings and direction regarding that review. Racial equity is a priority for the Town, brought even more into focus by events this year. Town agencies, volunteer boards, and departments are active in this

*work, and the Select Board has established a Needham Unite Against Racism Initiative (NUARI). The NUARI effort includes a working group to help articulate a vision for racial equity in Needham, evaluate information and suggestions received in this process, develop guiding principles that will inform future action, and make recommendations to the Select Board.*

A motion to refer the subject matter of Article 17 back to the Select Board to come back to the 2021 Annual Town Meeting was offered by Marianne B. Cooley.

Kim Marie Nicols rose in full support of Article 17 after reading the article of support from Town Meeting Member Christina Matthews. We must assess where we are and this article is the next step.

Noah Mertz, a voter in Needham and involved with the citizen's petition. He indicated that this petition would give us the time to move forward to alleviate social injustices in the Town of Needham. Article 17 comes from the people and deserves a role today.

John L. Gallo suggested that this is a non-binding question and questioned the difference. An affirmative vote on the main motion is a vote of support. The motion to refer moves the article to the Select Board.

R. Cynthia Landau stated that she is basically in support of Article 17, but not clear on why the Select Board wants to refer this Article. Marianne B. Cooley, member of the Select Board, advised that everyone signed with good intent. The Select Board feels this article should be sent to NUARI (Needham Unite Against Racism Initiative) to improve and expand this resolution. The meeting will be public.

Erik J. Bailey rose in support of Article 17. He stated that we, as the Town Meeting body, need to take a stance. This town believes in this and we need to pass Article 17 and vote no on the referral.

Joseph J. Leghorn acknowledged the importance of Article 17 and suggested that we need to take a stand. Nothing is perfect. This article is a statement that there are issues to be resolved. He urged a no vote on the motion to refer.

Jeffrey D. Heller rose in support of the motion to refer. As it stands now, it is lip service. The motion to refer puts the responsibility on the Select Board to move forward. Also speaking in favor of the motion to refer were the following Town Meeting Members: Steven M. Rosenstock and Patricia Cruickshank

Lakshmi Balachandra (Precinct A) rose in support of Article 17. We need to recognize all. She noted that when she was growing up in Needham, she was the only brown skinned Indian in school and it was not easy.

The following Town Meeting Members rose in opposition to the motion to refer and in favor of the passage of Article 17: Doug H. Fox, Josephine Ochella, Molly Carter, Clifford Owen Hayden, Artie R. Crocker, and John D. Crimmings.

A Needham group was formed - The Lived Community Experiences - and this group whole heartedly supports this resolution.

A motion to move the previous question on all motions was offered by Ilan Barzilay. The motion to move the previous question was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hands count was Yes 163 No 20. The motion passed by the required two-thirds vote.

The motion to refer which requires a majority vote was presented but the Moderator was in doubt. The motion was again presented but failed to pass by a count of hands. The Counts was Yes 50 No 124.

ACTION: The main motion, which requires a two-thirds vote, was presented and carried by a count of hands. The hand count was Yes 157 – No 14.

At 4:30 P.M. Mr. Maurice P. Handel on behalf of the Select Board moved to dissolve the Special Town Meeting with the following Resolutions:

### THE FOLLOWING RESOLUTION

was offered

#### In Memory of David S. Tobin

**WHEREAS:** David Tobin was born in Boston and raised in Jamaica Plain. He graduated from Boston College High School and earned a degree in business from Boston College. He served for three years in the Army and later the Air Force, where he was stationed in Germany at the Berlin Wall; and

**WHEREAS:** Dave received his law degree from Suffolk University while serving as a State Representative for Jamaica Plain. He served two terms, and successfully introduced legislation to rename the Mystic River Bridge to the Maurice Tobin Bridge in honor of his uncle, the late Governor, who served in President Truman's cabinet; and

**WHEREAS:** Dave was the father of Joanna, Brian, Stephanie, and Brendan, and was married to Sandy Balzer Tobin; and

**WHEREAS:** Before moving into private practice, Dave worked in the Office of the Attorney General, specializing in eminent domain law. He served as Special Counsel to the Town of Needham from 1983 to 1985. In 1985 he was appointed by the Select Board to the role of Town Counsel and served for 35 years; and

**WHEREAS:** Dave loved skiing and sailing. He was an avid golfer and a long-time member of the Wellesley Country Club; and

**WHEREAS:** Dave distinguished himself as a steady and reliable advisor to the Town. He was instrumental in many critical initiatives, such as the revision of the Town Charter and change in the form of government in 2004. He was a fixture at Select Board Meetings and at every

Town Meeting, and his impact can be felt on virtually everything that has been acted on by Town Meeting for a generation.

**NOW THEREFORE**, be it resolved by this body that the October 4, 2020 Special Town Meeting be dissolved in honor of the many civic and community contributions of David Tobin to the Town of Needham.

**ACTION:** At 4:30 P.M. on Sunday, October 4, 2020, the Resolution was presented and carried unanimously by voice vote.

#### THE FOLLOWING RESOLUTION

was offered

#### In Memory of Gregory Shesko

**WHEREAS:** Greg Shesko was born in Brooklyn New York, attended Brooklyn Technical High School, and then earned a bachelor's degree from Brooklyn College. He received a master's degree in History from Harvard, and conducted doctoral research in Moscow on monasterial landholding in Muscovite Russia; and

**WHEREAS:** Greg and his wife, Marilyn (Markovich) were married for more than 50 years. Together the settled in Needham and raised their daughter Liz; and

**WHEREAS:** Although he never taught, Greg devoted his professional life to academia. He worked at Brandeis University for almost thirty years, serving as Associate Dean for Arts and Sciences and then Assistant Provost for Academic Finance and Administration; and

**WHEREAS:** A lifelong member of the Orthodox Church, Greg served many leadership roles including parish council president. The Orthodox Church in America presented Greg with its highest

award, the Order of St. Innocent, for his service; and

**WHEREAS:** Greg devoted his life to libraries. He served nine terms on the Needham Board of Library Trustees, he co-chaired the "Renew Our Library" campaign which successfully secured funding to build Needham's new library, and led two override campaigns to increase library funding as president of the Friends of the Needham Free Public Library; and

**WHEREAS:** Greg's library interests were not confined to Needham. He served as President of the Massachusetts Friends of Libraries, and was appointed by Governor Patrick to the Massachusetts Board of Library Commissioners, where he served two terms; and

**WHEREAS:** Greg was recognized by the Richard Patten Melick Foundation for reaching the milestone of 25 years as a Town Meeting Member, where he served 33 years from 1987 to 2020.

**NOW THEREFORE**, be it resolved by this body that the October 4, 2020 Special Town Meeting be dissolved in honor of the many civic and community contributions of Greg Shesko to the Town of Needham.

**ACTION:** At 4:30 P.M. on Sunday, October 4, 2020, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC  
Town Clerk

A true copy  
ATTEST:

\* \* \* \* \*

**RECORD OF THE STATE ELECTION****Tuesday, November 3, 2020**

The ballot box returns in the Precincts were as follows:

Pursuant to a Warrant issued by the Select Board October 13, 2020 the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the third day of November in the year 2020 at seven o'clock in the forenoon for the purpose of nominating Federal, State and Country officers. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and the zero report printed. The boxes were then locked, and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

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 - Needham Golf Club - 49 Green Street  
 Precinct F - Rosemary Complex - Community Room  
 Precinct G - Rosemary Complex - Community Room  
 Precinct H - Needham Golf Club - 49 Green Street  
 Precinct I - William Mitchell School - Gymnasium  
 Precinct J - William Mitchell School - Gymnasium

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

| <u>PRECINCTS</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> |
|------------------|----------|----------|----------|----------|----------|
| 7:00 A.M.        | 0        | 0        | 0        | 0        | 25       |
| 8:00 A.M.        | 49       | 54       | 38       | 47       | 45       |
| 9:00 A.M.        | 95       | 100      | 79       | 65       | 117      |
| 10:00 A.M.       | 153      | 126      | 133      | 104      | 153      |
| 11:00 A.M.       | 214      | 162      | 183      | 140      | 197      |
| 12:00 NOON       | 244      | 188      | 226      | 170      | 207      |
| 1:00 P.M.        | 264      | 223      | 252      | 240      | 242      |
| 2:00 P.M.        | 284      | 273      | 283      | 273      | 261      |
| 3:00 P.M.        | 318      | 288      | 298      | 298      | 284      |
| 4:00 P.M.        | 340      | 316      | 312      | 316      | 301      |
| 5:00 P.M.        | 368      | 330      | 323      | 345      | 330      |
| 6:00 P.M.        | 400      | 362      | 343      | 371      | 365      |
| 7:00 P.M.        | 410      | 375      | 355      | 390      | -        |
| 8:00 P.M.        | 419      | 378      | 360      | 398      | 369      |

| <u>PRECINCTS</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> |
|------------------|----------|----------|----------|----------|----------|
| 7:00 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 8:00 A.M.        | 29       | 40       | 57       | 52       | 29       |
| 9:00 A.M.        | 70       | 90       | 94       | 64       | 70       |
| 10:00 A.M.       | 97       | 145      | 129      | 79       | 118      |
| 11:00 A.M.       | 151      | 172      | 232      | 171      | 204      |
| 12:00 NOON       | 202      | 200      | 273      | 188      | 229      |
| 1:00 P.M.        | 222      | 225      | 305      | 216      | 248      |
| 2:00 P.M.        | 239      | 240      | 329      | 236      | 274      |
| 3:00 P.M.        | 263      | 264      | 346      | 251      | 293      |
| 4:00 P.M.        | 280      | 284      | 364      | 283      | 313      |
| 5:00 P.M.        | 303      | 306      | 391      | 297      | 338      |
| 6:00 P.M.        | 328      | 324      | 408      | 313      | 364      |
| 7:00 P.M.        | 343      | 336      | 420      | 319      | 373      |
| 8:00 P.M.        | 349      | 338      | 424      | 321      | 380      |

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 11:30 P.M., November 3, 2020.

The total number of votes cast was as follows:

|              | <u>Precinct</u> | <u>Early/Absentee</u> | <u>UOCAVA</u> | <u>TOTAL</u> |
|--------------|-----------------|-----------------------|---------------|--------------|
| Precinct A   | 419             | 1390                  | 19            |              |
| Precinct B   | 378             | 1645                  | 14            |              |
| Precinct C   | 360             | 1546                  | 8             |              |
| Precinct D   | 398             | 1579                  | 25            |              |
| Precinct E   | 369             | 1725                  | 14            |              |
| Precinct F   | 349             | 1578                  | 18            |              |
| Precinct G   | 338             | 1608                  | 12            |              |
| Precinct H   | 424             | 1724                  | 7             |              |
| Precinct I   | 321             | 1710                  | 21            |              |
| Precinct J   | 380             | 1802                  | 17            |              |
| <b>TOTAL</b> | <b>3,762</b>    | <b>16,307</b>         | <b>155</b>    |              |

(The absentee ballots are included in the Total Vote)

**TOTAL VOTE CAST – 20,263**

**(84.48% of 23,892 Registered Voters (includes 1109 Inactive Voters))**

**Total Vote Cast includes 16,307 Early and Absentee ballots, 3,762 Precinct and 155 UOCAVA Ballots from outside the United States**

**(Added to these totals are 54 votes from ballots returned from November 3, 2020 to November 6, 2020 less 15 in the results of the hand count Audit of Precinct A on November 10 2020)**

The result of the balloting was as follows:

|                       | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Total # of Votes Cast | 1816     | 2046     | 1920     | 2013     | 2112     | 1951     | 1964     | 2169     | 2063     | 2209     | 20,263       |

**Electors of President and Vice President (Vote for One)**

|                             |      |      |      |      |      |      |      |      |      |      |        |
|-----------------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Biden and Harris            | 1309 | 1524 | 1491 | 1542 | 1609 | 1528 | 1521 | 1638 | 1693 | 1718 | 15,573 |
| Hawkins and Walker          | 11   | 5    | 1    | 8    | 5    | 8    | 10   | 4    | 4    | 6    | 62     |
| Jorgensen and Cohen         | 28   | 30   | 17   | 21   | 32   | 13   | 28   | 28   | 19   | 19   | 235    |
| Trump and Pence             | 440  | 449  | 383  | 409  | 432  | 379  | 370  | 465  | 314  | 437  | 4078   |
| Write-In: Carroll and Patel | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 0    | 0    | 1      |
| Scattered Write-Ins         | 12   | 20   | 17   | 19   | 21   | 8    | 16   | 20   | 19   | 12   | 164    |
| Blanks                      | 16   | 18   | 11   | 14   | 13   | 14   | 19   | 14   | 14   | 17   | 150    |

**Senator in Congress (Fourth District) (Vote for One)**

|                                 |      |      |      |      |      |      |      |      |      |      |        |
|---------------------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Edward J. Markey                | 1285 | 1429 | 1333 | 1430 | 1477 | 1451 | 1364 | 1518 | 1559 | 1634 | 14,480 |
| Kevin J. O'Connor               | 486  | 569  | 541  | 533  | 590  | 461  | 560  | 613  | 471  | 518  | 5,342  |
| Write-In: Shiva Ayyadurai       | 5    | 2    | 2    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 9      |
| Write-In: Joseph P. Kennedy III | 0    | 0    | 2    | 3    | 0    | 2    | 3    | 1    | 0    | 1    | 12     |
| Scattered Write-Ins             | 2    | 1    | 3    | 6    | 5    | 7    | 8    | 3    | 2    | 5    | 42     |
| Blank                           | 38   | 45   | 39   | 41   | 40   | 30   | 29   | 34   | 31   | 51   | 378    |

**Representative in Congress (Fourth District) (Vote for One)**

|                            |      |      |      |      |      |      |      |      |      |      |        |
|----------------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Jake Auchincloss           | 1261 | 1405 | 1349 | 1423 | 1457 | 1420 | 1376 | 1488 | 1545 | 1595 | 14,319 |
| Julia A. Hall              | 467  | 553  | 477  | 493  | 557  | 435  | 499  | 571  | 432  | 497  | 4,981  |
| Write-In: Jesse R. Mermell | 0    | 0    | 3    | 0    | 3    | 0    | 0    | 0    | 3    | 2    | 11     |
| Scattered Write-Ins        | 1    | 6    | 7    | 3    | 6    | 7    | 6    | 6    | 6    | 6    | 54     |
| Blank                      | 87   | 82   | 84   | 94   | 89   | 89   | 83   | 104  | 77   | 109  | 898    |

**Councillor (Second District) (Vote for One)**

|                      |      |      |      |      |      |      |      |      |      |      |        |
|----------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Robert L. Jubinville | 1303 | 1452 | 1357 | 1387 | 1472 | 1389 | 1329 | 1535 | 1533 | 1583 | 14,340 |
| Scattered Write-Ins  | 22   | 27   | 22   | 25   | 26   | 14   | 18   | 32   | 15   | 17   | 218    |
| Blanks               | 491  | 567  | 541  | 601  | 614  | 548  | 617  | 602  | 515  | 609  | 5,705  |

**Senator in General Court (Norfolk, Bristol and Middlesex) (Vote for One)**

|                     |      |      |      |   |   |   |   |   |      |      |       |
|---------------------|------|------|------|---|---|---|---|---|------|------|-------|
| Rebecca L. Rausch   | 1273 | 1392 | 1317 | 0 | 0 | 0 | 0 | 0 | 1535 | 1608 | 7,125 |
| Matthew T. Kelly    | 433  | 539  | 474  | 0 | 0 | 0 | 0 | 0 | 416  | 439  | 2,301 |
| Scattered Write-Ins | 3    | 2    | 3    | 0 | 0 | 0 | 0 | 0 | 3    | 2    | 13    |
| Blanks              | 107  | 113  | 126  | 0 | 0 | 0 | 0 | 0 | 109  | 160  | 615   |

**Senator in General Court (Norfolk and Suffolk) (Vote for One)**

|                     |   |   |   |      |      |      |      |      |   |   |       |
|---------------------|---|---|---|------|------|------|------|------|---|---|-------|
| Michael F. Rush     | 0 | 0 | 0 | 1394 | 1491 | 1398 | 1366 | 1547 | 0 | 0 | 7,196 |
| Scattered Write-Ins | 0 | 0 | 0 | 24   | 28   | 18   | 22   | 33   | 0 | 0 | 125   |
| Blanks              | 0 | 0 | 0 | 595  | 593  | 535  | 576  | 589  | 0 | 0 | 2,888 |

**Representative in General Court (Thirteenth Norfolk District) (Vote for One)**

|                     |      |      |      |      |      |      |      |      |      |      |        |
|---------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Denise C. Garlick   | 1417 | 1583 | 1515 | 1514 | 1644 | 1553 | 1532 | 1691 | 1702 | 1736 | 15,887 |
| Scattered Write-Ins | 24   | 30   | 13   | 24   | 34   | 18   | 16   | 28   | 19   | 27   | 233    |
| Blanks              | 375  | 433  | 392  | 475  | 434  | 380  | 416  | 450  | 342  | 446  | 4,143  |

|                       | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Total # of Votes Cast | 1816     | 2046     | 1920     | 2013     | 2112     | 1951     | 1964     | 2169     | 2063     | 2209     | 20,263       |

**Register of Probate (Norfolk County) (Vote for One)**

|                        |      |      |      |      |      |      |      |      |      |      |        |
|------------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Colleen Marie Brierley | 1318 | 1461 | 1371 | 1395 | 1476 | 1397 | 1358 | 1568 | 1568 | 1600 | 14,512 |
| Scattered Write-Ins    | 17   | 28   | 17   | 17   | 22   | 17   | 12   | 16   | 10   | 18   | 174    |
| Blanks                 | 481  | 557  | 532  | 601  | 614  | 537  | 594  | 585  | 485  | 591  | 5,577  |

**County Commissioner (Norfolk County) (Vote for not more than Two)**

|                     |      |      |      |      |      |      |      |      |      |      |        |
|---------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Joseph P. Shea      | 992  | 1168 | 1078 | 1071 | 1163 | 1095 | 1047 | 1200 | 1210 | 1245 | 11,269 |
| Richard R. Staiti   | 571  | 679  | 627  | 643  | 695  | 663  | 671  | 742  | 729  | 713  | 6,733  |
| Heather Hamilton    | 496  | 527  | 484  | 536  | 580  | 494  | 564  | 575  | 533  | 551  | 5,340  |
| Scattered Write-Ins | 4    | 12   | 8    | 12   | 11   | 12   | 8    | 11   | 10   | 8    | 96     |
| Blanks              | 1569 | 1706 | 1643 | 1764 | 1775 | 1638 | 1638 | 1810 | 1031 | 1902 | 10,982 |

**County Treasurer (Norfolk County) (Vote for One)**

|                     |      |      |      |      |      |      |      |      |      |      |        |
|---------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Michael G. Bellotti | 1328 | 1471 | 1385 | 1424 | 1498 | 1392 | 1357 | 1555 | 1570 | 1604 | 14,584 |
| Scattered Write-Ins | 18   | 25   | 14   | 15   | 20   | 11   | 10   | 22   | 7    | 17   | 159    |
| Blanks              | 470  | 550  | 521  | 574  | 594  | 548  | 597  | 592  | 486  | 588  | 5,520  |

**Sheriff (To Fill Vacancy) (Norfolk County) (Vote for One)**

|                      |      |      |      |      |      |      |      |      |      |      |        |
|----------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Jerry P. McDermott   | 620  | 680  | 647  | 669  | 734  | 573  | 669  | 732  | 617  | 638  | 6,579  |
| Patrick W. McDermott | 1026 | 1140 | 1057 | 1106 | 1176 | 1164 | 1104 | 1207 | 1235 | 1331 | 11,546 |
| Scattered Write-Ins  | 5    | 4    | 4    | 2    | 0    | 7    | 3    | 2    | 4    | 0    | 31     |
| Blanks               | 165  | 222  | 212  | 236  | 202  | 207  | 188  | 228  | 207  | 240  | 2,107  |

**Question #1 (Motor Vehicle Mechanical Data)**

|                     |      |      |      |      |      |      |      |      |      |      |        |
|---------------------|------|------|------|------|------|------|------|------|------|------|--------|
| Yes                 | 1325 | 1501 | 1421 | 1442 | 1583 | 1443 | 1474 | 1544 | 1535 | 1594 | 15,862 |
| No                  | 413  | 442  | 417  | 473  | 459  | 428  | 426  | 545  | 452  | 509  | 4,564  |
| Scattered Write-Ins | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0      |
| Blanks              | 78   | 103  | 82   | 98   | 70   | 80   | 64   | 80   | 76   | 106  | 837    |

**Question #2 (Ranked-Choice Voting)**

|                     |     |      |     |      |      |      |      |      |      |      |        |
|---------------------|-----|------|-----|------|------|------|------|------|------|------|--------|
| Yes                 | 880 | 1012 | 961 | 1026 | 1118 | 1028 | 1074 | 1115 | 1163 | 1147 | 10,524 |
| No                  | 825 | 919  | 867 | 868  | 919  | 841  | 811  | 969  | 811  | 948  | 8,778  |
| Scattered Write-Ins | 0   | 0    | 0   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0      |
| Blanks              | 111 | 115  | 92  | 119  | 75   | 82   | 79   | 85   | 89   | 114  | 961    |

The ballots casts in the several precincts were returned to the Town Clerk in the sealed cases. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 11:30 A.M., November 3, 2020.

Theodora K. Eaton, MMC  
Town Clerk

A true Copy  
ATTEST

**RECORD OF THE ANNUAL TOWN ELECTION****Tuesday April 13, 2021**

Pursuant to a Warrant issued by the Select Board March 23, 2021, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the thirteenth day of April in the year 2021 at seven o'clock in the forenoon for the purpose of nominating Town Officers and Town Meeting Members. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero report printed. The boxes were then locked and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

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 – Needham Golf Club – Community Room  
 Precinct F – Rosemary Complex  
 Precinct G – Rosemary Complex  
 Precinct H – Needham Golf Club – Community Room  
 Precinct I- Town Hall – Powers Hall  
 Precinct J- Town Hall – Powers Hall

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

**ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

Two Members of the Select Board for Three Years;  
 One Assessor for Three Years;  
 Two Members of School Committee for Three Years;  
 One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;  
 One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;  
 Two Trustees of Needham Public Library for Three Years;

Two Members of Board of Health for Three Years;  
 One Member of Planning Board for Five Years;  
 One Commissioner of Trust Funds for Three Years;  
 One Member of Needham Housing Authority for Five Years;  
 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;  
 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;  
 Eight Town Meeting Members from Precinct J for Three Years.

The ballot box returns in the Precincts were as follows:

| <u>PRECINCTS</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> |
|------------------|----------|----------|----------|----------|----------|
| 7:00 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 8:00 A.M.        | 6        | 13       | 20       | 15       | 20       |
| 9:00 A.M.        | 40       | 38       | 92       | 43       | 45       |
| 10:00 A.M.       | 78       | 61       | 154      | 70       | 76       |
| 11:00 A.M.       | 118      | 85       | 197      | 111      | 131      |
| 12:00 NOON       | 144      | 157      | 225      | 150      | 219      |
| 1:00 P.M.        | 174      | 275      | 275      | 184      | 266      |
| 2:00 P.M.        | 200      | 319      | 320      | 271      | 328      |
| 3:00 P.M.        | 219      | 343      | 355      | 316      | 368      |
| 4:00 P.M.        | 246      | 368      | 375      | 349      | 458      |
| 5:00 P.M.        | 268      | 406      | 414      | 385      | 527      |
| 6:00 P.M.        | 295      | 450      | 447      | 424      | 572      |
| 7:00 P.M.        | 324      | 486      | 482      | 473      | 618      |
| 8:00 P.M.        | 342      | 514      | 534      | 501      | 655      |

| <u>PRECINCTS</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> |
|------------------|----------|----------|----------|----------|----------|
| 7:00 A.M.        | 0        | 0        | 0        | 0        | 0        |
| 8:00 A.M.        | 29       | -        | 14       | 12       | 20       |
| 9:00 A.M.        | 73       | -        | 39       | 44       | 65       |
| 10:00 A.M.       | 146      | 142      | 64       | 98       | 108      |
| 11:00 A.M.       | 200      | 214      | 104      | 129      | 175      |
| 12:00 NOON       | 252      | 287      | 156      | 276      | 240      |
| 1:00 P.M.        | 282      | 343      | 241      | 353      | 278      |
| 2:00 P.M.        | 331      | -        | 283      | 394      | 304      |
| 3:00 P.M.        | 369      | 469      | 394      | 422      | 340      |
| 4:00 P.M.        | 412      | 541      | 443      | 453      | 387      |
| 5:00 P.M.        | 454      | 594      | 480      | 508      | 426      |
| 6:00 P.M.        | 503      | 672      | 527      | 569      | 467      |
| 7:00 P.M.        | 536      | 723      | 579      | 623      | 510      |
| 8:00 P.M.        | 575      | 768      | 604      | 650      | 548      |

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:35 P.M., April 13, 2021.

The total number of votes cast was as follows:

|              | <b>Total</b> |
|--------------|--------------|
| Precinct A   | 343          |
| Precinct B   | 514          |
| Precinct C   | 534          |
| Precinct D   | 501          |
| Precinct E   | 655          |
| Precinct F   | 575          |
| Precinct G   | 770          |
| Precinct H   | 605          |
| Precinct I   | 652          |
| Precinct J   | 548          |
| <b>TOTAL</b> | <b>5,697</b> |

(The absentee ballots are included in the Total Vote as well as four hand count ballots and two provisional ballots)

**TOTAL VOTE CAST –**  
**(23.90 % of the 23,839 Registered Voters)**

The result of the balloting was as follows:

**TOWN OFFICES**

|                       | <b><u>A</u></b> | <b><u>B</u></b> | <b><u>C</u></b> | <b><u>D</u></b> | <b><u>E</u></b> | <b><u>F</u></b> | <b><u>G</u></b> | <b><u>H</u></b> | <b><u>I</u></b> | <b><u>J</u></b> | <b><u>TOTAL</u></b> |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|
| Total # of Votes Cast | 343             | 514             | 534             | 501             | 655             | 575             | 770             | 605             | 652             | 548             | 5,697               |

**SELECT BOARD** (for three years) (Vote for Not More Than Two)

|                     |     |     |     |     |     |     |     |     |     |     |       |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Maurice Handel      | 142 | 283 | 257 | 230 | 301 | 256 | 332 | 283 | 285 | 213 | 2,582 |
| Lakshmi Balachandra | 239 | 336 | 335 | 322 | 422 | 393 | 524 | 411 | 453 | 386 | 3,821 |
| Marcus Nelson       | 220 | 282 | 342 | 316 | 430 | 385 | 508 | 384 | 447 | 358 | 3,672 |
| Serge J. Zdanovich  | 25  | 40  | 28  | 24  | 39  | 37  | 47  | 31  | 23  | 36  | 330   |
| Scattered Write-Ins | 0   | 0   | 0   | 5   | 1   | 3   | 4   | 3   | 1   | 1   | 18    |
| Blanks              | 60  | 87  | 106 | 105 | 117 | 76  | 125 | 98  | 95  | 102 | 971   |

**ASSESSOR** (for three years) (Vote for One)

No Nomination

Write-ins:

|                     |     |     |     |     |     |     |     |     |     |     |       |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Walter McDonough    | 5   | 7   | 4   | 3   | 5   | 9   | 19  | 29  | 18  | 8   | 107   |
| Barry S. Pollack    | 40  | 17  | 19  | 13  | 18  | 19  | 15  | 21  | 16  | 55  | 233   |
| Scattered Write-Ins | 15  | 22  | 34  | 29  | 35  | 22  | 43  | 27  | 31  | 29  | 287   |
| Blanks              | 283 | 468 | 477 | 456 | 597 | 525 | 693 | 528 | 587 | 456 | 5,070 |

**SCHOOL COMMITTEE** (for three years) (Vote for Not More Than Two)

|                     |     |     |     |     |     |     |     |     |     |     |       |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Elizabeth Anne Lee  | 227 | 385 | 376 | 338 | 425 | 426 | 518 | 414 | 450 | 361 | 3,920 |
| Michael E. O'Brien  | 142 | 221 | 291 | 278 | 357 | 287 | 367 | 293 | 312 | 267 | 2,815 |
| Rebecca Waber       | 188 | 251 | 236 | 204 | 277 | 243 | 362 | 272 | 313 | 258 | 2,604 |
| Scattered Write-Ins | 0   | 4   | 0   | 2   | 2   | 1   | 2   | 2   | 2   | 1   | 16    |
| Blanks              | 129 | 167 | 165 | 180 | 249 | 193 | 291 | 229 | 227 | 209 | 2,039 |

**TRUSTEE OF MEMORIAL PARK (Trustee of Soldiers' Memorials – veteran)** (for three years) (Vote for One)

|                     |     |     |     |     |     |     |     |     |     |     |       |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| William J. Topham   | 236 | 379 | 369 | 326 | 425 | 403 | 505 | 402 | 466 | 357 | 3,868 |
| Scattered Write-Ins | 1   | 3   | 0   | 1   | 0   | 2   | 0   | 0   | 0   | 5   | 12    |
| Blanks              | 106 | 132 | 165 | 174 | 230 | 170 | 265 | 203 | 186 | 186 | 1,817 |

TOWN OFFICES

|                                                                                                                 | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|-----------------------------------------------------------------------------------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Total # of Votes Cast                                                                                           | 343      | 514      | 534      | 501      | 655      | 575      | 770      | 605      | 652      | 548      | 5,697        |
| <b>TRUSTEE OF MEMORIAL PARK (Trustee of Soldiers' Memorials – non-veteran) (for three years) (Vote for One)</b> |          |          |          |          |          |          |          |          |          |          |              |
| Mark R. Forbes                                                                                                  | 232      | 365      | 366      | 316      | 431      | 397      | 486      | 394      | 463      | 355      | 3,805        |
| Scattered Write-Ins                                                                                             | 0        | 3        | 3        | 0        | 0        | 1        | 0        | 1        | 1        | 2        | 11           |
| Blanks                                                                                                          | 111      | 146      | 165      | 185      | 224      | 177      | 284      | 210      | 188      | 191      | 1,881        |
| <b>TRUSTEE OF NEEDHAM PUBLIC LIBRARY (for three years) (Vote for Not More Than Two)</b>                         |          |          |          |          |          |          |          |          |          |          |              |
| Jay M. Fialkov                                                                                                  | 222      | 358      | 358      | 323      | 438      | 388      | 504      | 390      | 444      | 342      | 3,767        |
| Anna Giraldo-Kerr                                                                                               | 234      | 374      | 365      | 329      | 431      | 395      | 501      | 402      | 466      | 357      | 3,854        |
| Scattered Write-Ins                                                                                             | 1        | 2        | 4        | 2        | 0        | 1        | 2        | 1        | 1        | 4        | 18           |
| Blanks                                                                                                          | 229      | 294      | 341      | 348      | 441      | 366      | 533      | 417      | 393      | 393      | 3,755        |
| <b>BOARD OF HEALTH (for three years) (Vote for Not More Than Two)</b>                                           |          |          |          |          |          |          |          |          |          |          |              |
| Kathleen Ward Brown                                                                                             | 231      | 362      | 364      | 329      | 428      | 399      | 506      | 400      | 459      | 356      | 3,834        |
| Robert A. Partridge                                                                                             | 209      | 333      | 352      | 314      | 421      | 378      | 477      | 387      | 431      | 331      | 3,633        |
| Scattered Write-Ins                                                                                             | 1        | 6        | 0        | 2        | 0        | 3        | 1        | 1        | 0        | 1        | 15           |
| Blanks                                                                                                          | 245      | 327      | 352      | 357      | 461      | 370      | 556      | 422      | 414      | 408      | 3,912        |
| <b>PLANNING BOARD (for five years) (Vote for One)</b>                                                           |          |          |          |          |          |          |          |          |          |          |              |
| Natasha Espada                                                                                                  | 213      | 348      | 358      | 317      | 409      | 375      | 463      | 382      | 427      | 338      | 3,630        |
| Scattered Write-Ins                                                                                             | 7        | 4        | 4        | 3        | 1        | 1        | 1        | 4        | 4        | 7        | 36           |
| Blanks                                                                                                          | 123      | 162      | 172      | 181      | 245      | 199      | 306      | 219      | 221      | 203      | 2,031        |
| <b>COMMISSIONER OF TRUST FUNDS (for three years) (Vote for One)</b>                                             |          |          |          |          |          |          |          |          |          |          |              |
| Heydon David Traub                                                                                              | 229      | 369      | 363      | 325      | 408      | 384      | 473      | 385      | 449      | 349      | 3,734        |
| Scattered Write-Ins                                                                                             | 0        | 3        | 0        | 2        | 0        | 0        | 0        | 0        | 1        | 1        | 7            |
| Blanks                                                                                                          | 114      | 142      | 171      | 174      | 247      | 191      | 297      | 220      | 202      | 198      | 1,956        |
| <b>NEEDHAM HOUSING AUTHORITY (for five year) (Vote for One)</b>                                                 |          |          |          |          |          |          |          |          |          |          |              |
| Janice M. Bennett                                                                                               | 228      | 365      | 358      | 316      | 406      | 393      | 474      | 390      | 443      | 341      | 3,714        |
| Scattered Write-Ins                                                                                             | 1        | 2        | 0        | 2        | 1        | 2        | 0        | 1        | 0        | 1        | 10           |
| Blanks                                                                                                          | 114      | 147      | 176      | 183      | 248      | 180      | 296      | 214      | 209      | 206      | 1,973        |
| <b>PARK &amp; RECREATION COMMISSION (for three years) (Vote for Not More Than Two)</b>                          |          |          |          |          |          |          |          |          |          |          |              |
| Christopher J. Gerstel                                                                                          | 218      | 348      | 349      | 309      | 413      | 368      | 468      | 380      | 414      | 326      | 3,593        |
| Dina Hannigan                                                                                                   | 215      | 342      | 340      | 302      | 386      | 373      | 469      | 375      | 432      | 330      | 3,564        |
| Scattered Write-Ins                                                                                             | 1        | 1        | 0        | 1        | 0        | 3        | 4        | 0        | 1        | 2        | 13           |
| Blanks                                                                                                          | 252      | 337      | 379      | 390      | 511      | 406      | 599      | 455      | 457      | 438      | 4,224        |

\* Not Elected

\*\* Tie Vote

**TOWN MEETING MEMBERS**

|                       | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>TOTAL</u> |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Total # of Votes Cast | 343      | 514      | 534      | 501      | 655      | 575      | 770      | 605      | 652      | 548      | 5,697        |

**TOWN MEETING MEMBERS FROM PRECINCT A (Vote for Not More Than Eight)****PRECINCT A (For Three Years)**

|                   |     |                      |     |
|-------------------|-----|----------------------|-----|
| Erik J. Bailey    | 208 | Rachel B. Miller     | 220 |
| Emily Rose Cooper | 221 | Elizabeth M. Sargent | 213 |
| Richard S. Creem  | 214 | Alexander R. Garlick | 207 |
| John F. Diodato   | 191 | Heather Krechmer     | 203 |

**TOWN MEETING MEMBERS FROM PRECINCT B (Vote for Not More Than Eight)****PRECINCT B (For Three Years)**

|                      |     |                      |     |
|----------------------|-----|----------------------|-----|
| Elizabeth M. Bloom   | 341 | Sarah Ann Toran      | 335 |
| Marianna Borrelli    | 308 | Kathleen Krey Alwart | 311 |
| Kim Marie Nicols     | 328 | Laura W. Dorfman     | 326 |
| Margot Copeland Pyle | 316 | Mark N. Dorfman      | 302 |

**TOWN MEETING MEMBERS FROM PRECINCT C (Vote for Not More Than Eight)****PRECINCT C (For Three Years)**

|                     |     |                          |     |
|---------------------|-----|--------------------------|-----|
| Paul S. Alpert      | 252 | Ted Owens                | 234 |
| Joseph P. Barnes    | 295 | Paul B. Tillotson        | 212 |
| Gilbert W. Cox, Jr. | 202 | * Natasha Espada         | 197 |
| Joshua W. Levy      | 249 | * Arianna Lechan         | 174 |
| Susan B. Neckes     | 315 | * Jonathan David Robbins | 168 |
| Michael E. O'Brien  | 346 |                          |     |

**TOWN MEETING MEMBERS FROM PRECINCT D (Vote for Not More Than Eight)****PRECINCT D (For Three Years)**

|                      |     |                    |     |
|----------------------|-----|--------------------|-----|
| Holly Anne Clarke    | 292 | Reginald C. Foster | 270 |
| Kathryn L. D'Addesio | 302 | Kathleen M. Lewis  | 282 |
| Ann Der Marderosian  | 293 | Emma Navales       | 288 |
| Bruce T. Eisenhut    | 282 | Carol L. B. Patey  | 288 |

**TOWN MEETING MEMBERS FROM PRECINCT E (Vote for Not More Than Eight)****PRECINCT E (For Three Years)**

|                    |     |                        |     |
|--------------------|-----|------------------------|-----|
| Constance S. Barr  | 412 | William J. Paulson     | 314 |
| Cynthia J. Chaston | 371 | * Ford H. Peckham      | 274 |
| Ann M. Cosgrove    | 408 | Philip V. Robey        | 331 |
| Carol A. Fachetti  | 368 | Gretchen Cook-Anderson | 335 |
| Philip R. Murray   | 333 |                        |     |

**TOWN MEETING MEMBERS FROM PRECINCT E (Vote for One)****PRECINCT E (For One Year)**

|                  |     |                    |     |
|------------------|-----|--------------------|-----|
| * Adam J. Block  | 105 | Bonnie L. McLellan | 212 |
| * Alison L. Levy | 166 |                    |     |

\* Not Elected

\*\* Tie Vote

**TOWN MEETING MEMBERS**

|                       | <b><u>A</u></b> | <b><u>B</u></b> | <b><u>C</u></b> | <b><u>D</u></b> | <b><u>E</u></b> | <b><u>F</u></b> | <b><u>G</u></b> | <b><u>H</u></b> | <b><u>I</u></b> | <b><u>J</u></b> | <b><u>TOTAL</u></b> |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|
| Total # of Votes Cast | 343             | 514             | 534             | 501             | 655             | 575             | 770             | 605             | 652             | 548             | 5,697               |

**TOWN MEETING MEMBERS FROM PRECINCT F (Vote for Not More Than Eight)****PRECINCT F (For Three Years)**

|                    |     |                    |     |
|--------------------|-----|--------------------|-----|
| Alison S. Borrelli | 368 | Joseph McCabe      | 311 |
| John P. Connelly   | 316 | Jennifer S. Sexton | 346 |
| Gail E. Davis      | 339 | William A. Zoppo   | 307 |
| Richard W. Davis   | 315 | Elizabeth Anne Lee | 384 |

**TOWN MEETING MEMBERS FROM PRECINCT G (Vote for Not More Than Eight)****PRECINCT G (For Three Years)**

|                      |     |                       |     |
|----------------------|-----|-----------------------|-----|
| * David Dirks        | 286 | Susan Welby           | 373 |
| * Fran Gallagher     | 255 | Jennifer Lewis Buell  | 394 |
| Thomas M. Harkins    | 332 | Abigail Jones Hays    | 418 |
| * Matthew A. Kane    | 250 | Jessica Zaplin Karlin | 400 |
| Maureen T. McCaffrey | 371 | Christopher G. Thomas | 303 |
| Susan B. McGarvey    | 325 |                       |     |

**TOWN MEETING MEMBERS FROM PRECINCT H (Vote for Not More Than Eight)****PRECINCT H (For Three Years)**

|                          |     |                          |     |
|--------------------------|-----|--------------------------|-----|
| Heinz R. Brinkhaus       | 261 | Marsha B. Moller         | 282 |
| M. Patricia Cruickshank  | 339 | Kevin F. Tierney         | 250 |
| Lynn Sara Feigenbaum     | 250 | John A. Bulian           | 314 |
| Elizabeth P. Handler     | 340 | * Christopher R. Morahan | 170 |
| Kimberly Knickle-Tierney | 293 | * Matthew D. Nagler      | 221 |
| * Paul T. Milligan       | 216 |                          |     |

**TOWN MEETING MEMBERS FROM PRECINCT I (Vote for Not More Than Eight)****PRECINCT I (For Three Years)**

|                    |     |                         |     |
|--------------------|-----|-------------------------|-----|
| Peter D. Atallah   | 402 | Rachel Ann Weinstock    | 355 |
| David J. Escalante | 288 | Catherine W. Mertz      | 285 |
| John L. Gallo      | 365 | * Oscar E. Mertz III    | 192 |
| Paul Robey III     | 299 | Christopher Paul Weirup | 238 |
| Lois F. Sockol     | 374 | Rebecca A. Young        | 415 |

**TOWN MEETING MEMBERS FROM PRECINCT J (Vote for Not More Than Eight)****PRECINCT J (For Three Years)**

|                          |     |                   |     |
|--------------------------|-----|-------------------|-----|
| Joan K. Berlin           | 309 | Donna M. Mullin   | 322 |
| Lisa Cherbuliez          | 309 | Write-Ins:        |     |
| William R. Dermody       | 333 | Glenn Alan Mulno  | 59  |
| Michael J. Greis         | 322 | * Keith McSweeney | 15  |
| Elizabeth Nicole Kaponya | 307 | * Matt Spengler   | 10  |
| Christine S. McCourt     | 307 |                   |     |

The ballots cast in the several precincts were returned to the Town Clerk in the sealed containers. The voting lists used at the entrance to the polling place and at the ballot boxes and a copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10:35 P.M., April 13, 2021.

Theodora K. Eaton, MMC  
Town Clerk

A true copy  
ATTEST

\* \* \* \* \*

**\*Note: Precinct G** – Due to a vacancy, David Dirks was the candidate in Precinct G who received the next highest vote and was therefore elected as a Town Meeting Member until the next Annual Town Election.

## RECORD OF SPECIAL TOWN MEETING Saturday May 1, 2021

Pursuant to a Warrant issued by the Selectmen March 9, 2021 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met at the Memorial Park parking lot on Saturday, May 1, 2021, at 1:00 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and \_\_\_ voters, including 208 Town Meeting Members, were checked on the list as being present and 42 absent.

The Moderator, Michael K. Fee, called the meeting to order at 1:05 o'clock. He announced that there are no opening ceremonies in the interest of time. The Moderator requested Town Members to rise in honoring our country by saluting the flag and reciting the Pledge of Allegiance and remain standing for a brief moment of Silent Reflection dedicated to those who fought and died for our country, in the absence of our usual Call for Spiritual Guidance led by a member of the Needham Clergy Association..

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Town Meeting Members were sworn to the faithful performance of their duties by the Town Clerk

The call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

### RICHARD PATTON MELICK FOUNDATION

As mentioned in my Memorandum to Town Meeting Members and in my Welcome video, at this time I seek your indulgence to briefly suspend our proceedings to permit the Richard Patton Melick Foundation to present their annual recognitions. As you know, for almost 25 years, the Foundation has been a fixture in our town and at our Town Meeting. Every year at the third session of our Annual Town Meeting, the Foundation recognizes Town Meeting Members with 25 years of services and bestows its community service awards. Last year, this did not occur due to the compressed nature of our meeting. This year, it is my pleasure to welcome the Foundation back for a brief ceremony and express my thanks to all who through the Foundation, fostered awareness of our Town Meeting form of government, recognized worthy contributors to our Town and supported graduating Needham High School students with scholarships.

I call on the Directors of the Melick Foundation to come forward.

Mr. Philip V. Robey recognized the following Town Meeting Members for 25 years of service:

Paul Milligan, Esq.

Mr. Phil Robey

Ms. Paula Callanan

Ms. Laura Brooks

Ms. Allison Borrelli

And the Foundation's Secretary, Ms. Nikki Witham

Director Philip V. Robey presented the 2020 Annual Melick Foundation award to Polly and Paul Attridge for their combined 80 year of service to the Needham Community

President Paul T. Milligan addressed town Meeting expressing his appreciation to the directors of the Richard Patton Melick Foundation, Inc, over the past 25 years. The Melick Foundation was created in 1997 to honor Dick Melick, an extraordinary community leader in Needham, who served as our town Moderator for 35 years. In his good name, we have continued to recognize outstanding volunteers and to promote good citizenship. Now after 25 years, the Melick Foundation is winding down.

We are honored to have presented The Melick Award to 59 individuals. We re cognized 75 Town Meeting Members for their 25 years or more of service to Town Meeting. The Melick Foundation established a scholarship to a graduating Needham senior first at \$1,000 then increasing to \$2,500. We are proud to have awarded this scholarship to 12 outstanding seniors. The Foundation has also supported the Needham High Speech and Debate Club and National History Day.

The Melick Foundation extends a deep appreciation to each of the original Founders and former directors. Their many contributions were the platform for the Melick Foundation over the past 25 years. The Melick Foundation also offers it sincere gratitude to its benefactors, patrons, sponsors and friends who have supported its mission and to Town Meeting, the Moderator, the Select Board Town Manager, Town Clerk and many others since its inception,

In recognition of Dick Melick's life of service and devotion to the Town of Needham, the Richard P. Melick Foundation thanks each of you. We are grateful for your support honoring Dick's 35 years of distinguished service to the Needham community.

### ARRANGEMENT OF THE MEETING SPACE

1. You have been admitted to this meeting space because of your status as a Town Meeting Member. The entire space is reserved for Town Meeting Members. Registered voters have a space outside the barrier. The Marshal, Mr. Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. As always, please wear your badges.
2. Once situated please remain in your seats and do not move your chair. Seats have been arranged with more than sufficient spacing for purposes of observing recommended social distancing.
3. Please make a mental note of the location of your seat (For example, I sat in the left, or center, or right section, half way back or in the third row.) This will help greatly in the event contact tracing and notification is necessary.
4. The Needham Board of Health has provided me with guidance on masks. After considering this guidance, I am pleased to offer Town Meeting Member the limited ability to remove their mask, if they choose to do so. First, because you are more than adequately spaced, you have the option to remove your mask while seated. Second, if you move to a microphone, you must wear your mask while traveling to the microphone. Once at the microphone, you may remove your mask to address Town Meeting. Once you are done, however, fasten your mask and

return to your seat. At all other times, such as during breaks, traveling to the rest room or exiting, masks must be worn. I will not be wearing a mask because Public Health authorities have deemed my position to be sufficiently distant from others, including the Town clerk. This will allow me to communicate with you more clearly.

5. As you know, because of public health conditions, the Warrant Committee (Select Board) has determined that as in June, there are no hard-copy materials here for distribution and there will be no affirmative presentations under the Articles. All presentations from sponsors, the Finance Committee and other interested parties have been posted to the Town Website in advance and it is my sincere hope that you were able to view the presentations and supporting materials in advance.
6. You may address Town Meeting when recognized by the Moderator. The process for recognition is different and I will discuss them in a moment. Once recognized, please proceed to one of the seven microphones positioned around the meeting space for use by Town Meeting Members. There are two microphones designated for use by registered voters. Do not queue up at a microphone. Please do not leave your seat until you are recognized by the Moderator. These are no touch microphones. Please do not touch the microphones or attempt to adjust them. If adjustment is necessary, the Marshal will assist you.
7. Restrooms in the building behind me are open and available for your use on a one-at-a-time basis. Please be advised that due the limited time available and desire to maintain appropriate social distancing, there will be no recess, or break, this evening.
8. We are working under some very special conditions today. All of us who have had a hand in planning have been devoted to the twin goals of ensuring your safety and allowing our magnificent institution of representative town meeting to proceed. I ask for your cooperation and your patience.
9. Finally, when we complete our work here today, please promptly exit through the gate you used to enter. We do not want groups forming to wait for access to the exits. So, with your indulgence, I will dismiss the Meeting one Precinct at a time. Please stay in your seats and listen for your Precinct and when it is called, exit through the gate you used to enter.

#### RULES OF ORDER AND PARLIAMENTARY PROCEDURES

1. Please rise to be recognized and raise your hand and you may call out "Mr. Moderator." I will do my best, but given the dispersion and distance, I will likely point to you and recognize you perhaps by referring to the color of the article of clothing you are wearing. When a Member is recognized by the Moderator, proceed to the microphone nearest you and announce yourself by stating your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise or raise their hand or say "Mr. Moderator" please inform me so that appropriate accommodation may be made. During discussion, the Marshal will act as a spotter for me, helping me identify Town Meeting Members who wish to be recognized.

2. Anyone entering or exiting the meeting area, for example to use the rest rooms, while we are in session must use care not to disrupt the session.
3. Please silence all cell phones and other electronic devices. **(Please check this status now!) In addition, please consider putting these devices away entirely while we are in session so you may devote your full attention to our important work unless of course you have downloaded a document or the warrant on your device.**
4. No firearms or weapons may be brought into the meeting space except by law enforcement personnel.
5. The prohibition on the wearing of hats at our meetings at James Hugh Powers Hall is not in effect. (Point)
6. **Members, non-member speakers and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bounds of civility. Please remember that we are ONE community and ONE Town Meeting with one common goal; the best interests of our town.**
3. All commentary, remarks and inquiries must be addressed to the Moderator as Chair of the Meeting.
4. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. 1, Sec. 1.7 of the Needham General By-Laws.
5. Blank forms for lengthy motions are available from Town Counsel and should be employed. If lengthy or complicated, motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, **particularly with regard to zoning articles**, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

*Special Note on zoning articles. Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memorandum to Town Meeting Members in connection with this Special Town Meeting and consistent with the rules adopted for the Annual Town Meeting, anyone who wishes to tender an amendment to a zoning article must confer in advance with the Planning Board, and if necessary Town Counsel and the Moderator to address questions and if possible, work with the Planning Board to address wording and the impact of any amendments.*

6. Short motions to amend and procedural motions need not be in writing.
7. Parliamentary motions such as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.
8. Limits on debate shall be enforced by the Moderator.
9. Questions asked for general informational purposes unrelated to the matter under consideration by the Meeting shall be ruled out of order.

10. As stated in the Moderator's Memorandum to Town Meeting Members, this meeting is being livestreamed and ultimately televised through the good efforts of the Needham Channel. Any inappropriate conduct involving the live coverage or cameras shall be deemed to be out of order addressed swiftly and definitively by the Moderator.
11. I seek unanimous consent to adopt the following rules of practice concerning debate:

**For this meeting only**, no affirmative presentations by proponents of articles, other interested parties and the Finance Committee, information having been published in advance on the town website.

An Article will be called by its number and the corresponding Main Motion will be placed on the floor by the Moderator for discussion by the Meeting.

Time limits for discussion: Town Meeting Members, non-TMMS, visitors other than attorneys:  
(5 min. all-inclusive per article).

**Responsive** remarks by sponsors, the Select Board, the Finance Committee and other Town Boards or Departments (5 minutes per response)

#### Rule Concerning Budget Articles

In keeping with our tradition, I also seek your unanimous consent for a rule of procedure and debate for discussion under Article 20, the FY 2022 Operating Budget, Articles 21 and 22, the Enterprise Fund Budgets, and Article 35, General Fund Cash Capital. That rule would provide that a motion to amend under these articles that *adds* funds to a particular line item within the Article will not be in order unless the moving party identifies another line item or items that will be reduced in order to fund the proposed increase.

Hearing no objection, the Moderator finds unanimous consent that the rules of procedure and practice concerning debate as described by the Moderator are voted and adopted and the Town Clerk will so record.

The Moderator advised that there was one change in the affirmative main option under Article 4 which contained a typographical error and instructed Town Meeting Members to delete the words "and FY2022."

The Moderator announced that the proponents no longer have an interest in Articles 3, 24, and 46. And requested unanimous consent to withdraw these articles. Town Meeting members indicated that there were no objections to the withdrawal of these articles, and it was voted unanimously to withdraw Articles, 3, 24, and 46.

The Moderator announced that Articles 35 and 37 are subject to motions to amend and cannot be passed by unanimous consent.

As is our custom, we come next to the Consent Calendar. After the reading of an eligible Article by its number, I ask anyone who desires that the Article be placed upon the floor for discussion, debate and possible motions, to express their view by simply raising

their hand. **Hopefully, prior to this meeting, Members have had the opportunity to view the presentations posted on the Town website, review the information in the Warrant and information that was mailed to your homes, collect information or pose questions to town officials. Accordingly, when considering the warrant and the business we have before us, please act thoughtfully and consider which articles truly require discussion at this Meeting.** Those Articles for which nothing is stated will, as is customary, be deemed adopted by unanimous consent.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 1. No Town Meeting Members raised their hand or responded with "question" or "debate" to Articles 1, 2, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 21, 23, 25, 27, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 43, 44, 45, and 47. The Moderator then called the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was unanimously voted, and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

#### **ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT TOWN WORKERS**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Town Workers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022; or take any other action relative thereto.

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

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Town Workers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022.

ACTION: So voted by unanimous consent.

#### **ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEES ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Public Employees Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022; or take any other action relative thereto.

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

**TOWN OF NEEDHAM**

**MOVED:** That the Town vote to fund the cost of items contained in collective bargaining agreement between the Town and the Needham independent Public Employees Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022.

**ACTION:** So voted by unanimous consent.

---

**ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021; or take any other action relative thereto.

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

**TOWN CLERK'S RECORDS – 2021 SPECIAL TOWN MEETING**

**MOVED:** That the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021.

**ACTION:** Article 3 was withdrawn earlier at this Special Town Meeting (May 1, 2021).

---

**Articles 4 and 5** were discussed upon completion of the unanimous consent articles.

---

**ARTICLE 6: AMEND THE FY2021 OPERATING BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2021 Operating Budget adopted under Article 14 of the 2020 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

| <u>Line Item</u> | <u>Appropriation</u>             | <u>Changing From</u> | <u>Changing To</u> |
|------------------|----------------------------------|----------------------|--------------------|
| 12A              | Town Counsel Salary & Wage       | \$75,140             | \$0                |
| 12B              | Town Counsel Expense             | \$254,000            | \$329,140          |
| 22A              | DPW Salary & Wages               | \$9,285,488          | \$9,060,488        |
| 22B              | DPW Expenses                     | \$7,037,810          | \$7,262,810        |
| 28A              | Park & Recreation Salary & Wages | \$807,656            | \$757,656          |
| 28B              | Park & Recreation Expenses       | \$142,605            | \$192,605          |

or take any other action relative thereto.

*Article Information:*

**MOVED:** that the Town vote to amend and supersede certain parts of the fiscal year 2021 Operating Budget adopted under Article 14 of the 2020 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

| <u>Line Item</u> | <u>Appropriation</u>             | <u>Changing From</u> | <u>Changing To</u> |
|------------------|----------------------------------|----------------------|--------------------|
| 12A              | Town Counsel Salary & Wage       | \$75,140             | \$0                |
| 12B              | Town Counsel Expense             | \$254,000            | \$329,140          |
| 22A              | DPW Salary & Wages               | \$9,285,488          | \$9,060,488        |
| 22B              | DPW Expenses                     | \$7,037,810          | \$7,262,810        |
| 28A              | Park & Recreation Salary & Wages | \$807,656            | \$757,656          |
| 28B              | Park & Recreation Expenses       | \$142,605            | \$192,605          |

ACTION: : So voted by unanimous consent.

#### **ARTICLE 7: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

*Article Information:* The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,945.01 in fiscal year 2020.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

ACTION: So voted by unanimous consent.

#### **ARTICLE 8: APPROPRIATE FOR COMPENSATED ABSENCES FUND**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and raised from the Tax Levy; or take any other action relative thereto.

*Article Information:* The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to

reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and raised from the Tax Levy.

ACTION: So voted by unanimous consent.

#### **ARTICLE 9: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and upgrades. In CY2020, the School Facilities Master Plan was released, indicating several major repairs needed in the school buildings. Unless circumstances require otherwise, FY2022 funding will support upgrades to the Pollard and Mitchell schools, including structural repairs to the buildings, door repairs, heating system adjustments, installation of ADA compliant handrails, and replacement of ceiling tiles. Other projects include duct cleaning at the Eliot School, Library, and Hillside Building, and wood floor refinishing at various buildings.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

#### **ARTICLE 10: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

the Town's network and system activities, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

**Article 12** was discussed upon completion of the unanimous consent articles.

---

**ARTICLE 13: APPROPRIATE FOR PUBLIC HEALTH CONSULTING ASSISTANCE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding public health scientific experts and consultants, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* This funding would enable the Board of Health (BOH) to retain outside scientific experts and consultants to evaluate novel and emerging health issues about which the Board and the Public Health Division lack the necessary expertise. For example, this fund would allow for the retention of an outside expert to evaluate a proposed utility project that has unknown or uncertain environmental and health impacts, such as the Eversource Energy Reliability project. When there is a permit application process, the BOH has the ability (via regulation) to require applicants to pay an outside consultant fee so that the BOH may retain an independent expert to review the application and to advise the BOH. This funding request addresses the need to access expertise to evaluate community impact in instances when there is no public health division permit application.

MOVED: That Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding public health scientific experts and consultants, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cas

ACTION: So voted by unanimous consent.

**Articles 14 and 15** were discussed upon completion of the unanimous consent articles.

---

**ARTICLE 16: APPROPRIATE FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COMPLIANCE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$195,000 for the purpose of funding expenses related to National Pollution Discharge Elimination System (NPDES) permit compliance, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

*Article Information:* This funding will allow the Town to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Needham is subject to a Total Maximum Daily

*Article Information:* The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

---

**ARTICLE 11: APPROPRIATE FOR TOWN NETWORK AND INTERNET CONTROL ANALYSIS AND REPORTING**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding equipment, software and implementation services for analysis and reporting on the Town's network and system activities, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* The request is for hardware, software, and services for implementation to monitor, control, analyze, and report on the data traffic that currently takes place across the local area network as well as incoming and outgoing traffic from the Internet. The hardware and software would be used by the Information Technology Center to provide information on the current activity across the network as well as maintain historic data for analyzing past events for trends or comparing week by week activity. This information can be used to improve the performance, security and general management of the Town's network by monitoring use activity, applications, files, and connections using processes such as bandwidth monitoring, network traffic analysis, application traffic alerting, advanced application recognition, and internal traffic intrusion detection that would help determine where vulnerabilities may exist. There is an increased need for better cybersecurity protection from both internal and external elements across all levels of industry in order to better defend from attacks.

MOVED: That if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding equipment, software and implementation services for analysis and reporting on

*Load (TMDL) requirement for phosphorus and pathogens. All stormwater discharges from urbanized areas must reduce the amount of phosphorus discharging to waterbodies and the tributaries thereto by 45% and pathogens must be eliminated and/or reduced to the maximum extent practicable through the use of enhanced structural and non-structural Best Management Practices (BMPs). This funding will be sought on an annual basis to inspect and evaluate all BMPs Town-wide, clean and inspect brooks and culverts, rehabilitate and/or replace catch basin and drainpipes, and respond to findings from CCTV inspections.*

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$195,000 for the purpose of funding expenses related to National Pollution Discharge Elimination System (NPDES) permit compliance, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

ACTION: So voted by unanimous consent.

#### **ARTICLE 17: APPROPRIATE FOR FLEET REFURBISHMENT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$150,000 for the purpose of funding a fleet refurbishment program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* In FY2018, the Fleet Division implemented a refurbishment program for Fleet assets and related components. The goal of this program is to extend the life cycle of the vehicles, increase operational safety, and eventually reduce reactive maintenance. The funding requests are spread out to allow the Fleet Division time to plan multiple repairs at once, follow procurement practices, and have the work completed. Rehabilitation work includes corrosion abatement, treatment, and refinishing, replacing corroded chassis, air brake tanks or brake valves, rebuilding primary components,

*replacing suspension and brakes, and updating lighting and reflective striping.*

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$150,000 for the purpose of funding a fleet refurbishment program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

#### **ARTICLE 18: APPROPRIATE FOR ROSEMARY DAM DECOMMISSIONING**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$30,000 for the purpose of funding the Rosemary Dam decommissioning project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* The decommissioning of the dam will eliminate or reduce the frequent reporting, inspectional requirements, and potential enforcement intended for high hazard dams. Decommissioning will include the preparation of engineering reports, plans, and studies of the Rosemary Lake embankment and documentation needed for the Town to request a reclassification hearing with the Commonwealth.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$30,000 for the purpose of funding the Rosemary Dam decommissioning project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

#### **ARTICLE 19: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,135.94 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and that \$407.28 be transferred from Free Cash, and that \$4,728.66 be transferred from Water Enterprise Retained Earnings; or take any other action relative thereto.

| Department                | Vendor                    | Description of Goods/Service                | Fiscal Year | \$ Amount  |
|---------------------------|---------------------------|---------------------------------------------|-------------|------------|
| DPW General Fund          | Norwood Police Department | Police Detail                               | 2020        | \$ 407.28  |
| DPW Water Enterprise Fund | Signet                    | Water Building Wiring Repair                | 2020        | \$ 202.50  |
| DPW Water Enterprise Fund | Signet                    | Water Treatment Plant Access Control Repair | 2020        | \$ 280.51  |
| DPW Water Enterprise Fund | Univar                    | Drinking Water Treatment Chemicals          | 2020        | \$4,245.65 |

| Department | Vendor | Description of Goods/Service | Fiscal Year | \$ Amount  |
|------------|--------|------------------------------|-------------|------------|
| Total      |        |                              |             | \$5,135.94 |

*Article Information: State law requires Town Meeting action for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation. The above bills were presented for payment after the close of FY2020.*

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$5,135.94 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and that \$407.28 be transferred from Free Cash, and that \$4,728.66 be transferred from Water Enterprise Retained Earnings.

| Department                                                           | Vendor                    | Description of Goods/Service                | Fiscal Year | \$ Amount  |
|----------------------------------------------------------------------|---------------------------|---------------------------------------------|-------------|------------|
| DPW General Fund                                                     | Norwood Police Department | Police Detail                               | 2020        | \$ 407.28  |
| DPW Water Enterprise Fund or take any other action relative thereto. | Signet                    | Water Building Wiring Repair                | 2020        | \$ 202.50  |
| DPW Water Enterprise Fund                                            | Signet                    | Water Treatment Plant Access Control Repair | 2020        | \$ 280.51  |
| DPW Water Enterprise Fund                                            | Univar                    | Drinking Water Treatment Chemicals          | 2020        | \$4,245.65 |
| Total                                                                |                           |                                             |             | \$5,135.94 |

ACTION: So voted by unanimous consent.

Article 20 was discussed upon completion of the unanimous consent articles.

#### ARTICLE: 21: APPROPRIATE THE FY2022 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, Section 53F ½:

#### Sewer Enterprise FY2022

| Line #                                              | Description     | FY2020<br>Expended | FTE         | FY2021<br>Current Budget | FTE         | FY2022<br>Recommended | FTE         | Town Meeting Amendments |
|-----------------------------------------------------|-----------------|--------------------|-------------|--------------------------|-------------|-----------------------|-------------|-------------------------|
| 201A                                                | Salary & Wages  | \$941,001          | 11.0        | \$1,054,938              | 11.0        | \$1,029,212           | 11.0        |                         |
| 201B                                                | Expenses        | \$339,977          |             | \$462,447                |             | \$513,076             |             |                         |
| 201C                                                | Capital Outlay  | \$38,414           |             | \$45,000                 |             | \$51,000              |             |                         |
| 201D                                                | MWRA Assessment | \$6,388,680        |             | \$6,399,895              |             | \$6,662,310           |             |                         |
| 201E                                                | Debt Service    | \$904,095          |             | \$900,000                |             | \$610,000             |             |                         |
| 202                                                 | Reserve Fund    | Transfers Only     |             | \$35,000                 |             | \$35,000              |             |                         |
| <b>TOTAL</b>                                        |                 | <b>\$8,612,167</b> | <b>11.0</b> | <b>\$8,897,280</b>       | <b>11.0</b> | <b>\$8,900,598</b>    | <b>11.0</b> |                         |
| FY2022 Budget Percentage Change from FY 2021 Budget |                 |                    |             |                          |             |                       |             | 0.0%                    |

and to meet this appropriation that \$8,009,230 be raised from Sewer Enterprise Fund receipts, and that \$365,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$526,368 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

**Article Information:** This article funds the operation of the Town's sanitary sewer system. The Town's sewage collection system consists of more than 130 miles of collector and interceptor sewers, 3,958 sewer manholes, and nine sewer pump stations. The Town's sewer system is a collection system that discharges its wastewater to the Massachusetts Water Resources Authority (MWRA) system for treatment. Approximately 65% of the Town's sewer collection system is a gravity-only system, and 35% of the sewer system is pumped into the gravity system. Needham has two principal points of discharge into the MWRA system and nine other public locations where subdivisions discharge to the MWRA system. Personnel maintain and operate 22 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in nine pumping facilities located throughout town.

The Division also oversees the collection and transportation of Stormwater (drains program) originating from rain and snow storms for discharge into streams, brooks, rivers, ponds, lakes, flood plains and wetlands throughout town. Stormwater and associated discharges are now considered by the federal government as potentially contaminated, and have come under increasingly severe discharge performance standards. The intention is to reduce or eliminate contaminants contained in the flow washed from ground surfaces considered to be harmful to the environment. The Town's drainage infrastructure consists of approximately 90 miles of various size drainage pipes, 4,225 catch basins, 1,392 drainage manholes, and 295 drainage discharges.

The Sewer Enterprise Fund budget includes the costs of the drains program because the daily work is performed by Enterprise Fund staff. However, the costs not associated with sewer operations are funded by taxation and not by sewer use fees. The table below provides a breakout between the sewer operations and the drains program to compare the budget change in the two operations from the current year.

| Budget Line     | FY2022 Sewer Operations           | FY2022 Drains Program              | FY2022 Recommended Budget         | FY2021 Sewer Operations          | FY2021 Drains Program             | Current FY2021 Sewer Budget      |
|-----------------|-----------------------------------|------------------------------------|-----------------------------------|----------------------------------|-----------------------------------|----------------------------------|
| Salary & Wages  | \$677,816                         | \$351,396                          | \$1,029,212                       | \$677,816                        | \$377,122                         | \$1,054,938                      |
| Expenses        | \$338,104                         | \$174,972                          | \$513,076                         | \$294,871                        | \$167,576                         | \$462,447                        |
| Capital Outlay  | \$51,000                          | \$0                                | \$51,000                          | \$45,000                         | \$0                               | \$45,000                         |
| MWRA Assessment | \$6,662,310                       | \$0                                | \$6,662,310                       | \$6,399,895                      | \$0                               | \$6,399,895                      |
| Debt Service    | \$610,000                         | \$0                                | \$610,000                         | \$900,000                        | \$0                               | \$900,000                        |
| Reserve Fund    | \$35,000                          | \$0                                | \$35,000                          | \$35,000                         | \$0                               | \$35,000                         |
| Total           | \$8,374,230                       | \$526,368                          | \$8,900,598                       | \$8,352,582                      | \$544,698                         | \$8,897,280                      |
|                 | FY2022 Sewer Operations \$ Change | FY2022 Drains Operations \$ Change | FY2022 Sewer Enterprise \$ Change | FY2022 Sewer Operations % Change | FY2022 Drains Operations % Change | FY2022 Sewer Enterprise % Change |
| Salary & Wages  | \$0                               | -\$25,726                          | -\$25,726                         | 0.0%                             | -6.8%                             | -2.4%                            |
| Expenses        | \$43,233                          | \$7,396                            | \$50,629                          | 14.7%                            | 4.4%                              | 10.9%                            |
| Capital Outlay  | \$6,000                           | \$0                                | \$6,000                           | 13.3%                            |                                   | 13.3%                            |
| MWRA Assessment | \$262,415                         | \$0                                | \$262,415                         | 4.1%                             |                                   | 4.1%                             |
| Debt Service    | -\$290,000                        | \$0                                | -\$290,000                        | -32.2%                           |                                   | -32.2%                           |
| Reserve Fund    | \$0                               | \$0                                | \$0                               | 0.0%                             |                                   | 0.0%                             |
| Total           | \$21,648                          | -\$18,330                          | \$3,318                           | 0.3%                             | -3.4%                             | 0.0%                             |

The total operating budget of \$8,900,598 for FY2022 is \$3,318 more than the current FY2021 budget, which is essentially level funded. This is primarily due to two factors, a decrease in the debt service budget of \$290,000 and a \$262,415 increase in the preliminary MWRA assessment for the Town's sewerage and wastewater disposal. The \$6,662,310 preliminary assessment represents a 4.1% increase over FY2021. The increase in the MWRA sewer assessment was due to a decline in the assessment in the Boston area due to the closures caused by COVID-19 and increased residential use in Needham as many residents stayed home also due to COVID-19. The final assessment from the MWRA will be affected by actions the MWRA may take to defer certain expenses and the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor.

The FY2022 sewer operations portion of the budget is \$3,318 higher, an increase of 0.3% over the current year. As noted above, the MWRA assessment increase and the Sewer Enterprise debt are the primary drivers of the change for FY2022. The FY2021 drains operations portion of the budget is \$18,330 less than the FY2021 allocation, a 3.4% decrease over the current year.

The total salary and wages line is \$1,029,212 for FY2022, a decrease of \$25,726 (2.4%). The sewer division has 11 full-time employees all of whom are members of the NIPEA union. The decrease is due to a change in personnel and that a successor collective bargaining agreement for FY2022 had not been reached when the budget was submitted. When an agreement with the Union is reached and approved by the Town a supplemental appropriation, if necessary, will be submitted for a future Town Meeting.

The total expense line for FY2022 is \$513,076 which is \$50,629 or 11.0% more than the current year. Most of this increase was due to a one-time expense of \$35,000 to upgrade the sewer flow meter. Energy expenses to operate the sewer pump stations is \$2,091 more than the current year,

however the cost of fuel for sewer vehicles and equipment declined by \$6,277. Contracted services for maintenance, repairs, sweeping, collection, and disposal of catch basin debris is \$7,305 more than FY2021. This budget also now includes the annual sewer SCADA software license expense of \$6,510. This expense was previously budgeted by the Finance Department but starting in FY2022 software expenses that are specific to a single department will be included in that department's budget. The balance of the increase for next year is related to pond treatment services (\$4,000) and sewer pump replacement parts (\$2,000).

The operating capital line was increased by \$6,000 to \$51,000 for FY2022, a 13.3% increase. The budget for FY2021 was reduced by \$5,000 from the FY2020 budget. This budget line pays for grinder replacements and allows the department to continue its annual allocation for sewer pump and small power equipment replacement. The plan for FY2022 is to purchase a backup pump for the Reservoir B Sewer Pump Station. The pump required for that site is more expensive, so the department did not include funding for a grinder replacement.

The reserve fund is level dollar for FY2022. Last year the debt service budget was reduced by \$600,000 from \$1,500,000 to \$900,000. This year the budget has been further reduced by another \$290,000 to \$610,000. As noted last year, the reduction is temporary. The Town has several large-scale utility infrastructure projects pending, which will impact the enterprise debt budget in the out years – in keeping with the overall capital infrastructure-funding plan for long-term investments. The budget plan relies on \$365,000 in sewer retained earnings for FY2022 operating budget. The \$526,368 to be transferred from the tax levy is to pay for drains-related programs; this is a decrease of \$18,330 from FY2021.

The Sewer Enterprise Fund also reimburses the general fund for costs incurred and paid by General Fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Sewer Enterprise Fund budget is a self-supporting account. Sewer user fees and charges cover the cost of the sewer operations and the general fund payment supports the drains program.

MOVED: That the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Sewer Enterprise  
FY2022**

| Line #                                             | Description     | FY2020<br>Expended | FTE         | FY2021<br>Current Budget | FTE         | FY2022<br>Recommended | FTE         | Town Meeting Amendments |
|----------------------------------------------------|-----------------|--------------------|-------------|--------------------------|-------------|-----------------------|-------------|-------------------------|
| 201A                                               | Salary & Wages  | \$941,001          | 11.0        | \$1,054,938              | 11.0        | \$1,029,212           | 11.0        |                         |
| 201B                                               | Expenses        | \$339,977          |             | \$462,447                |             | \$513,076             |             |                         |
| 201C                                               | Capital Outlay  | \$38,414           |             | \$45,000                 |             | \$51,000              |             |                         |
| 201D                                               | MWRA Assessment | \$6,388,680        |             | \$6,399,895              |             | \$6,662,310           |             |                         |
| 201E                                               | Debt Service    | \$904,095          |             | \$900,000                |             | \$610,000             |             |                         |
| 202                                                | Reserve Fund    | Transfers Only     |             | \$35,000                 |             | \$35,000              |             |                         |
|                                                    |                 |                    |             |                          |             |                       |             |                         |
|                                                    | <b>TOTAL</b>    | <b>\$8,612,167</b> | <b>11.0</b> | <b>\$8,897,280</b>       | <b>11.0</b> | <b>\$8,900,598</b>    | <b>11.0</b> |                         |
| FY2022 Budget Percentage Change from FY2021 Budget |                 |                    |             |                          |             |                       | 0.0%        |                         |

and to meet this appropriation that \$8,009,230 be raised from Sewer Enterprise Fund receipts, and that \$365,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$526,368 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund

ACTION: So voted by unanimous consent.

Article 22 was discussed upon completion of the unanimous consent articles.

Massachusetts Department of Transportation; or take any other action relative thereto.

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation to be spent in FY2022 is \$907,577. Unless circumstances require otherwise, this Chapter 90 allocation will be directed to the design and construction of the next phase of the downtown infrastructure improvement project.

MOVED: That the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make

**ARTICLE 23: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS**

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the

specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation.

ACTION: So voted by unanimous consent.

#### **ARTICLE 24: APPROPRIATE FOR EMERY GROVER RENOVATION DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate, or borrow \$1,475,000 for architectural design and engineering for the construction, and/or renovation of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$370,000 be transferred from CPA Free Cash; and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,105,000 under Massachusetts General Laws Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

*Article Information:* This request is for the renovation of the Emery Grover building at its present location, as described by BH+A Architects in the Emery Grover Feasibility Study (June 25, 2020). This project represents the historic renovation of the Emery Grover exterior, renovation and modernization of the interior, and the construction of a 50 foot by 100 foot, three-story 18,415 gross square foot addition attached to the rear of the building. The total number of parking spaces would be 66 spaces, between on-site (42) and off-site parking at the Stephen Palmer building (24). This project also includes the temporary use of the old Hillside Elementary School as swing space for school administration personnel during construction. This historic renovation project will be eligible for Community Preservation Act (CPA) funds as a local, state and national historic resource as it is on the National Register of Historic Places. BH+A Architects estimated that the project could be eligible for over 50% of the hard and soft project costs.

MOVED: that if the Town will vote to raise and/or transfer and appropriate, or borrow \$1,475,000 for architectural design and engineering for the construction, and/or renovation of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$370,000 be transferred from CPA Free Cash; and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,105,000 under Massachusetts General Laws Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Article 24 was withdrawn earlier at this Special Town Meeting (May 1, 2021).

#### **ARTICLE 25: APPROPRIATE FOR PRESERVATION OF TOWN MARRIAGE RECORDS**

To see if the Town will vote to raise and/or transfer and appropriate \$25,000 for the historic preservation of Town Marriage Records, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve; or take any other action relative thereto.

*Article Information:* This request is from the Needham Town Clerk to scan, index, and digitize the marriage records of the Town of Needham from 1919 to the 1970s. These records will then be uploaded onto a content management system. These original vital records are presently bound and kept in the Town Clerk's vault where there is danger to the preservation of these records through the physical handling by Town Staff, as well as the possibility of natural disasters. This project protects these historically significant documents and mirrors to some degree the process of moving from a paper-based environment to a digital platform similar to the State's birth and death electronic system. The software will enable immediate access to records which will help ensure a higher level of customer care for those who need these legal documents, reducing the amount of time needed to fulfill these requests.

MOVED: That the Town will vote to raise and/or transfer and appropriate \$25,000 for the historic preservation of Town Marriage Records, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve.

ACTION: So voted by unanimous consent.

Article 26 was discussed upon completion of the unanimous consent articles.

#### **ARTICLE 27: APPROPRIATE FOR FISHER STREET TRAILHEAD - CONSTRUCTION**

To see if the Town will vote to raise and/or transfer and appropriate \$15,000 for the construction of the Fisher Street Trailhead, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve; or take any other action relative thereto.

*Article Information:* This request jointly from the Bay Colony Rail Trail Association (BCRTA) and the Department of Public Works is to construct a trailhead at the Fisher Street. section of the Rail Trail that was completed in 2016. The trailhead would consist of adding a parking area that would include handicapped accessible parking, added guardrail, and tree plantings. Design funds appropriated at the 2019 Annual Town Meeting are being turned back to the Community Preservation Fund, as the design work was done by the Town's Engineering Division.

MOVED: that the Town will vote to raise and/or transfer and appropriate \$15,000 for the construction of the Fisher Street Trailhead, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve.

ACTION: So voted by unanimous consent.

**Article 28** was discussed upon completion of the unanimous consent articles.

**Article 29** was discussed upon completion of the unanimous consent articles.

### **ARTICLE 30: APPROPRIATE FOR TRAIL IDENTIFICATION - DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate \$6,000 for Trail Identification Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve; or take any other action relative thereto.

*Article Information:* The Conservation Commission has requested funds to create a standardized "look and feel" for signage located at the various parcels including trailheads, trail markers and kiosks. At the present time, each trail under control of the Town has different signage and trail markers at each location, if any is present at all. This request is for the design of a system of identification signage for the trailheads, information kiosks, and directional signage including trail markers for these properties.

MOVED: That the Town will vote to raise and/or transfer and appropriate \$6,000 for Trail Identification Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve.

ACTION: So voted by unanimous consent.

### **ARTICLE 31: APPROPRIATE FOR TOWN RESERVOIR SEDIMENT REMOVAL - DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate \$262,000 for Town Reservoir Sediment Removal Design, to be spent under the direction of the Town Manager, and to meet this appropriation that \$175,000 be transferred from the Open Space Reserve and \$87,000 be transferred from General Fund Free Cash; or take any other action relative thereto.

*Article Information:* The Town entered into a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) to commence a Town-wide investigation of stormwater discharge to address the pollutants through stormwater into the Charles River Basin and other water bodies. Incorporated into this plan are improvements to the Stormwater Drainage System to upgrade the quality of the water discharged into the Charles River in Town. This request is to support action items identified in the MOU. In 2003, the EPA National Pollutant Discharge Elimination System (NPDES) Stormwater Drainage Permit took effect. It incorporated several requirements identified in the existing Town's MOU. In April 2016, the second permit issued by the EPA was submitted and went into effect July 1, 2018. This article addresses some of the requirements for NPDES. The sediment at the bottom of the reservoir is impaired and must be

removed and/or addressed in another manner to remove the impairment. This is a category 5 impaired water body under NPDES. Category 5 is the worst rating a water body can receive from the EPA. The Town will engage a designer to determine the best way to remove and or address the sediment. This funding request is for the design phase of the project. The funding for the construction phase will be requested in FY2023.

ACTION: So voted by unanimous consent.

### **ARTICLE 32: APPROPRIATE TO COMMUNITY PRESERVATION FUND**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2022 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

#### **Appropriations:**

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

#### **Reserves:**

|                                               |             |
|-----------------------------------------------|-------------|
| B. Community Preservation Fund Annual Reserve | \$1,225,714 |
| C. Community Housing Reserve                  | \$764,783   |
| D. Historic Resources Reserve                 | \$0         |
| E. Open Space Reserve                         | \$382,391   |

or take any other action relative thereto.

*Article Information:* Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. The CPC has decided this year to increase the amount set aside in the Community Housing Reserve to 22%. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.

MOVED: That Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2022 Community Preservation Fund revenues, or to set aside certain amounts for future

appropriation, to be spent under the direction of the Town Manager, as follows:

#### Appropriations:

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

#### Reserves:

B. Community Preservation Fund Annual Reserve \$1,225,714

C. Community Housing Reserve \$764,783

D. Historic Resources Reserve \$0

E. Open Space Reserve \$382,391.

ACTION: So voted by unanimous consent.

#### **ARTICLE 33: APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT**

To see if the Town will vote to appropriate an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$11,935 for future appropriation to the Community Housing Reserve and \$11,935 to the Open Space Reserve, and that to meet this appropriation that \$23,870 be transferred from CPA Free Cash; or take any other action relative thereto.

*Article Information:* During FY2020, the Town received additional State matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the Community Housing Reserve and Open Space Reserve are funded at the legally required amount.

MOVED: That the Town will vote to appropriate an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$11,935 for future appropriation to the Community Housing Reserve

and \$11,935 to the Open Space Reserve, and that to meet this appropriation that \$23,870 be transferred from CPA Free Cash.

ACTION: So voted by unanimous consent.

#### **ARTICLE 34: APPROPRIATE FOR WALKER POND IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate \$125,000 for Walker Pond Improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* Walker Pond is choked with excessive aquatic vegetation that needs to be removed for the health of the pond. In FY2022, DPW will start category 1 of the Walker Pond Improvement Project, which involves an analysis of the contributory area providing runoff to the pond. This work will be designed in-house. Interruptions in the stormwater flow are being proposed through the introduction of eight-foot-wide bands or strips of wildflowers and tall grasses, including certain tree types to encourage infiltration and stormwater quality improvements through nutrient uptake and soil activity. Work will include the installation of three six-foot diameter drainage manholes and sumps in order to address sediment and litter removal. The tree infiltration system was designed by the Conservation Commission.

MOVED: That the Town will vote to raise and/or transfer and appropriate \$125,000 for Walker Pond Improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

**Article 35** was discussed upon completion of the unanimous consent articles.

#### **ARTICLE 36: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,639,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts.

##### Street Resurfacing

The Town has 279 lane miles of accepted road that require maintenance. The average lifecycle of a road is 15 to 20 years. Specialized surface treatments can be applied within this period to sustain or extend the lifecycle of the roadway based on usage. The Town targets 17 lane miles of road per year in order to resurface roads before they reach the end of their lifecycle. These roads are prioritized based on a pavement condition index (PCI). The Town targets roads with a PCI under 70 for resurfacing and specialized treatment, and a PCI under 60 for repair and renovation. The primary strategy of this program is asphalt paving and incidental work. Incidental work may include asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings, and signs. Installing a monolithic asphalt berm curb and/or granite curbing better defines the edge of the road, improves drainage, and protects the shoulder from erosion. Target funding for street resurfacing in FY2022 is \$990,000.

##### Sidewalk Program

*This program requires funding for the Town to address the failing network of sidewalks throughout the community. There are over 130 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvement including the installation of handicapped ramps. Sidewalk improvements must comply with Federal and State laws and construction standards. Target funding for the sidewalk program in FY2022 is \$545,000.*

#### Intersection Improvements

*Traffic signals, intersections, and signage require upgrades and reevaluation as infrastructure ages, technology improves, and methods of transportation change. The intersection of Highland Avenue and West Street has aging traffic control infrastructure and can be unreliable. The signals have only one timer, which only allows for one traffic pattern regardless of the time of day. This work will include installing a new traffic signal system with modern technology that will better control the flow of traffic through the intersection, reducing back-ups of traffic. It will also follow the same aesthetic design principals as the downtown improvements. This intersection redesign will comply with complete streets principles. Target funding for intersection improvements is \$860,000.*

#### Storm Drain Capacity Improvements

*The Stormwater Master Plan has identified several areas throughout Needham where improvements are required to resolve existing problems with flooding and illicit discharge. Since the issuance of the original Master Plan, numerous multi-unit developments have been built in the Town. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstance require otherwise, FY2022 funding is targeted for Concord Street and Burnside Road. This project includes construction of a new drain that will be connected to the recently extended Greendale Avenue drain project to provide additional stormwater capacity. Target funding for storm drain capacity improvements is \$85,000 for the design phase of this project.*

#### Brooks and Culverts

*Aging drainage infrastructure including poorly draining brooks, streams, waterways, and culverts throughout the Town have been damaged by heavy rains/storms. Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of usable abutting property and flooded basements. The Town is requesting funding to hire a consultant to assist with a Master Plan to address deficiencies with the brooks and culverts. This would help to better comply with NPDES requirements. The brooks and culvert requests within the infrastructure article moving forward would be based upon the recommendations of the Master Plan. Target funding for brooks and culverts is \$159,000 in FY2022.*

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$2,639,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

Article 37 was discussed upon completion of the unanimous consent articles.

### **ARTICLE 38: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$332,531 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Sewer Enterprise Fund receipts; or take any other action relative thereto.

| Group | Description               | Recommended | Amendment |
|-------|---------------------------|-------------|-----------|
| Sewer | Fleet Replacement Program | \$332,531   |           |
|       |                           | \$332,531   |           |

#### Article Information:

| UNIT | EXISTING        | DIVISION | YEAR | REPLACEMENT                   | AMOUNT    |
|------|-----------------|----------|------|-------------------------------|-----------|
| 29   | Int'l 7400 Dump | Sewer    | 2008 | Heavy Duty Class 8 Dump Truck | \$332,531 |

MOVED: That if the Town will vote to raise and/or transfer and appropriate the sum of \$332,531 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Sewer Enterprise Fund receipts.

| Group | Description               | Recommended | Amendment |
|-------|---------------------------|-------------|-----------|
| Sewer | Fleet Replacement Program | \$332,531   |           |
|       |                           | \$332,531   |           |

ACTION: So voted by unanimous consent.

#### **ARTICLE 39: APPROPRIATE FOR SEWER MAIN REPLACEMENT**

To see if the Town will vote to raise, appropriate and/or transfer, or borrow the sum of \$363,000 for sewer main replacement, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in G.L. c. 29C, §1, that to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under G.L. c. 44, §7(1), G.L. c. 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of this amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to G.L. c. 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

*Article Information: This article is to address the Greendale Avenue/Route 128 sewer interceptor from Cheney Street to Great Plain Avenue. The existing sewer line is deteriorating and in need of rehabilitation/replacement in order to remain functional. The plan is to replace or reline the 12,000 feet (2.25 miles) of 18-inch reinforced concrete gravity sewer main running through Town property along Greendale Avenue near Cheney Street towards Route 128, along the Route 128 right of way to Great Plain Avenue. This work will be on an interceptor sewer. An interceptor sewer is a trunk sewer that collects and conveys wastewater from numerous sewer lines. During the feasibility study, the Town discovered a blockage of the sewer main and two buried manholes that prevented the consultant from providing a complete inspection of the sewer main. This request is for DPW to complete the design and construction phases of the removal of the blockage, including updating the current MassDOT permit to allow for this work and CCTC investigations of the buried manholes. Additionally, the consultant will provide a contingency plan in case of complications or breakage due to the removal of the blockage. This work is necessary in order to continue with the replacement of the sewer main.*

MOVED: that the Town will vote to raise, appropriate and/or transfer, or borrow the sum of \$363,000 for sewer main replacement, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in G.L. c. 29C, §1, that to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under G.L. c. 44, §7(1), G.L. c. 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of this amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to G.L. c. 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: So voted by unanimous consent.

#### **ARTICLE 40: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,016,634 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

| Group | Description                                         | Recommended | Amendment |
|-------|-----------------------------------------------------|-------------|-----------|
| Water | Water Distribution System Improvements/Rosemary     | \$460,000   |           |
| Water | Water Distribution System Improvements/South Street | \$250,000   |           |
| Water | Fleet Replacement Program                           | \$306,634   |           |
|       |                                                     | \$1,016,634 |           |

Article Information:Water Distribution System Improvements/Rosemary

In order to ensure a continual supply of water to the public, the Department of Public Works must partake in a rehabilitation program including maintenance, repair, and replacement of aging pipes. Replacement of water pipes is prioritized, taking into consideration the condition of the pipe, water break history, and adequacy of water flow to fire hydrants. There is a water main that is currently located under Rosemary Lake, making leaks difficult to detect and repairs difficult to conduct. The 8" water main under the lake will be removed and relocated to Rosemary Street. This request is for the construction phase of the project – the design was funded in FY2020.

Water Distribution System Improvements Design/South Street

In order to ensure a continual supply of water to the public, the Department of Public Works must partake in a rehabilitation program including maintenance, repair, and replacement of aging pipes. Replacement of water pipes is prioritized, taking into consideration the condition of the pipe, water break history, and adequacy of water flow to fire hydrants. This request is for the design of the replacement of the water main pipe on South Street between Charles River Street and Chestnut Street. It is past its useful life and has had numerous breaks in recent years.

Water Fleet Replacement – Core Fleet

| UNIT | EXISTING  | DIVISION | YEAR | REPLACEMENT                | AMOUNT   |
|------|-----------|----------|------|----------------------------|----------|
| 40   | Ford F350 | Water    | 2012 | Work Truck Class 4 Utility | \$78,745 |

Water Fleet Replacement – Specialized Equipment

| UNIT | EXISTING  | DIVISION | YEAR | REPLACEMENT                  | AMOUNT    |
|------|-----------|----------|------|------------------------------|-----------|
| 30   | Ford F550 | Water    | 2012 | Work Truck Class 5 Swap Body | \$135,452 |
| 25   | Ford F450 | Water    | 2012 | Work Truck Class 5 Dump      | \$92,437  |

MOVED: that the Town will vote to raise and/or transfer and appropriate the sum of \$1,016,634 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings.

| Group | Description                                         | Recommended | Amendment |
|-------|-----------------------------------------------------|-------------|-----------|
| Water | Water Distribution System Improvements/Rosemary     | \$460,000   |           |
| Water | Water Distribution System Improvements/South Street | \$250,000   |           |
| Water | Fleet Replacement Program                           | \$306,634   |           |
|       |                                                     | \$1,016,634 |           |

ACTION: So voted by unanimous consent.

#### ARTICLE 41: APPROPRIATE FOR WATER SERVICE CONNECTIONS

To see if the Town will vote to raise, appropriate and/or transfer, or borrow the sum of \$1,000,000 for Water Service Connections, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without

limitation all costs thereof as defined in G.L. c. 29C, §1, that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under G.L. c. 44, §8, G.L. c. 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to G.L. c. 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Select Board and Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

*Article Information:* There are approximately 800 services containing lead remaining to be replaced. The Town currently has in place water treatment practices that reduce the corrosion on lead components, as well as a rigorous testing program. Originally, this program was to replace any components containing lead prior to road repaving, but the Town is ahead of that schedule and continuing to remove any necessary components. Once all lead is removed from the Town system, the Water Division will continue to provide corrosion control through water treatment practices because plumbing inside buildings may still contain lead. Previously, this request has been presented as an annual funding request of \$200,000; due to variability in years, the request has changed to be a \$1,000,000 request every four to five years to allow for continuous replacement.

MOVED: That if the Town will vote to raise, appropriate and/or transfer, or borrow the sum of \$1,000,000 for Water Service Connections, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in G.L. c. 29C, §1, that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under G.L. c. 44, §8, G.L. c. 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to G.L. c. 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Select Board and Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized

to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: So voted by unanimous consent.

Article 42 was discussed upon completion of the unanimous consent articles.

#### **ARTICLE 43: APPROPRIATE TO WORKERS COMPENSATION FUND**

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$337,000 to the Workers Compensation Fund, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

*Article Information:* The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The balance in the Reserve as of July 1, 2020 was \$763,248.

MOVED: That if the Town will vote to raise, and/or transfer and appropriate the sum of \$337,000 to the Workers Compensation Fund, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

#### **ARTICLE 44: ACCEPTANCE OF PROVISIONS OF M.G.L. CHAPTER 41 SECTION 111F – SPECIAL INJURY LEAVE INDEMNITY FUND**

To see if the Town will vote to accept the fourth paragraph of M.G.L. Chapter 41, Section 111F to create a special fund to be known as the Injury Leave Indemnity Fund, to be expended by the Town Manager without further appropriation for payment of injury leave compensation or medical bills incurred under M.G.L. Chapter 41, Sections 111F or 100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided further that said chief executive officer may, if the amounts therein are not immediately necessary or required in the foreseeable future, release specific amounts to the General Fund, or take any other action relative thereto.

*Article Explanation:* The 2016 Municipal Modernization Act added a paragraph to M.G.L. c. 41 Section 111F to allow cities and towns to establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred for public safety personnel. The monies in the special

*fund may be expended, with the approval of the chief executive officer and without further appropriation, for such expenses. Any balance in the fund shall carry over from year to year, unless specific amounts are released to the general fund by the chief executive officer upon a finding that the amounts released are not immediately necessary for the purpose of the fund, and not required for expenses in the foreseeable future.*

MOVED: That the Town will vote to accept the fourth paragraph of M.G.L. Chapter 41, Section 111F to create a special fund to be known as the Injury Leave Indemnity Fund, to be expended by the Town Manager without further appropriation for payment of injury leave compensation or medical bills incurred under M.G.L. Chapter 41, Sections 111F or 100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided further that said chief executive officer may, if the amounts therein are not immediately necessary or required in the foreseeable future, release specific amounts to the General Fund.

ACTION: So voted by unanimous consent.

#### **ARTICLE 45: FOSTER CARE TRANSPORTATION REIMBURSEMENT**

To see if the Town will vote to authorize the Needham Public Schools to enter into contracts to seek federal reimbursement for foster care transportation activities being carried out by the Town, and to provide that payments for services under such contracts be made from the reimbursements or revenues recovered as a result of the services performed, without appropriation of such revenues, in accordance with the provisions of M.G.L. Ch. 44 s. 70; or take any other action relative thereto.

Article Explanation: Under the Every Student Succeeds Act (ESSA), children in foster care are required to remain in their School of Origin as long as it is deemed to be in the best interest of the child. The School of Origin is responsible for funding the cost of transporting the foster care child to and from school. The Executive Office of Health and Human Services (EOHHS), in a partnership with the Department of Children and Families (DCF) and the Department of Elementary and Secondary Education (DESE), has developed a methodology that could reimburse a share of these transportation costs through Title IV-E, a section of the Social Security Act administered by DCF that provides federal reimbursement to states for services provided to children in foster care and other child welfare services. This voluntary program allows Local Education Authorities (LEAs) such as the Needham Public Schools to report their eligible transportation expenditures for children in foster care to the state to be claimed for federal reimbursement. It is estimated that LEAs will receive about 20% of reported costs in reimbursement. Reimbursement for transportation expenditures covered by any other federal funding source is not allowable (e.g., special education, homeless, Title I, etc.), even if that transportation is for a child in foster care, in order to avoid potential duplication of claiming.

The aforementioned agencies (DCF, EOHHS and DESE) have developed a voluntary, supplemental foster care transportation reimbursement program under the authority of M.G.L. Ch. 44 s. 70. Under this statute, a city or town, by vote of its town meeting,

town council or city council, and with the approval of the selectmen, town manager or mayor, can authorize the LEA to enter into contracts to seek federal reimbursement for activities being carried out by the municipality, and to provide that payments for services under such contracts be made from the reimbursements or revenues recovered as a result of the services performed, without appropriation of such revenues. If authorized, Needham could begin submit claims in FY22 for the foster care transportation expenses it has incurred in FY2021. (Although federal rules allow for a maximum of eight quarters of claiming, the DESE program will process claims for the prior fiscal year only.) Although anticipated FY2021 expenditures are small (\$945, which would yield a reimbursement of approximately \$189 at 20% in the first year of implementation), expenditures vary from year to year on a case-specific basis. FY20 expenditures totaled \$14,960, for instance, which could have yielded a potential reimbursement of \$2,992 had this program been implemented in the current year. At present, the payments received under this program would be received by the General Fund.

MOVED: That if the Town will vote to authorize the Needham Public Schools to enter into contracts to seek federal reimbursement for foster care transportation activities being carried out by the Town, and to provide that payments for services under such contracts be made from the reimbursements or revenues recovered as a result of the services performed, without appropriation of such revenues, in accordance with the provisions of M.G.L. Ch. 44 s. 70.

ACTION: So voted by unanimous consent.

#### **ARTICLE 46: SPECIAL EDUCATION STABILIZATION FUND**

To see if the Town will vote to establish a Special Education Stabilization Fund in accordance with M.G.L. Chapter 40, s. 13 E; or take any other action relative thereto.

Article Explanation: M.G.L. Chapter 40, s. 13 E, as authorized by Section 24 of Chapter 218 of the Acts of 2016, provides for the establishment of a Special Education Stabilization Fund. Although special education expenses are normally paid from the school operating budget, these expenses can increase unexpectedly by hundreds of thousands of dollars to meet Individualized Educational Plan requirements or changing student needs. A special education reserve fund would provide a transparent and manageable way to address extraordinary and unanticipated increases in special education, tuition and transportation, that otherwise could not be met by existing operational resources. Under the law, a school district, by a majority vote of both the school committee and the legislative body, may establish and appropriate (or transfer) money to a reserve fund to be utilized in upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation. The balance in such reserve fund is limited to two per cent of the annual net school spending of the school district. Additionally, funds in the reserve fund can only be expended or transferred out after a majority vote of both the School Committee and Select Board. Once the fund is established, the Department of Elementary and Secondary Education allows the School Committee to include a separate line item within its annual budget request to appropriate monies into the stabilization fund. Alternatively, Town Meeting could take separate action to appropriate funds to the SPED Reserve Fund, by majority vote. The School Department desires to create such a fund to provide a source

*of funding for extraordinary, unbudgeted increases in special education costs, including out of district tuitions and transportation. The balance in the fund would be built up gradually over time, via annual appropriations to the fund. The proposed first year contribution to the fund would be made in FY2023, as part of the Town's regular budgeting process.*

MOVED: That if the Town will vote to establish a Special Education Stabilization Fund in accordance with M.G.L. Chapter 40, s. 13 E.

ACTION: Article 46 was withdrawn earlier at this Special Town Meeting (May 1, 2021)..

#### **ARTICLE 47: AMEND GENERAL BY-LAW – AUTHORIZE TOWN CLERK TO ENSURE CONSISTENCY IN NUMBERING**

To see if the Town will vote to insert a new Section 1.15 of the General By-Laws as follows: "The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity;" or take any other action relative thereto.

*Article Explanation: Amendments to the General By-laws of the Town of Needham often include the insertion of new sections and the re-numbering of existing sections. On occasion, the number or lettering included in an approved amendment is inconsistent with the existing By-laws. If approved, this article will authorize the Town Clerk to make non-substantive corrections to ensure that the By-law number and lettering system is accurate.*

MOVED: That the Town will vote to insert a new Section 1.15 of the General By-Laws as follows: "The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity."

ACTION: So voted by unanimous consent.

At this time the Moderator proceeded with the remaining articles in the warrant.

#### **ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021; or take any other action relative thereto.

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

MOVED: That the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021.

Mr. Daniel P. Matthews moved to discuss Articles 4 and 5 together and vote on separately. The motion was presented and carried by unanimous vote.

Town Meeting Member Josephine Ochalla, Precinct I, questioned if there are other employees deserving salary increases. She also expressed concern that the Select Board did not have community discussions regarding the police department policies.

Mr. Matthews advised that all employees in the Town of Needham receive similar or equal raises. He encouraged all to read the Tidwell case involving Marvin Henry. Mr. Matthews stated that the Town tried to apologize but Marvin's attorney refused. Mr. Henry was detained for one-half hour and then released. Mr. Matthews encouraged members to watch the NUARI meetings. NUARI was organized and formed to address this and we believe we are on a good path.

Mr. Barry S. Pollack, Precinct J, suggested the Tidwell findings were watered down and maybe there is a need for more community discussion. Mr. Pollack stated that he stands by Town Meeting Member Ochalla and questioned how a police apology related to community discussion.

Ms. Carol I. Urwitz, Precinct J, expressed concern if an increase is provided and then taken away.

Mr. Jeffrey D. Heller, Precinct F, stated that 20 of the Needham police officers were trained.

Mr. John P. Kirks, Precinct F, expressed concern with the increased cost of details to \$55 per hour. Mr. Matthews noted that 85% of details is privately paid and the Town does not use overtime any more than is necessary.

Mr. David Dirks expressed concern with the high salary increase and questioned if the private details indirectly impact the town.

ACTION: The main motion was presented and carried by majority vote on a voice vote declared by the Moderator.

#### **ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021; or take any other action relative thereto.

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

MOVED: That the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021.

ACTION: The main motion was presented and carried by majority vote on a voice vote declared by the Moderator

#### **ARTICLE 12: APPROPRIATE FOR PLANNING CONSULTING ASSISTANCE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$60,000 for the purpose of funding planning consulting assistance, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: The Planning and Community Development Department is requesting funding for professional and technical assistance in support of planning and zoning initiatives, development applications, land use regulations, and related activities. Planning consulting assistance funds are used to conduct build-out, traffic, and fiscal impact analyses of zoning initiatives that the Planning Board is studying. In addition, funds would be used to help the Department research and advise appropriate Town boards when presented with complex development projects requiring advanced technical input.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$60,000 for the purpose of funding planning consulting assistance, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash

ACTION: The motion was presented and carried by majority vote declared by the Moderator on a voice vote

#### **ARTICLE 14: APPROPRIATE FOR PUBLIC INFORMATION OFFICER**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$196,326 for the purpose of continuing funding for the Public Information Officer position, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the tax levy; or take any other action relative thereto.

Article Information: This appropriation would allow the Town to continue to fund the Public Information Officer, a critical position for communicating with residents and businesses in Town. The PIO has been instrumental during the COVID-19 pandemic, creating a dedicated COVID-19 website with up-to-date information; sending regular updates to the community through multiple channels; and working collaboratively with Needham Public Health to protect the health and safety of Needham residents. The PIO has also executed several targeted multi-media campaigns to encourage mask-wearing and vaccinations. In addition to COVID-19-related work, the PIO has worked closely with the Select Board and Town Manager as well as

Town departments, boards and committees to inform and engage the community about important issues, and has increased citizen participation through online and social media efforts. The PIO has worked with the business community to promote local Needham businesses and help maintain a vibrant local economy. This funding will allow the PIO, in the coming two years, to re-design the Town website, making it more user-friendly and accessible; create a Town newsletter that can be accessed electronically and in print, and continue to work to grow the Town's social media followers. The PIO will also continue to explore new and creative ways to reach Needham residents of all ages and increase citizen participation in Town government.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$196,326 for the purpose of continuing funding for the Public Information Officer position, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the tax levy.

David J. Escalante (Precinct I) stated that the lack of communication is frustrating.

Mr. Glenn Mulno stated that the article is not clear and questioned whether the salary is for one or two years.

Marianne B. Cooley, Vice Chair Select Board, advised that the salary is for two years and includes expenses. She explained that much has been accomplished and a lot has happened in the last year. In the beginning COVID-19 updates were published every couple of days and then weekly on the Town website, twitter, Instagram, etc. If you don't find it immediately when you need it, then it goes by. Every meeting is available online. Citizens have enjoyed the option to review recorded meetings at a time of their choosing during COVID as all town meetings have been recorded. Similarly, the Public Information Officer has helped boards and committees to push their meeting information out over social media channels.

Mr. Robert A. Partridge (Precinct E), Chair of the Board of Health, stated that the Public Information Officer has been instrumental in helping our Board. The Board of Health asks Town Meeting to support this article.

Rebecca Waber (Precinct C) rose in support of the article but suggested that perhaps Town Meeting Members need more discussion.

Lois Sockol rose in favor of his article and suggested that she has been informed by this position. She asked if this information is transmitted to Needham Cable. Marianne B. Cooley, Vice Chair, Select Board, advised that meetings can run on both Youtube and Cable. Michael J. Greis, Needham Cable Channel President, stated that they have worked with the Town of Needham for years and stand ready to serve this town.

Doug Fox rose in opposition to Article 14. He indicated that he was against this article and is still opposed. The biggest problem is lack of transparency.

Cynthia D. Conturie indicated that she does not know who this person is or where this Public Information Officer gets her information. In response Marianne B. Cooley stated that our Public Information Office is Cynthia Gonzalez and there is no issue regarding calling any employee and there is no curtailing town departments

Jill C. Kahn-Boesel (Precinct I) advised that she voted in favor of this article two years ago. She has not seen any feedback from residents, but she will gather information from a large private Facebook page.

Peter Robert Cohenno (Precinct E) suggested it would be a mistake to get rid of the Public Information Officer.

Jeffrey D. Heller (Precinct F) expressed concern with the inappropriate comments. The "Oldtimers" never had this trouble. The information is there for people who want to get it.

Cynthia J. Chaston (Precinct E) and Chair of the Park & Recreation Commission, advised that the Park & Recreation Commission staff relied heavily on the Public Information Officer. Expectations were high and our board was criticized. She backed up our staff.

A motion to move the previous question was offered by Mr. Ilan Barzilay (Precinct H). the motion was presented and carried by the required two-thirds vote declare by the Moderator on a voice vote.

**ACTION:** The main motion was presented and carried on a voice vote declared by the Moderator.

At this time the Moderator declared a brief intermission. Upon completion of the intermission, the Moderator recognized state Senator Rebecca Rausch and State Representative Denise C. Garlick and her son Alexander, a new town Meeting Member in Precinct A.

#### **ARTICLE 15: APPROPRIATE FOR CLINICAL SUPPORT SERVICES FOR LAW ENFORCEMENT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$45,000 for the purpose of funding clinical support services for law enforcement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the tax levy; or take any other action relative thereto.

*Article Information: The Needham Police Department proposes a regional collaboration with the Dedham Police Department and Riverside Community Care to advance the towns' shared goal of supporting evidence-based, culturally competent, trauma-informed and holistic responses to individuals with mental illness, co-occurring substance use disorders and trauma histories who might otherwise become incarcerated. The proposed initiative is for a Law Enforcement Clinical Support program to be shared between the two communities. A Master's level clinician assigned to this project would be an employee of Riverside Community Care, the State-designated emergency services provider. Needham and Dedham would enter into a shared services contract and split the cost of the program equally.*

**MOVED:** That the Town will vote to raise and/or transfer and appropriate the sum of \$45,000 for the purpose of funding clinical support services for law enforcement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the tax levy.

Rebecca A. Young (Precinct I) expressed concern with the use of Riverside Community Care. She noted that this is her first Town Meeting. She supports this need and believes there is work to be done at the Police Department with critical support training.

**ACTION:** The main motion was presented and carried by unanimous vote.

#### **ARTICLE 20: APPROPRIATE THE FY2022 OPERATING BUDGET**

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$3,527,570, from Overlay Surplus in the amount of \$100,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$71,176, and \$1,021,397 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

**MOVED:** To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$3,527,570, from Overlay Surplus in the amount of \$100,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$71,176, and \$1,021,397 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose.

Under Line 6 - Retirement Assessments, Peter Sergey Panov (Precinct J) questioned the increasing growth over the last couple of years. Carol A. Fachetti, Chair, Finance Committee, explained that there is a 3.2% increase in FY2022 due to the assumed rate of return and updates on the mortality rates. The retirement Board reduce the rate this year. The plan is to fully fund this line item by 2033.

**ACTION:** Ms. Carol A. Fachetti moved to approve the FY 2022 Operating Budget. The motion was presented and carried on a voice vote declared by the Moderator.

#### **Townwide Expenses**

|                                                                     |              |
|---------------------------------------------------------------------|--------------|
| 1. Casualty, Liability, Property & Self Insurance Program           | \$758,900    |
| 2. Debt Service                                                     | \$20,764,142 |
| 3. Group Health Insurance, Employee Benefits & Administrative Costs | \$16,462,059 |
| 4. Needham Electric, Light & Gas Program                            | \$3,858,097  |
| 5. Retiree Insurance & Insurance Liability Fund                     | \$7,426,237  |
| 6. Retirement Assessments                                           | \$10,417,439 |
| 7. Workers Compensation                                             | \$828,731    |
| 8. Classification Performance & Settlements                         | \$858,000    |

## TOWN OF NEEDHAM

## TOWN CLERK'S RECORDS – 2021 SPECIAL TOWN MEETING

9. Reserve Fund \$2,077,091

**Townwide Expense Total \$63,450,696**

**Select Board & the Office of the Town Manager**

10A Salary & Wages \$1,032,571  
10B Expenses 192,519

Total \$1,225,090

**Office of the Town Clerk & Board of Registrars**

11A Salary & Wages \$364,097  
11B Expenses \$63,525

Total \$427,622

**Town Counsel**

12A Salary & Wages \$ 0  
12B Expenses \$329,140

Total \$329,140

**Finance Department**

13A Salary & Wages \$2,147,570  
13B Expenses \$1,324,540  
13C Capital \$95,000

Total \$3,567,110

**Finance Committee**

14A Salary & Wages \$39,682  
14B Expenses \$1,400

Total \$41,082

**Planning and Community Development**

15A Salary & Wages \$491,192  
15B Expenses \$34,450

Total \$525,642

**General Government \$6,115,686****Police Department**

16A Salary & Wages \$6,952,629  
16B Expenses \$414,650  
16C Capital \$113,156

Total \$7,480,435

**Fire Department**

17A Salary & Wages \$8,965,335  
17B Expenses \$401,179  
17C Capital \$32,784

Total \$9,399,298

**Building Department**

18A Salary & Wages \$773,245  
18B Expenses \$51,040

Total \$824,285

**Public Safety Total \$17,704,018****Minuteman Regional High School****Assessment**

19 Assessment \$1,230,287

Total \$1,230,287

**Needham Public Schools**

20 Needham Public School Budget \$83,603,397

Total \$83,603,397

**Education Total \$84,833,684**

**Building Design & Construction Department**

21A Salary & Wages \$375,937  
21B Expenses \$15,175

Total \$391,112

**Department of Public Works**

22A Salary & Wages \$9,651,898  
22B Expenses \$7,351,890  
22C Capital \$178,000  
22D Snow & Ice \$428,850

Total \$17,610,638

**Public Facilities and Public Works \$18,001,750**

**Municipal Parking Program**

23 Program Budget \$134,592

Total \$134,592

**Health and Human Services Department**

24A Salary & Wages \$1,930,899  
24B Expenses \$422,488

Total \$2,353,387

**Commission on Disabilities**

25A Salary & Wages 1,500  
25B Expenses 550

Total \$2,050

**Historical Commission**

26A Salary & Wages \$0  
26B Expenses 1,050

Total \$1,050

**Needham Public Library**

27A Salary & Wages \$1,657,051  
27B Expenses \$374,631

Total \$2,031,682

**Park & Recreation Department**

28A Salary & Wages \$949,272  
28B Expenses \$222,200

Total \$1,171,472

**Memorial Park**

29A Salary & Wages \$0  
29B Expenses \$750

Total \$750

**Community Services \$5,694,983**

**Departmental Budget Total \$132,350,121**

**Total Operating Budget** **\$195,800,817**

**ARTICLE 22: APPROPRIATE THE FY2022 WATER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise  
FY2022**

| Line #                                             | Description     | FY2020<br>Expended | FTE         | FY2021<br>Current Budget | FTE         | FY2022<br>Recommended | FTE         | Town Meeting Amendments |
|----------------------------------------------------|-----------------|--------------------|-------------|--------------------------|-------------|-----------------------|-------------|-------------------------|
| 301A                                               | Salary & Wages  | \$1,133,005        | 17.0        | \$1,360,541              | 17.0        | \$1,413,248           | 17.0        |                         |
| 301B                                               | Expenses        | \$1,164,739        |             | \$1,269,070              |             | \$1,294,764           |             |                         |
| 301C                                               | Capital Outlay  | \$15,000           |             | \$15,000                 |             | \$40,000              |             |                         |
| 301D                                               | MWRA Assessment | \$1,412,327        |             | \$1,126,226              |             | \$1,677,742           |             |                         |
| 301E                                               | Debt Service    | \$1,177,829        |             | \$1,250,000              |             | \$1,250,000           |             |                         |
| 302                                                | Reserve Fund    | Transfers Only     |             | \$75,000                 |             | \$75,000              |             |                         |
|                                                    |                 |                    |             |                          |             |                       |             |                         |
| <b>TOTAL</b>                                       |                 | <b>\$4,902,900</b> | <b>17.0</b> | <b>\$5,095,837</b>       | <b>17.0</b> | <b>\$5,750,754</b>    | <b>17.0</b> |                         |
| FY2022 Budget Percentage Change from FY2021 Budget |                 |                    |             |                          |             |                       | 12.9%       |                         |

and to meet this appropriation that \$5,400,754 be raised from Water Enterprise Fund receipts and that \$350,000 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

*Article Information:* This article funds the Town's water system. The Town's water distribution system is a single service pressure zone system supplied by two sources. The Town's primary source of water is the Charles River Well Field. The well field consists of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station located at the corner of St. Mary Street and Central Avenue. This supply is used when the Town's demand for water is greater than the local supply and serves as a backup should the Town's wells need to be taken off-line. Water Division staff operate the water treatment plant and also operate, maintain, and repair the Town-wide water distribution system. The system is comprised of more than 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,069 water service connections. This system supports approximately 15,335 installed meters.

The overall operating budget for FY2022 is \$5,750,754 or \$654,917 (12.9%) more than the FY2021 budget. The higher budget is primary due to the \$551,516 increase in the MWRA assessment for the Town's use of water. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2022 water assessment is based on CY2020 water use. The Town's use of MWRA water was up more than 45% from the prior year, 388 million gallons compared to 266 million gallons of water. During calendar year 2019, approximately 22.7% of the total water production came from the MWRA; during calendar year 2020, 29.7% of production came from the MWRA (see table). The preliminary water assessment for FY2022 is \$1,677,742 which is approximately a 49% increase in the assessment. The final assessment from the MWRA is not expected until the end of the State budget process.

| Water Production                                                      | CY2018  | CY2019  | CY2020  |
|-----------------------------------------------------------------------|---------|---------|---------|
| Water Production*                                                     | 1,308.3 | 1,174.2 | 1,305.6 |
| Water Production from MWRA                                            | 358.5   | 266.2   | 387.8   |
| Water Production from Town Wells                                      | 949.8   | 908.0   | 917.8   |
| Percentage from MWRA                                                  | 27.4%   | 22.7%   | 29.7%   |
| *millions of gallons                                                  |         |         |         |
| Water meters replaced                                                 | 1,454   | 1,591   | 385     |
| Percentage of the total number of water meters in place for that year | 9.5%    | 10.4%   | 2.5%    |

Note: The lower number of meters replaced was due to COVID-19 restrictions.

The FY2022 salary and wage expense line is \$1,413,248, an increase of \$52,707 (3.7%) over the current budget. The increase is reflective of changes in personnel and the planned implementation of a co-op program with Minuteman Regional High School and other trade schools to encourage students to work and obtain skills in operating water systems. Similar programs are part of the Public Works general fund operation. The water enterprise has 17 full-time employees, of whom 13 are unionized. Twelve employees are members of the NIPEA union, and one employee is a member of the ITWA union. The collective bargaining agreements with the NIPEA and ITWA unions expire on June 30, 2021, and as of the time of the budget submission, successor agreements have not been reached. When agreements with the unions are reached and approved by the Town, supplemental appropriations, if necessary, will be submitted for a future Town Meeting.

The water expense line of \$1,294,764 is \$25,694 higher than the FY2021 budget, approximately 3.9% more. The increase was driven by the increased cost for water meters and related equipment. The increase was \$58,748. However, that increase was mitigated with decreases in the estimated cost for other supplies, materials, and equipment of \$24,316 and a decrease in energy related expenses of \$16,443. Professional and technical services increased by \$10,100 which pays the costs associated with software, leak detection work, water quality testing, treatment system testing and analysis, and employee training. There was a decrease in printing communication expenses of \$2,600, and there is an increase which is based on contract of \$205 for fire and security monitoring services.

The operating capital line for FY2022 was increased by \$25,000 to \$40,000 for the year. The planned expense is the purchase and replacement of four filter drain valve actuators. The debt service line is level funded at \$1,250,000. The Town has several large-scale water infrastructure projects that will impact the enterprise debt budget in the out years. The water reserve fund at \$75,000 is level dollar for FY2022.

The Water Enterprise Fund also reimburses the general fund for costs incurred and paid by general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Water Enterprise Fund budget is a self-supporting account. Water user fees and charges cover the entire cost of operations.

MOVED: That The Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise  
FY2022**

| Line #                                             | Description     | FY2020<br>Expended | FTE         | FY2021<br>Current Budget | FTE         | FY2022<br>Recommended | FTE         | Town Meeting Amendments |
|----------------------------------------------------|-----------------|--------------------|-------------|--------------------------|-------------|-----------------------|-------------|-------------------------|
| 301A                                               | Salary & Wages  | \$1,133,005        | 17.0        | \$1,360,541              | 17.0        | \$1,413,248           | 17.0        |                         |
| 301B                                               | Expenses        | \$1,164,739        |             | \$1,269,070              |             | \$1,294,764           |             |                         |
| 301C                                               | Capital Outlay  | \$15,000           |             | \$15,000                 |             | \$40,000              |             |                         |
| 301D                                               | MWRA Assessment | \$1,412,327        |             | \$1,126,226              |             | \$1,677,742           |             |                         |
| 301E                                               | Debt Service    | \$1,177,829        |             | \$1,250,000              |             | \$1,250,000           |             |                         |
| 302                                                | Reserve Fund    | Transfers Only     |             | \$75,000                 |             | \$75,000              |             |                         |
| <b>TOTAL</b>                                       |                 | <b>\$4,902,900</b> | <b>17.0</b> | <b>\$5,095,837</b>       | <b>17.0</b> | <b>\$5,750,754</b>    | <b>17.0</b> |                         |
| FY2022 Budget Percentage Change from FY2021 Budget |                 |                    |             |                          |             |                       | 12.9%       |                         |

and to meet this appropriation that \$5,400,754 be raised from Water Enterprise Fund receipts and that \$350,000 be transferred from Water Enterprise Fund Retained Earnings.

In response to an inquiry from Mark J. Gluesing (Precinct C), Mr. Matthew D. Borrelli, Chair, Select Board, advised that the water Enterprise Fund Budget is higher than the Sewer Enterprise Fund Budget due to anticipated expenses related to water line replacement.

ACTION: The main motion was presented and carried by unanimous vote.

Articles 23 was passed by unanimous consent at the beginning of this Special Town Meeting.

Article 24 was withdrawn earlier at the beginning of this Special Town Meeting.

**Articles 25** was passed by unanimous consent at the beginning of this Special Town Meeting

## **ARTICLE 26: APPROPRIATE FOR TOWN COMMON HISTORIC REDESIGN & RENOVATION**

To see if the Town will vote to raise and/or transfer and appropriate \$1,364,000 for the historic redesign and renovation of the Town Common, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,000,000 be transferred from CPA Free Cash and \$364,000 be transferred from General Fund Free Cash; or take any other action relative thereto.

*Article Information:* The Town completed an internal design process for the Town Common and drafted a scope of services which includes improved hardscape, landscaping, amenities, tree plantings, and utility upgrades that are consistent with the historic nature of the Common and the Downtown Streetscape Improvement Project. This project will install new sod, trees, plantings, low maintenance hardscape materials, and increase handicap accessibility. The pathways and landscaping will be adjusted to become more aesthetically pleasing and functionally enhanced. There will be increased electrical and sound capacity to accommodate Town-wide events. This request is for the funding for the construction phase of this project; the design phase was funded in FY2020.

**MOVED:** That the Town will vote to raise and/or transfer and appropriate \$1,364,000 for the historic redesign and renovation of the Town Common, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,000,000 be transferred from CPA Free Cash and \$364,000 be transferred from General Fund Free Cash.

Jennifer C. Sheck-Kahn (Precinct A) rose in favor of this article. She questioned when construction would begin on the renovation of the Town Common.

Peter J Pingitore, Chair of the Community Preservation Committee, indicated it could begin in July but asked the Moderator to allow Edward Olsen, Superintendent of Parks and Forestry and a Needham resident, to address Town Meeting. Mr. Olsen advised that if the article is passed, the Town would go out to bid in the fall and winter and begin construction next Summer. Construction time would take from three to five months.

Mr. Dennis Francis McCafferty (Precinct F) questioned the benefit of this project since some work has previously been done on the Town Common. Mr. Pingitore advised that this construction is to replace the Great Plain Avenue area including the new blue tree area.

Mr. Matthew D Borrelli, Chair, Select Board, stated that the Town Common is the Town's front lawn. It is the jewel of the town and the idea is to make it more accessible for town resident.

In response to an inquiry from Ms. Lois Sockol, Mr. Peter Pingitore advised that the existing statutes would be preserved.

In response to an inquiry from Jeanne S. Knight, Mr. Olsen explained that the design is final and ready to file with the Planning Board.

Lance R. Brown (Precinct A) expressed concern about the Blue Tree. He recalled money being reserved at the 2014 Annual Town Meeting for the Town Common and heard that the Blue Tree

will be removed and re-installed. Superintendent Ed Olsen explained that all plantings will be removed except the Blue Tree and replanted. Mr. Matthew D. Borrelli, Chair, Select Board stated that savings from the 2014 Annual Town Meeting article is being held for use of that tree.

Cynthia L. Conturie, (Precinct D) advised that there is a problem with Bradford Pear trees because they are invasive, and Needham should stop planting those trees and plant native trees

Lisa Cherbuliez rose in support of this article and the Select Board in finding new ways to get together. In response to Lisa's inquiry, Mr. Olsen advised that the Farmer's Market should be accessible with the new high-density planting

In response to an inquiry from Ross M. Donald (Precinct D), Mr. Pingitore advised that this design has been ongoing during the pandemic and the tent will be a permanent part of the redesign..

**ACTION:** The main motion was presented and carried by unanimous vote.

**Article 27** was passed by unanimous consent at the beginning of this Special Town Meeting

## **ARTICLE 28: APPROPRIATE FOR RESURFACING THE SYNTHETIC TRACK AT DEFAZIO PARK**

To see if the Town will vote to raise and/or transfer and appropriate \$166,000 for the resurfacing of the synthetic track at DeFazio Park, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve; or take any other action relative thereto.

*Article Information:* The Department of Public Works and Park and Recreation have developed a maintenance plan for all fields, which includes new construction, total reconstruction, partial renovation, irrigation, drainage improvements, and equipment replacement or repair (bleachers, fences/backstops, player benches, and miscellaneous equipment) for multi-use fields and ball diamonds. The Department of Public Works engaged a consultant to evaluate the synthetic track at DeFazio Complex and identified some delamination. Basic maintenance, including the proposed resurfacing of the synthetic track, is required to ensure that a total replacement is not necessary.

**MOVED:** That the Town will vote to raise and/or transfer and appropriate \$166,000 for the resurfacing of the synthetic track at DeFazio Park, to be spent under the direction of the Town Manager, and to meet this appropriation that said funds be transferred from the CPA 2021 General Reserve.

In response to an inquiry from Robert R. Braman (Precinct E), Matthew D. Borrelli, Chair, Select Board, advised that the intent is to build the fund up for field replacement. Mr. William Paulson saw the walking trail around DeFazio Field.

**ACTION:** The main motion was presented and carried by majority vote declared by the Moderator.

## **ARTICLE 29: APPROPRIATE FOR MCLEOD FIELD RENOVATION DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate \$48,000 for McLeod Field Renovation Design, to be spent under the direction of the Town Manager, and to meet this appropriation that \$45,000 be transferred from the CPA 2021 General Reserve and \$3,000 be transferred from General Fund Free Cash; or take any other action relative thereto.

*Article Information: The Department of Public Works and Park and Recreation have developed a maintenance plan for all fields, which includes new construction, total reconstruction, partial renovation, irrigation, drainage improvements, and equipment replacement or repair (bleachers, fences/backstops, player benches, and miscellaneous equipment) for multi-use fields and ball diamonds. Since McLeod Field was renovated in 2009, there have been several drainage issues related to the 4-foot drainpipe that runs through the field. This has caused sink holes that require emergency repair for the field to be safely used, and has caused the field to fail prematurely. A full renovation of the subsurface, surface, and improved amenities will be the focus of this design.*

MOVED: that the Town will vote to raise and/or transfer and appropriate \$48,000 for McLeod Field Renovation Design, to be spent under the direction of the Town Manager, and to meet this appropriation that \$45,000 be transferred from the CPA 2021 General Reserve and \$3,000 be transferred from General Fund Free Cash.

ACTION: The main motion was presented and carried by majority vote declared by the Moderator.

---

Articles 30, 31, 32, 33, and 34 were passed by unanimous consent at the beginning of this Special Town Meeting.

---

---

**ARTICLE 35: APPROPRIATE FOR GENERAL FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,958,653 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

| Group              | Description                                                     | Recommended        | Amendment |
|--------------------|-----------------------------------------------------------------|--------------------|-----------|
| Public Safety      | Public Safety Mobile Devices                                    | \$50,000           |           |
| Public Safety      | LIFEPAK 15 V4 Monitor/Defibrillator                             | \$30,577           |           |
| Public Safety      | Self Contained Breathing Apparatus                              | \$192,120          |           |
| Public Safety      | Personal Protective Equipment                                   | \$43,358           |           |
| Public Schools     | School Copiers                                                  | \$61,264           |           |
| Public Schools     | School Furniture                                                | \$25,000           |           |
| Public Schools     | School Technology                                               | \$479,650          |           |
| Public Schools     | Broadmeadow School Technology Room Conversion                   | \$213,100          |           |
| General Government | Hillside School Boiler Installation                             | \$16,000           |           |
| Public Schools     | Pollard School Feasibility Study                                | \$280,000          |           |
| Public Schools     | Auditorium Theatrical Sound & Lighting Systems Needs Assessment | \$60,000           |           |
| Public Works       | Permanent Message Boards                                        | \$56,000           |           |
| Multiple           | Energy Efficiency Upgrade Improvements                          | \$100,000          |           |
| Public Works       | Recycling and Transfer Station Property Improvements            | \$480,000          |           |
| Public Works       | Specialty Equipment Specialty Mower (334)                       | \$38,000           |           |
| Community Services | Library Technology                                              | \$48,500           |           |
| General Government | Ridge Hill Building Demolition                                  | \$650,000          |           |
| Multiple           | Fleet Replacement Program                                       | \$1,135,084        |           |
|                    |                                                                 | <b>\$3,958,653</b> |           |

Article Information:Public Safety Mobile Devices

This request is for the replacement of laptops and tablets that are used in Needham Police and Fire Department Vehicles. The hardware communicates with the Public Safety CAD software as well as State and Federal websites and databases. The devices themselves are hardened devices for use in more intensive environments. The planned replacement cycle for these devices is six years, supplemented by State 911 Grant Funds when available.

Monitor/Defibrillator

A Physio LIFEPAK 15 is the Cardiac Monitor/Defibrillator used by Needham Fire on the front-line rescue units. The average life span for this equipment is estimated to be five years. The Department's current LIFEPAK units are two and seven years old respectively. Replacement units offer improved features not available in older units, such as the ability to monitor carbon monoxide in a patient, thereby enhancing diagnosis and treatment protocols. The addition of this piece of equipment will allow the Department to place the aging LIFEPAK on Rescue 3, which serves as a backup ambulance, where it would get limited use and extend its working life. Placement of the LIFEPAK on Rescue 3 will allow it to be upgraded from a basic life support vehicle to an advanced life support vehicle. Finally, having a third LIFEPAK would allow the Department to send other units out to be serviced while continuing operations, without having to borrow a unit from a neighboring town.

Self-Contained Breathing Apparatus

*This request is to replace outdated self-contained breathing apparatus (SCBA) units to meet current standards. These units are essential pieces of equipment to maintain the life, safety and health of personnel as they work in fire and other emergency incidents where toxins exist. Much of the Department's equipment was purchased prior to 2012, is outdated by NFPA standards, and is either now or will soon be out of the range of serviceability.*

Personal Protective Equipment

*This request is to replace Personal Protective Equipment, PPE ("bunker gear") for 20% of all firefighting personnel on an annual basis, ensuring that the life span of the equipment does not exceed the 10-year guideline. Through this program, NFD has been able to ensure that all line personnel have two sets of PPE available, enabling them to clean one set of PPE after an incident while remaining in service for other emergencies. Properly maintaining PPE helps deliver the expected longevity of the equipment and reduces long term health risks faced by personnel. The PPE requested includes boots, helmets, gloves, hoods, firefighting pants and coat.*

School Copier Replacement

*School photocopiers are located in all the schools and the administration building and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, and teaching packets. Copier replacement is planned on a life-cycle basis, which projects when a copier should be replaced based on actual usage and the manufacturer's total estimated capacity. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at seven years, although planned replacement ages range from five to nine years, depending on use. It is important to replace machines regularly, even if they have not yet reached maximum copy allowances, given the additional operating expense associated with servicing and maintaining older equipment, as well as the difficulty in obtaining replacement parts. The FY2022 request is to replace seven copiers in the following locations: Broadmeadow Room 162, Pollard Rooms 220 and 229, Pollard Classroom M7, and NHS Rooms 609, 503 and 408.*

School Furniture

*This is an annual appropriation for the replacement of furniture in poor and fair condition throughout the School Department. The FY2022 request is allocated for new classroom furniture as needed for increased enrollment or replacement purposes.*

School Technology

*The School Department technology replacement program includes desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. This request of \$479,650 reflects the School Department's classroom technology standard and the decision in FY2017 to move devices with a lifespan of less than five years (Digital Learning Devices, or DLDs, and staff laptops) to the operating budget. The FY2022 request includes \$366,650 for hardware and \$113,000 for infrastructure replacement.*

Broadmeadow School Technology Room Conversion

*The School Committee implemented Full-Day Kindergarten in September 2019. Based on a feasibility study conducted by Dore & Whittier Architects (February 2018), several modifications to Needham buildings are needed to accommodate the projected number of classrooms needed over the next five years resulting from Full Day Kindergarten and projected enrollment growth. These modifications include the conversion of a technology lab at the Broadmeadow School to a classroom to open during School Year 2022/23.*

Hillside School Boiler Installation Design

*The Hillside School currently has two cast iron boilers to heat the building. Boiler #1 has a leak that needs to be repaired. The existing boilers were installed during the renovation in 1998 and have surpassed their 20-year life cycle. Due to the age of the boilers, many of the parts necessary for continued maintenance are no longer manufactured, so repairing the boilers is becoming increasingly difficult. While the building is no longer being used as a school, it is still in use as swing space. The boilers are necessary in order to prevent the building from freezing and causing major damage. This request is for the design phase of the project. Any salvageable parts will be kept, providing spare parts for boiler #2. Boiler #1 will be replaced with a new boiler.*

Pollard School Feasibility Study

*The purpose of this study is to provide sufficient development of the School Committee's preferred option at Pollard School for the purpose of allowing the Town to make informed decisions about the retrofit/replacement of systems and or building elements, until the renovation work can occur. It is anticipated that this study would entail a review of programming, layout and other factors that could support an eventual realization of the preferred renovation option and allow modifications within the current Pollard that would later be in concert with future plans. This request complements the projects proposed as part of a multi-project strategic plan to provide capacity at the elementary schools for enrollment growth, address overcrowding at the High Rock School and modernize the Mitchell Elementary and Pollard Middle Schools.*

### Auditorium Theatrical Sound and Lighting Systems Needs Assessment

This project is to conduct a needs assessment/feasibility study of upgrading the theatrical sound and lighting systems in the Pollard, Newman and Needham High School Auditoriums. These auditoriums are venues for student and community group productions. The theatrical equipment currently installed in these venues, however, is old and not adequate for contemporary musical or theatrical productions. Although some issues are unique to particular venues, some common deficiencies in the audio systems include: speakers, which are poorly placed, insufficient in number and/or non-functioning, thereby impairing the audience's ability to hear what is happening clearly on stage from all seats; sound boards, which are old (analog), partially non-functioning and/or not at a standard that is necessary for a modern musical or theatrical production; and amplification equipment (such as wireless receivers and microphones) that are insufficient in number and/or broken. The lighting systems include fixtures that are partially non-functioning, and uncoordinated with sound delivery. Although the need and vision for these spaces has not yet been fully assessed, school parents and community groups already have engaged in fundraising for equipment upgrades.

### Permanent Message Boards

This request is for permanently installed message boards to communicate with residents. Currently the Public Works Department has mobile message boards that are used for large construction projects. These message boards are removed from construction projects and relocated to various sites in Town when requested for non-construction related notifications to residents and commuters. The existing message boards are difficult to maneuver, time consuming to program, and often not available for non-emergency notice. This project will alleviate competition for the current message boards. The new message boards will have the capacity to be programmed remotely. The plan is to fund one message board per year. Unless circumstances require otherwise, this funding would support a permanent message board near the intersection of Dedham Avenue and South Street.

### Energy Efficiency Upgrade Improvements

This program supports on-going energy efficiency upgrades throughout Town and School buildings. Due to COVID-19, during FY2021, the Building Maintenance Division conducted a recommissioning of all School buildings throughout Town with the goal of increasing air flow in all occupied spaces, correcting controls, and making repairs to the mechanical systems. Many of the pieces of equipment were not designed with the intention of operating at this magnitude, therefore these systems will need to be reevaluated. This request is intended for a review of keeping the systems operating at the necessary level for increased air flow while also evaluating their energy consumption. These systems will need to be rebalanced with both goals in mind. Performing a review of these systems will lead to a list of recommended adjustments that will help inform the upcoming years' Energy Efficient Upgrades submissions.

### RTS Property Improvements

This article will be used to fund improvements to the Recycling and Transfer Station (RTS) facility to increase efficiency, comply with regulatory requirements, and improve the facility function. The RTS composting operation is presently under a Conservation Commission Negative Determination of Applicability (NDA) resulting from adverse impacts to the wetlands from the compost operations. The NDA calls for the mitigation of potential stormwater issues at the site. At the present time, untreated stormwater runoff is entering a perennial stream that feeds the wetlands abutting the composting operations. This project will also assist the Town in complying with its 2016 NPDES MS4 Permit. The plan is to grade and pave the existing dirt road behind the salt shed, which is the main access to the salt shed for deliveries and loading. This work will stabilize the road, preventing drainage and runoff problems and prevent erosion of soil into the wetlands adjacent to the RTS.

### DPW Specialty Equipment

Specialty equipment fits the definition of capital but is not included in the fleet request because the equipment is not a registered vehicle. In FY2022, the DPW is requesting funding for a specialty mower for the Parks and Forestry Division. This small mower (Unit 334) performs a second cut on highly maintained baseball fields. It has floating cutting decks that provide a higher quality cut and playing surface. It also lessens the amount of scalping and mower damage to the field compared to the large area mowers. Since this machine has a lighter footprint than the large area mowers, it can cut fields even after heavy rains.

### Library Technology

This capital request is for the three remaining years of a four-year Library Technology Plan. Year one was funded at the Annual Town Meeting held on June 8, 2020. Unless circumstances require otherwise, FY2022 funding is proposed for the replacement of 29 public computers (Adult 20; Young Adult 4; Children's 4, Community Room 1), and two self check-out computers. The equipment was originally purchased in 2013.

### Ridge Hill Building Demolition

The 2019 Annual Town Meeting approved \$50,000 in feasibility funding for the demolition of buildings at the Ridge Hill site. This request would fund the demolition of the Ridge Hill Manor House and Garage at 463 Charles River Street. The existing barn structure is excluded from this scope. Most of the Ridge Hill Reservation is under the jurisdiction of the Conservation Commission, with approximately three acres under the authority of the Select Board. The demolition scope of work includes hazardous materials abatement and disposal; removal of an underground fuel storage tank (UST) at the garage; complete removal of all building elements, foundations, portions of the exterior paved areas and utilities associated with the subject structures and stabilization; and restoration of the site following demolition.

General Fund Fleet Replacement Program

The Town's fleet replacement program was established in FY2015. The program includes a budget and schedule for the Town's rolling stock fleet of approximately 220 vehicles, trailers, and large specialized attachments and the School Department fleet of 14 vans and buses. General purpose vehicles include pickup trucks, a variety of sedans, SUVs, vans, and police vehicles (87). They comprise approximately 39 percent of the entire fleet. General purpose vehicles are utilized in every department and are relatively inter-changeable. The replacement of these vehicles can proceed on a regular schedule and should be part of the of the Town's recurring costs. The Town relies on a number of trailers for the purpose of moving tools and equipment, hauling trash and debris, and transporting special equipment. The Town has 47 trailers which represents approximately 23 percent of the fleet. Specialized, high value vehicles and snow and ice equipment comprise the other 38 percent of the fleet. These vehicles and equipment are just as integral to Town operations as the general-purpose vehicles but serve the unique purposes of specific departments or divisions. Included in this group are the high value vehicles such as ambulances, large dump trucks, fire engines, street sweepers, and others for which appropriations need to be planned. Unless circumstances require otherwise, the proposed FY2022 fleet replacement schedule is as follows.

General Fund Core Fleet Replacement

| UNIT   | EXISTING           | DIVISION                 | YEAR | REPLACEMENT                    | AMOUNT   |
|--------|--------------------|--------------------------|------|--------------------------------|----------|
| 712    | Ford Econ Van E250 | DPW Building Maintenance | 2011 | Utility Van Class 2            | \$69,831 |
| 756    | SUV Hybrid         | DPW Building Maintenance | 2010 | SUV Hybrid                     | \$50,814 |
| 45     | Ford E150 Van      | DPW Engineering          | 2012 | Utility Van                    | \$54,973 |
| 32     | Ford F350          | DPW Highway              | 2012 | Work Truck Class 3 Pick-up     | \$61,916 |
| C-02   | Chevy Tahoe        | Fire Department          | 2016 | Public Safety Response Vehicle | \$62,540 |
| Van 10 | Toyota Sienna      | School Department        | 2015 | Passenger Van                  | \$51,419 |
| Van 9  | Toyota Sienna      | School Department        | 2014 | Passenger Van                  | \$51,419 |

General Fund Fleet Replacement – Specialized Equipment

| UNIT | EXISTING           | DIVISION        | YEAR | REPLACEMENT                         | AMOUNT    |
|------|--------------------|-----------------|------|-------------------------------------|-----------|
| 10   | International 7400 | DPW Highway     | 2010 | Heavy Duty Truck Class 8 Large Dump | \$284,119 |
| 39   | Ford F550          | DPW Highway     | 2012 | Work Truck Class 5 Dump             | \$94,210  |
| R-03 | Ford 450 Ambulance | Fire Department | 2008 | Ambulance                           | \$353,843 |

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$3,958,653 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

| Group              | Description                                                     | Recommended        | Amendment |
|--------------------|-----------------------------------------------------------------|--------------------|-----------|
| Public Safety      | Public Safety Mobile Devices                                    | \$50,000           |           |
| Public Safety      | LIFEPAK 15 V4 Monitor/Defibrillator                             | \$30,577           |           |
| Public Safety      | Self Contained Breathing Apparatus                              | \$192,120          |           |
| Public Safety      | Personal Protective Equipment                                   | \$43,358           |           |
| Public Schools     | School Copiers                                                  | \$61,264           |           |
| Public Schools     | School Furniture                                                | \$25,000           |           |
| Public Schools     | School Technology                                               | \$479,650          |           |
| Public Schools     | Broadmeadow School Technology Room Conversion                   | \$213,100          |           |
| General Government | Hillside School Boiler Installation                             | \$16,000           |           |
| Public Schools     | Pollard School Feasibility Study                                | \$280,000          |           |
| Public Schools     | Auditorium Theatrical Sound & Lighting Systems Needs Assessment | \$60,000           |           |
| Public Works       | Permanent Message Boards                                        | \$56,000           |           |
| Multiple           | Energy Efficiency Upgrade Improvements                          | \$100,000          |           |
| Public Works       | Recycling and Transfer Station Property Improvements            | \$480,000          |           |
| Public Works       | Specialty Equipment Specialty Mower (334)                       | \$38,000           |           |
| Community Services | Library Technology                                              | \$48,500           |           |
| General Government | Ridge Hill Building Demolition                                  | \$650,000          |           |
| Multiple           | Fleet Replacement Program                                       | \$1,135,084        |           |
|                    |                                                                 | <b>\$3,958,653</b> |           |

A motion to amend was offered by Matthew D. Borrelli by deleting the sum "\$3,958,653" and inserting in place thereof the sum "\$3,028,653," and by deleting the items "Pollard School Feasibility Study \$280,000" and "Ridge Hill Building Demolition \$650,000". The motion to amend was presented and carried by voice vote declared by the Moderator.

**ACTION:** The main motion, as amended, was presented and carried by unanimous vote.

**VOTED:** That the Town will vote to raise and/or transfer and appropriate the sum of \$3,028,653 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

| Group              | Description                                                     | Recommended | Amended     |
|--------------------|-----------------------------------------------------------------|-------------|-------------|
| Public Safety      | Public Safety Mobile Devices                                    | \$50,000    | \$50,000    |
| Public Safety      | LIFEPAK 15 V4 Monitor/Defibrillator                             | \$30,577    | \$30,577    |
| Public Safety      | Self Contained Breathing Apparatus                              | \$192,120   | \$192,120   |
| Public Safety      | Personal Protective Equipment                                   | \$43,358    | \$43,358    |
| Public Schools     | School Copiers                                                  | \$61,264    | \$61,264    |
| Public Schools     | School Furniture                                                | \$25,000    | \$25,000    |
| Public Schools     | School Technology                                               | \$479,650   | \$479,650   |
| Public Schools     | Broadmeadow School Technology Room Conversion                   | \$213,100   | \$213,100   |
| General Government | Hillside School Boiler Installation                             | \$16,000    | \$16,000    |
| Public Schools     | Pollard School Feasibility Study                                | \$280,000   | \$0         |
| Public Schools     | Auditorium Theatrical Sound & Lighting Systems Needs Assessment | \$60,000    | \$60,000    |
| Public Works       | Permanent Message Boards                                        | \$56,000    | \$56,000    |
| Multiple           | Energy Efficiency Upgrade Improvements                          | \$100,000   | \$100,000   |
| Public Works       | Recycling and Transfer Station Property Improvements            | \$480,000   | \$480,000   |
| Public Works       | Specialty Equipment Specialty Mower (334)                       | \$38,000    | \$38,000    |
| Community Services | Library Technology                                              | \$48,500    | \$48,500    |
| General Government | Ridge Hill Building Demolition                                  | \$650,000   | \$0         |
| Multiple           | Fleet Replacement Program                                       | \$1,135,084 | \$1,135,084 |
|                    |                                                                 | \$3,958,653 | \$3,028,653 |

**Article 36** was passed by unanimous consent at the beginning of this Special Town Meeting.

**ARTICLE 37: APPROPRIATE FOR PUBLIC SAFETY BUILDINGS CONSTRUCTION**

To see if the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$1,700,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Laws Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto

*Article Information: The Public Safety Building project consists of the reconstruction of Fire Stations 1 and 2, and the Police Station. This capital request is for additional costs to the Public Safety project to account for unforeseen COVID-19 related expenses incurred to enable continuation of work to proceed, keeping the project within established timetables. In addition, soil contamination was found at Fire Station 2 while excavating foundations. In order to mitigate this situation and meet current environmental standards and regulations unforeseen costs were incurred. These costs were outside of predictability at the time of budget estimates and were not carried within the contingency line item that was identified for the project.*

MOVED: That the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$1,700,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Laws Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment

of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

A motion to amend the main motion under Article 37 was offered by Mr. Daniel P. Matthews by deleting the sum "\$1,700,000" and inserting in place thereof the sum "\$1,400,000".

The motion to amend was presented and carried by unanimous vote.

**ACTION:** The main motion, as amended, was presented, and carried by two-thirds vote on a voice vote declared by the Moderator.

**VOTED:** That the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$1,400,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Laws Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Articles 38, 39, 40, and 41 were passed by unanimous consent at the beginning of this Special Town Meeting.

#### **ARTICLE 42: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND**

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$30,815 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

*Article Information:* Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of March 15, 2021 was \$270,101.

**MOVED:** That the Town will vote to raise, and/or transfer and appropriate the sum of \$30,815 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy.

Carol I. Urwitz (Precinct J) questioned why some funds are appropriated and held in reserve and others are appropriated as the need arises. Mr. Marcus Nelson, member, Select Board, advised that this appropriation is held in reserve because of the expense of approximately \$2,000,000 to replace the synthetic turf.

**ACTION:** The main motion was presented and carried by majority vote declared by the Moderator on a voice vote.

Articles 43, 44, 45 and 47 were passed by unanimous consent at the beginning of this Special Town Meeting.

Article 46 was withdrawn at the beginning of this Special Town Meeting.

#### **ARTICLE 48: NEEDHAM UNITE AGAINST RACISM RESOLUTION**

To see if the Town will adopt a Resolution to support the Racial Equity Vision Statement and Guiding Principles recommended by the Needham Unite Against Racism Initiative Working Group and approved by the Select Board; or take any other action relative thereto.

*Article Information:* The Select Board voted to create the Needham Unite Against Racism Initiative (NUARI) and appointed the NUARI Working Group. One of the charges for the Working Group was to articulate a recommended vision for racial equity in Needham, and guiding principles to inform future actions. At its meeting on March 22, 2021 the NUARI working Group voted a vision statement and guiding principles, that was the adopted by the Select Board on March 23, 2021. The Vision Statement and Guiding Principles are as follows:

##### **Racial Equity Vision Statement**

*Needham will be a community free of racism, racial bias, prejudice and discrimination. Our residents, schools, businesses, organizations and government will work together to identify barriers to racial equity and create solutions, opportunities, resources and support for removing them.*

- *We will work collaboratively and democratically toward a just, equitable, antiracist community.*
- *We will work to identify and change current policies, procedures, practices, and cultural norms in Needham that prevent meaningful access to opportunities because of race.*
- *We will create opportunities for the community to confront unpleasant truths and seek solutions that always amplify values of racial equity.*
- *We will intentionally create spaces for respectful dialogue and difficult conversations toward racial amity.*
- *We will actively engage with those who feel the impact of racism most directly, seeking their input, guidance, and honoring the wisdom of their experience.*
- *We will commit as individuals to be intentional in our efforts to learn and practice anti-bias and antiracism,*

*Article Explanation: This petition, if enacted, would regulate the storage of curbside household waste receptacles other than the period 9:00 p.m. the day before and 9:00 p.m. the day of trash pick-up.*

MOVED: To Amend the General Bylaws as Follows:

3. To include, immediately following Section 2.5.1 of the General Bylaws;

#### Section 2.5.1.1

Storage of Receptacles Used for Household Waste Disposal Pickup at Residential Properties By Commercial Vendors: Except between the hours of 9:00 PM the day before and 9:00 PM on the day of household waste, hereinafter defined, disposal pickup by a commercial waste disposal vendor, hereinafter defined, any and all receptacles of any kind used for such purpose shall be stored at least thirty (30) feet from the abutting paved edge of all public ways or otherwise not visible from a public way within the Town of Needham. For purposes of this article, Household waste shall mean any house dirt, ashes or garbage, recycling or other refuse or garbage, or any grease or bones or any refuse substances from any residential dwelling house of any kind. Commercial waste disposal vendor, for purposes of this article, shall mean any entity whatsoever that, for hire, removes and transports household waste from any residential dwelling house of any kind in the Town of Needham.

To include, immediately following Section 8.2.2.7 of the General Bylaws;

4. Section 8.2.2.7.1

#### Enforcement of Section 2.5.1 of the General Bylaws

The Enforcement Agents for Section 2.5.1.1 of the General Bylaws: Health Director, Environmental Health Agent, or Chief of Police

#### Fine Schedule:

First Offense - \$50

Second Offense - \$100

Third Offense - \$200

Fourth and Subsequent Offenses - \$300.

Kim Marie Nicols (Precinct B) rose in opposition to this article. She suggested that this citizens' petition sounds like a neighborhood issue and perhaps they could resolve this without having the whole town involved.

William J. Paulson, Jr. suggested that this happens in more than one neighborhood.

In response to an inquiry from Peter Sergey Panov, (Precinct J), Joseph J. Leghorn (Precinct D) advised that the fee would be paid by the resident. Carol I. Urwitz (Precinct J) suggested that she uses a private trash pickup company and occasionally leaves her trash receptacle out at 8:30 because of work hours.

In response to an inquiry from Robert T. Smart, Jr. (Precinct G), Daniel P. Matthews, member, Select Board said the draft is pretty clean and clear and it is up to the Town.

Maureen T. McCaffrey (Precinct G) stated that several year ago the trash containers had to be on the owner's property and questioned what is stated in the current rules.

Mr. Jeffrey D. Heller (Precinct F) moved to refer this article back to the Select Board for further study. Mr. David . Escalante (Precinct J) questioned how the fines would be issued to renters or condo associates. Mr. Joseph J. Leghorn noted that this article amends a portion of the General By-Laws that deals with households. Mr. Leghorn moved to amend Mr. Heller's motion to refer to add the following words "and report back to the Annual Town Meeting in May 2022.

Messrs. Erik Bailey, Barry S. Pollack , Glenn Alan Mulno and Peter Robert Cohenno all rose in opposition to this article.

Mr. Leghorn's motion to refer as amended was presented by the Moderator, but the Moderator was in doubt. The motion was presented again, and the Moderator was still in doubt. The Moderator swore in the following tellers: Richard S. Creem, Jane B. Murphy, Paula R. Callanan, Philip V. Robert, Holly Ann Clarke and Erik J. Bailey. The motion to amend was presented but the motion to amend failed by a count of hands. The hand count was Yes 86 No 97.

Mr. Heller's motion to refer to the Select Board and report at a future Town Meeting was presented but the motion failed on a voice vote.

ACTION: The main motion was presented but failed to pass on a voice vote.

---

#### ARTICLE 50: OMNIBUS

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

MOVED: That the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Select Board, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting

The Moderator advised that there were no articles under the Omnibus Article.

---

At 5:19 P.M. Mr. Matthew D. Borrelli, on behalf of the Select Board moved to dissolve the Special Town Meeting with the following Resolution:

*transforming our thinking, attitudes and behaviors.*

### **Guiding Principles in Support of The Vision Statement For Racial Equity In The Town Of Needham**

1. *Racial equity in Needham means that the experiences of people of color are the same as those of the white majority – from day to day interactions, housing opportunities, interactions with the police and other first responders, employment, and educational opportunities, etc. On the path to racial equity...*
  - *People of color will see others of color in leadership roles in government, business, the school system, and civic groups.*
  - *Our community will have opportunities to learn a more complete version of American history and its relevance to today's challenges.*
  - *Students in schools will experience equity with regard to all aspects of their education (e.g. placement, acknowledgement, recognition, engagement, discipline, curriculum and co-curricular involvement).*
  - *People of color will feel safe, validated and treated equitably with respect to public safety (e.g. arrests, use of force, motor vehicle stops, traffic infractions, handcuffing, and criminal applications).*
  - *People of color will feel safe, validated, included and treated equitably in all Town-related activities (e.g. town meeting/government, services and events).*
  - *In the decision making process, the voices and experiences of people of color will be honored and respected as valid (e.g. equity in hiring, engagement and promotion, programs and events are inclusive and equity minded, intentional anti-bias efforts are employed in all considerations).*
  - *All races will want to live here – Needham will be a desirable community for everyone. The town will take proactive measures to support a more racially and economically diverse and inclusive population (e.g. housing access, mixed income and diversity of housing stock).*
2. *A healthy and equitable community recognizes the harm created by implicit bias, intolerance and racism and strives to embrace diversity and inclusion by using a racial equity lens to promote anti-racist behaviors and attitudes in all aspects of civic and inter-personal living.*
3. *We value lifelong/ongoing self and group learning and critical social analysis to acknowledge and to further understand the dominance of white culture and privilege throughout US history, and the importance of disrupting racial structures that perpetuate it.*
4. *Becoming anti-racist means that we must tackle our own implicit bias, intolerance and discriminatory lenses - thus, bringing about restorative justice, healing and reconciliation to truly bring together the community we live in.*

5. *All members of the community commit to engaging with good will and respect in order to repair and build healthy relationships.*

*Support of this non-binding resolution by Town Meeting will be a further signal to the community of the importance of racial equity in our Town.*

MOVED: That the Town will adopt a Resolution to support the Racial Equity Vision Statement and Guiding Principles recommended by the Needham Unite Against Racism Initiative Working Group and approved by the Select Board.

Mr. Oscar E. Mertz III, Needham voter in Precinct I, rose in support of this resolution expressing appreciation for the work put into this Resolution recommended by the Needham Unite Against Racism Initiative Working Group. He advised that this is a work in progress.

ACTION: The main motion to adopt this resolution was presented and carried by unanimous vote.

### **ARTICLE 49: CITIZENS' PETITION – STORAGE OF RECEPTACLES USED FOR HOUSEHOLD WASTE DISPOSAL PICKUP AT RESIDENTIAL PROPERTIES BY COMMERCIAL VENDORS**

To Amend the General Bylaws as Follows:

1. To include, immediately following Section 2.5.1 of the General Bylaws;

#### **Section 2.5.1.1**

Storage of Receptacles Used for Household Waste Disposal Pickup at Residential Properties By Commercial Vendors: Except between the hours of 9:00 PM the day before and 9:00 PM on the day of household waste, hereinafter defined, disposal pickup by a commercial waste disposal vendor, hereinafter defined, any and all receptacles of any kind used for such purpose shall be stored at least thirty (30) feet from the abutting paved edge of all public ways or otherwise not visible from a public way within the Town of Needham. For purposes of this article, Household waste shall mean any house dirt, ashes or garbage, recycling or other refuse or garbage, or any grease or bones or any refuse substances from any residential dwelling house of any kind. Commercial waste disposal vendor, for purposes of this article, shall mean any entity whatsoever that, for hire, removes and transports household waste from any residential dwelling house of any kind in the Town of Needham.

To include, immediately following Section 8.2.2.7 of the General Bylaws;

2. Section 8.2.2.7.1

#### **Enforcement of Section 2.5.1 of the General Bylaws**

The Enforcement Agents for Section 2.5.1.1 of the General Bylaws: Health Director, Environmental Health Agent, or Chief of Police

Fine Schedule:  
First Offense - \$50  
Second Offense - \$100  
Third Offense - \$200  
Fourth and Subsequent Offenses - \$300

**THE FOLLOWING RESOLUTION****was offered****In Memory of David Summergrad**

- WHEREAS:** David Summergrad was born in Harlem and raised in Glen Cove, New York. He earned a bachelor's degree in Education from SUNY Binghamton and a master's degree in Education from Northeastern University; and
- WHEREAS:** David and his wife MaryGrace Miner settled in Needham in 1986 and raised their two daughters, Lisa and Anna, both graduates of Needham High School; and
- WHEREAS:** David worked for the Wayland Public Schools from 1975 to 2000, as an English teacher and later a technology teacher. During his time in Wayland, he also served as house administrator and department chair and directed numerous plays and musicals. In 2000, David became principal at the John D. Runkle K-8 school in Brookline, where he served until 2009. In the succeeding years he served several interim principalships and taught education at Curry College; and
- WHEREAS:** David was a founding member of what would become the Needham Diversity Initiative and helped organize the first Annual Diversity Summit in 2012. He founded College Bound at Needham High School, working with a group of volunteers to help students of color and their families navigate the college application process; and
- WHEREAS:** David ran the New York City marathon 23 times and the Boston Marathon once. He is described as having a wisdom about him that engaged people, and his humble demeanor and witty observations helped encourage collaboration in difficult situations; and
- WHEREAS:** David served as a member of the School Committee for six years from 1989 to 1991 and from 1994 to 1996, and as a Town Meeting Member from 1989 to 1998;

**NOW THEREFORE,** be it resolved by this body that the May 1, 2021 Special Town Meeting be dissolved in honor of the many civic and community contributions of David Summergrad to the Town of Needham

**ACTION:** At 5:19.P.M. on Saturday, May 1, 2021, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC  
Town Clerk

A true copy  
ATTEST:

## RECORD OF THE ANNUAL TOWN MEETING Monday, May 3, 2021

Pursuant to a Warrant issued by the Selectmen February 9, 2021 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Memorial Park Parking Lot, 92 Rosemary Street, Monday, May 3, 2021, at 5:00 o'clock in the afternoon.

The checkers appointed by the Select Board were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and 215 voters, including 209 Town Meeting Members, were checked on the list as being present and 41 absent.

The Moderator announced that in the interest of time there would be no opening ceremonies this evening.

The Moderator, Michael K. Fee, called the meeting to order at 5:00 o'clock. He asked Town Meeting Members to join him in honoring our country by saluting the flag and reciting the pledge of allegiance. He then asked Town Meeting members to join him in a moment of silence and reflection and let each of us in our own way seek the spiritual guidance for our work here tonight, and to remember those residents of our Town who have passed away in the past year, especially those who have perished as a result of the COVID-19 pandemic.

The Moderator declared that a quorum is present and requested the Town Clerk to so record.

The call to the meeting and the Officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

### ARRANGEMENT OF THE MEETING SPACE

1. You have been admitted to this meeting space because of your status as a Town Meeting Member. The entire space is reserved for Town Meeting Members. Registered voters have a space outside the barrier. The Marshall, Mr. Stephen Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. As always, please wear your badges.
2. Once situated please remain in your seats and do not move your chair. Seats have been arranged with more than sufficient spacing for purposes of observing recommended social distancing.
3. The Needham Board of Health has provided me with guidance on masks. After considering this guidance, I am pleased to offer Town Meeting Members the limited ability to remove their mask, if they choose to do so. First, because you are more than adequately spaced, you have the option to remove your mask while seated. Second, if you move to a microphone, you must wear your mask while traveling to the microphone. Once at the microphone, you may remove your mask to address Town Meeting. Once you are done, however, fasten your mask and return to your seat. At all other times, such as during breaks, traveling to the rest room or exiting, masks must be worn. I will not be wearing a mask because Public Health authorities have deemed my position to be sufficiently distant from others, including the Town clerk. This will allow me to communicate with you more clearly.

- 4 As you know, there are no materials here for distribution and there will be no affirmative presentations under the articles. All presentations from sponsors, other interested parties and the Finance Committee have been posted to the Town's You Tube Channel in advance and it is my sincere hope that you were able to view the presentations, as well as supporting materials that were available on the Town website.
- 5 You may address Town Meeting when recognized by the Moderator. The process for recognition is different and I will discuss them in a moment. Once recognized, please proceed to one of the seven microphones positioned around the meeting space for use by Town Meeting Members. There are two microphones designated for use by registered voters who are recognized by the Moderator. Do not queue up at a microphone. Please do not leave your seat until you are recognized by the Moderator. These are no touch microphones. Please stand back from the microphone and do not touch the microphones or attempt to adjust them. If adjustment is necessary, the Marshal will assist you.
- 6 Restrooms in the building behind me are open and available for your use on a one-at-a-time basis. While there will be some breaks, I encourage you to use the restrooms as needed to alleviate any crowding or queuing during a break.
- 7 We are once again working under some very special and unusual conditions. As with our previous outdoor meetings in 2020, we seek to achieve the twin goals of ensuring your safety and allowing our magnificent institution of representative town meeting to proceed. I ask for your cooperation and your patience.
- 8 Finally, when we complete our work, please exit through the gate you used to enter. We do not want groups forming at the exits. So, with your indulgence, I will dismiss the Meeting one Precinct at a time. Please stay in your seats and listen for your Precinct and when it is called, exit through the gate you used to enter.

**At each meeting, we enact rules to govern our proceedings. On Saturday, we enacted rules for the Special Town Meeting. Those rules are no longer in force because that meeting was dissolved. (this is unlike normal times when we hold a Special Town Meeting within an ongoing ATM, we simply adopt the ATM's rules by unanimous consent.) To ensure we have enforceable rules, I must recite them again for this Annual Town Meeting and seek their adoption by unanimous consent. Please bear with me. I will proceed a quickly as possible.**

1. Please rise to be recognized and raise your hand and you may call out "Mr. Moderator." I will do my best, but given the dispersion and distance, I will likely point to you and recognize you perhaps by referring to the color of the article of clothing you are wearing. When a Member is recognized by the Moderator, proceed to the microphone nearest you and announce yourself by stating your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise or raise their hand or say "Mr. Moderator" please inform me so that appropriate accommodation may be made. During discussion, the Marshal will act as a spotter for me, helping me identify Town Meeting Members who wish to be recognized.

2. Anyone entering or exiting the meeting area, for example to use the rest rooms, while we are in session must use care not to disrupt the session.
3. Please silence all cell phones and other electronic devices. **(Please check this status now!) In addition, please consider putting these devices away entirely while we are in session so you may devote your full attention to our important work unless of course you have downloaded a document or the warrant on your device.**
4. No firearms or weapons may be brought into the meeting space except by law enforcement personnel.
5. The prohibition on the wearing of hats at our meetings at James Hugh Powers Hall is not in effect. (Point)
6. **Members, non-member speakers and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bounds of civility. Please remember that we are ONE community and ONE Town Meeting with one common goal; the best interests of our town.**
7. All commentary, remarks and inquiries must be addressed to the Moderator as Chair of the Meeting.
8. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. I, Sec. 1.7 of the Needham General By-Laws.
9. Blank forms for lengthy motions are available from Town Counsel and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, **particularly with regard to zoning articles**, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

*Special Note on zoning articles. Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memorandum to Town Meeting Members in connection with this Special Town Meeting and consistent with the rules adopted for the Annual Town Meeting, anyone who wishes to tender an amendment to a zoning article must confer in advance with the Planning Board, and if necessary Town Counsel and the Moderator to address questions and if possible, work with the Planning Board to address wording and the impact of any amendments.*

10. Short motions to amend and procedural motions need not be in writing.
11. Parliamentary motions such as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.
12. Limits on debate shall be enforced by the Moderator.
13. Questions asked for general informational purposes unrelated to the matter under consideration by the Meeting shall be ruled out of order.

14. As stated in the Moderator's Memorandum to Town Meeting Members, this meeting is being livestreamed and ultimately televised through the good efforts of the Needham Channel. Any inappropriate conduct involving the live coverage or cameras shall be deemed to be out of order, addressed swiftly and definitively by the Moderator.

15. I seek unanimous consent to adopt the following rules of practice concerning debate:

**For this meeting only**, no affirmative presentations by proponents of articles, other interested parties and the Finance Committee, information having been published in advance on the town website.

An Article will be called by its number and the corresponding Main Motion will be placed on the floor by the Moderator for discussion by the Meeting.

Time limits for discussion: Town Meeting Members, non-TMMS, visitors other than attorneys:  
**(5 min. all-inclusive per article).**

**Responsive** remarks by sponsors, the Select Board, the Finance Committee and other Town Boards or Departments **(5 minutes per response)**

Hearing no objection, the Moderator finds unanimous consent that the rules of procedure and practice concerning debate as described by the Moderator are voted and adopted and the Town Clerk will so record.

The Moderator reminded Town Meeting Members of the following amendment to the General By-Laws passed under Article 80 at the 1998 Annual Town Meeting: If two-thirds vote of the Town Meeting is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator in the fulfillment of the duties of the office.

The Moderator noted that there are no changes in the main affirmative motions.

The Moderator announced that the proponents no longer have an interest in any articles in the Annual Town Meeting warrant.

As in the tradition of the Annual Town Meeting, the Moderator asked unanimous consent to omit the reading of the articles and to refer to them by number only. Any Town Meeting Member who wished to "question" or "debate" should so indicate when the number was called, and those articles not so indicated would be adopted by unanimous consent. There was no objection and the Moderator declared this method to be adopted unanimously.

The Moderator noted that Article 1 was the Annual Town Election and has already been disposed of and there are no Committee reports under Article 2. The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 3. No Town Meeting Members responded with "question" or "debate" to Article 4. The Moderator then called the above-mentioned article by number and no objection was heard to adoption by unanimous consent. It was so unanimously voted and the Town Clerk was requested to so record. As a result thereof, said article and the vote thereunder is as follows:

**ARTICLE 4: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS**

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2022 beginning on July 1, 2021 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

| Revolving Fund           | Department, Board, Committee, Agency or Officer | FY2022 Spending Limit |
|--------------------------|-------------------------------------------------|-----------------------|
| Home Composting          | Department of Public Works                      | \$3,000               |
| Immunization Program     | Health and Human Services Department            | \$25,000              |
| Memorial Park Activities | Memorial Park Trustees                          | \$4,100               |
| Needham Transportation   | Health and Human Services Department            | \$60,000              |
| Public Facility Use      | Department of Public Works                      | \$250,000             |
| School Transportation    | School Committee                                | \$819,000             |
| Traveling Meals          | Health and Human Services Department            | \$75,000              |
| Tree Replacement         | Department of Public Works                      | \$25,000              |
| Water Conservation       | Department of Public Works                      | \$10,000              |
| Youth Services Programs  | Health and Human Services Department            | \$25,000              |
| Aging Services Programs  | Health and Human Services Department            | \$90,000              |

*Article Information:* The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

MOVED: That if the Town will vote to fix the maximum amount that may be spent during fiscal year 2022 beginning on July 1, 2021 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

| Revolving Fund           | Department, Board, Committee, Agency or Officer | FY2022 Spending Limit |
|--------------------------|-------------------------------------------------|-----------------------|
| Home Composting          | Department of Public Works                      | \$3,000               |
| Immunization Program     | Health and Human Services Department            | \$25,000              |
| Memorial Park Activities | Memorial Park Trustees                          | \$4,100               |
| Needham Transportation   | Health and Human Services Department            | \$60,000              |
| Public Facility Use      | Department of Public Works                      | \$250,000             |
| School Transportation    | School Committee                                | \$819,000             |
| Traveling Meals          | Health and Human Services Department            | \$75,000              |
| Tree Replacement         | Department of Public Works                      | \$25,000              |
| Water Conservation       | Department of Public Works                      | \$10,000              |
| Youth Services Programs  | Health and Human Services Department            | \$25,000              |
| Aging Services Programs  | Health and Human Services Department            | \$90,000              |

**ACTION:** So voted by unanimous consent

At this time the Moderator proceeded with the remaining articles in the warrant.

**ARTICLE 2: COMMITTEE AND OFFICER REPORTS**

To hear and act on the reports of Town Officers and Committees. The Moderator announced that there were no reports submitted under Article 2.

**ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES**

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2021, as required by Massachusetts General Laws, Chapter 41, Section 108:

|                                                     |                          |
|-----------------------------------------------------|--------------------------|
| Town Clerk                                          | \$74,419                 |
| Town Clerk with 6 years of service in that position | \$110,634 <sup>(1)</sup> |
| Select Board, Chair                                 | \$1,800                  |
| Select Board, Others                                | \$1,500                  |

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$8,851, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$71,775. The annual salary of \$110,634 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,489. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$16,085; or take any other action relative thereto.

**Article Information:** In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

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

MOVED: That the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2021, as required by Massachusetts General Laws, Chapter 41, Section 108:

|                                                     |                          |
|-----------------------------------------------------|--------------------------|
| Town Clerk                                          | \$74,419                 |
| Town Clerk with 6 years of service in that position | \$110,634 <sup>(1)</sup> |
| Select Board, Chair                                 | \$1,800                  |
| Select Board, Others                                | \$1,500                  |

In addition, such compensation shall also include payment of longevity in the amount of \$8,851, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$71,775. The annual salary of \$110,634 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,489. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$16,085; or take any other action relative thereto.

Holly Anne Clarke (Precinct D) stated that she watched the presentation of the Finance Committee and the Select Board and noted the increase for Police and others. She expressed concern that the Town Clerk was not receiving an increase this year after conducting at least three elections during the COVID-19 pandemic.

Danial P. Matthews, member, Select Board advised that it has been a very tough year for the Town and there have been many stresses. The town has bargained with our units and some were approved. The Clerk's position is a management position and the leadership received no general increases for the coming fiscal year.

Doug H. Fox (Precinct F) rose and stated that we need active people running for town.

ACTION: the main motion was presented and carried by unanimous vote.

**ARTICLE 4:** was passed by unanimous consent at the beginning of this Annual Town Meeting.

Mr. Ilan Barzilay (Precinct H) rose to request that Article 7 be discussed prior to Articles 5 and 6. Mr. Barzilay moved to postpone Articles 5 and 6 to a time certain immediately following action on Article 5 and 6.

Mr. Daniel P Matthews, Member, advised the Select Board has significant concerns with Article 7 and feels it should not preclude other discussions.

Mr. Barry S. Pollack (Precinct J) rose in support of discussing Article 7 first. He indicated that he is in support of whatever makes it easier for the residents.

Mr. Barzilay's motion to postpone to a time certain was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented but failed to pass on a voice vote declared by the Moderator.

## **ARTICLE 5: AMEND ZONING BY-LAW – HIGHWAY COMMERCIAL 1 ZONING DISTRICT**

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

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

“HC-1 -- Highway Commercial 1”

2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

### “3.2.7 Uses in the Highway Commercial 1 District

#### 3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where each establishment contains 5,750 square feet or less of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry-cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter “Group Practices”) or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. “Professional” shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals (“Non-group Practice”).
- (h) Bank or Credit Union.
- (i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.
- (j) Radio or television studio.
- (k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fuses, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.
- (l) Telecommunications facility housed within a building.
- (m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.
- (n) More than one building on a lot.
- (o) More than one use on a lot.

#### 3.2.7.2 Uses Permitted by Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

- (a) Light-rail train station.
- (b) Adult day care facility.
- (c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).
- (d) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where any establishment contains more than 5,750 but less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 10,000 square feet of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1(g) and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.

(m) Apartment or multi-family dwelling provided that (1) the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district as detailed in Section 4.3, (2) no more than 240 dwelling units shall be permitted in the Highway Commercial 1 District, (3) at least 40% but not more than 70% of all dwelling units within any project shall be one-bedroom units, and (4) at least 12.5% of all dwelling units shall be Affordable Units as regulated in Section 6.12.”

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4.10, Dimensional Regulations for Industrial-1 District, by deleting Section 4.10.4, which refers to Section 4.7.1 (b) and (c).

5. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

| Minimum Lot Area (Sq. Ft.) | Minimum Lot Frontage (Ft.) | Front Setback (Ft.) | Side Setback (Ft.) | Rear Setback (Ft.) | Maximum Height (Ft.) | Maximum Stories | Maximum Lot Coverage | Floor Area Ratio |
|----------------------------|----------------------------|---------------------|--------------------|--------------------|----------------------|-----------------|----------------------|------------------|
|                            |                            | (1)                 | (1) (3)            | (1) (3)            | (1)                  | (1)             | (2) (4)              | (5) (6)          |
| 20,000                     | 100                        | 5                   | 10                 | 10                 | 56                   | 4               | 65%                  | 0.70             |

(1) a. All buildings shall be limited to a height of 56 feet and four stories, except that buildings within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and buildings within 200 feet of Gould Street shall be limited to a height of 35 feet and 2 ½ stories as-of-right. If the height of a building is increased above the height of 35 feet, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

b. By Special Permit from the Planning Board, the maximum height of a building may be increased to 3 stories and 42 feet within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and within 200 feet of Gould Street. By Special Permit from the Board, the maximum height of a building may be further increased to the following limits: 5 stories and 70 feet

provided the building is not located within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. or within 200 feet of Gould Street.

c. (i) The line from which the 200-foot setback from Highland Avenue referred to in paragraphs a. and b. above shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bound/drill hole, then continues on the same northeasterly course an additional 330.54 feet for a total distance from the first mentioned bound of 700 feet. Reference is made to a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489. (ii) The line from which the 50-foot landscaped setback from Highland Avenue referred to in paragraph d. below shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bound/drill hole. If the 1980 State Highway Alteration along Highland Avenue is superseded by a subsequent State Highway Alteration, the 50-foot landscaped setback from Highland Avenue shall be measured from the newly-established street line.

d. Buildings and structures abutting Highland Avenue for the distance described in subsection (1) c. (ii) above and/or abutting Highland Avenue as it continues southwesterly to the intersection with Gould Street and/or abutting Gould Street shall be set back at least 50 feet from said streets. Buildings and structures abutting the layout of Route 128/95 beyond said Highland Avenue distance from stone bound to stone bound shall be set back at least 20 feet from said Route 128/95 layout. Notwithstanding the location or height of any building and structures, the required 50-foot or 20-foot setback shall be a landscaped, vegetative buffer area, which shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

e. Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

f. For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 35 feet for the as-of right circumstance and 42 feet for the special permit circumstance are shown on figures 1 and 2 below.

Figure 1:

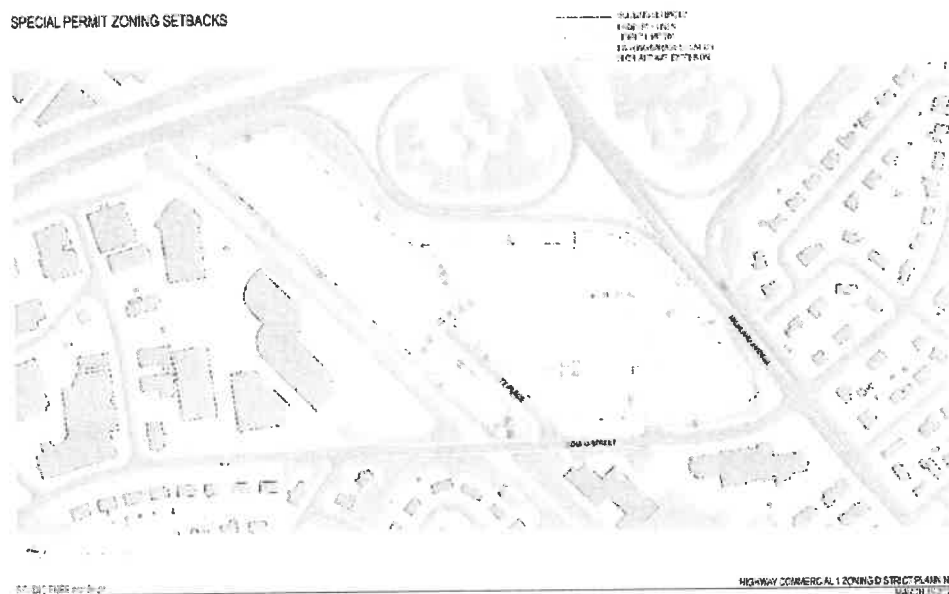
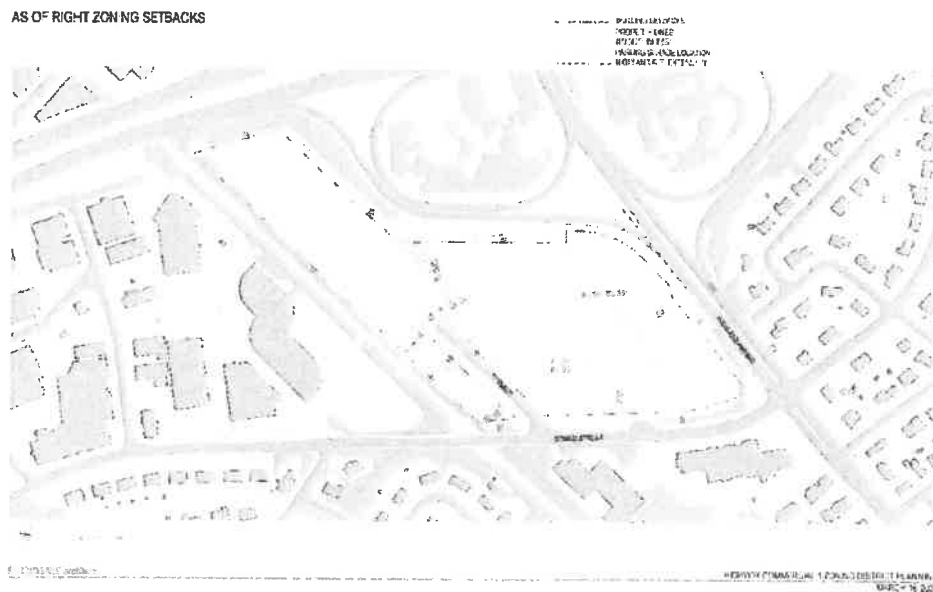


Figure 2:



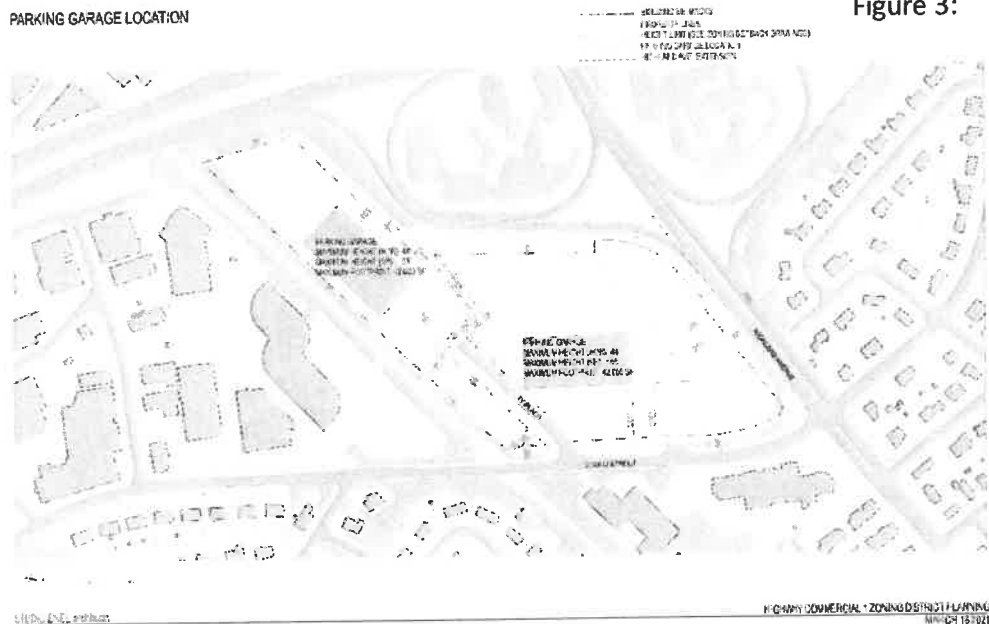
- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.
- (4) A minimum of 25% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space may include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.35 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.
- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures but shall include such active ground floor uses, such as retail, office, institutional, or display as are allowed by Section 4.11.2 (2).

#### 4.11.2 Supplemental Dimensional Regulations

- (1) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed 44 feet in height, may not have a building footprint in excess of 42,000 square feet and may not be located within 250 feet of Highland Avenue or the extension of the right-of-way line described in Section 4.11.1 (1) c. (i) or within 200 feet of Gould Street. Notwithstanding the above, the maximum height of a parking garage may be increased to 55 feet by Special Permit from the Planning Board. For purposes of clarity the height, coverage and location requirements for the as-of-right and special permit parking garage circumstance are shown on figure 3 below.
- (2) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings but may be attached to the building it is servicing if all fire and safety requirements are met.
- (3) Maximum uninterrupted facade length shall be 200 feet.
- (4) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

PARKING GARAGE LOCATION

Figure 3:



#### 4.11.3 Special Permit Requirements

In approving any special permit under Section 3.2.7.2 and/or Section 4.11, or for any project proceeding under the Highway Commercial 1 district provisions which constitute a Major Project under Section 7.4.2, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; (e) The proposed development should incorporate as many green building standards as practical, given the type of building and proposed uses; (f) The proposed development should be designed and conditioned to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking; and (g) The proposed development shall include participation in a transportation demand management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program."

6. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads "Such parking setback shall also be twenty (20) feet in an Industrial-1 District" the words "and Highway Commercial 1 District unless a deeper parking setback is required by Section 4.11."
7. Amend Section 6.5.1 of Section 6.5 Limited Heliports, by adding after the words "Industrial Districts," in the first sentence, the words "and in the Highway Commercial 1 District,".
8. Amend Section 6.12, Affordable Housing, by revising the first paragraph to read as follows:

"Any mixed-use building in the Neighborhood Business District (NB) with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. Any building in the Highway Commercial 1 District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. The requirements detailed in paragraphs (a) thru (i) below shall apply to a development that includes affordable units in the Neighborhood Business District. The requirements detailed in paragraphs (a), (c), (d), (e), (f), (g), and (h) below shall apply to a development that includes affordable units in the Highway Commercial 1 District."

9. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words "Industrial-1 District," in the first sentence, the words "Highway Commercial 1 District,".
10. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words "Highway Commercial 1 District," after the words "Highland Commercial-128,".

11. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words "Industrial-1 District," in the first sentence of the second paragraph, the words "Highway Commercial 1 District,".

Or take any other action relative thereto.

*Article 5 Information:* Following the rezoning of the New England Business Center to establish Needham Crossing and with a parallel review of the Mixed Use 128 area near Wexford Street, the Council of Economic Advisors (CEA) also considered the industrial uses on the southern side of Route 128. The CEA, which was created by the Select Board to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, undertook a review of all Industrial Zoning Districts in late 2013, and, after focusing its efforts on three different areas along Route 128, held public meetings with residents, neighbors, public officials, businesses and landowners in 2014 about potential zoning initiatives. As requested during those discussions, the CEA obtained a build-out analysis, a traffic impact report based on that analysis, and elevation drawings to better understand the impact of any proposed development. After examining the results of those reports, the CEA in 2017 reached out again to the various stakeholder groups and presented its preliminary recommendations to upgrade the zoning adjacent to Route 128 in order to make these areas more economically competitive. The CEA then presented its recommendations to the Select Board in January 2018. The Planning Board and Select Board, having reviewed the proposals from the CEA, determined in 2018 to move forward on only one area; the area circumscribed by Route 128, Highland Avenue, Gould Street, and the MBTA right-of-way. A land use study was completed and a rezoning plan for the noted area was then developed and presented to the October 2019 Special Town Meeting where it received a majority vote but fell short of the 2/3 vote required for passage. Concerns with the overall density profile, traffic impact, use profile and lack of sustainable development principles were noted by Town Meeting members.

In response to input received at the October 2019 Special Town Meeting, a Town-wide Community meeting was held in January 2020 with residents, neighbors, public officials, businesses and landowners to further develop and refine the Town's overall land use goals and strategy for the district. Additionally, a working group comprising representatives from the Planning Board, Select Board, Finance Committee, and Council of Economic Advisors was established to review the policy objectives of the district and to offer strategies to address the concerns raised at both the October 2019 Special Town Meeting and the January 2020 Community meeting. The working group commissioned an updated traffic study of the district to determine the capacity of the Town's traffic infrastructure to accommodate development at variable density and use profiles. 3D modeling and an updated fiscal impact analysis of the district were completed once the density and use profile of the district were finalized consistent with the capacity of the Town's traffic infrastructure to accommodate development at variable density and use profiles. A revised zoning and land use plan were then prepared which initiative is now expressed in the regulatory framework detailed in this article.

Briefly, the following six modifications have been made from the 2019 rezoning proposal to the current 2021 proposal as follows: (1) The overall density of development within the district has been reduced. Specifically, the as-of-right floor area ratio (FAR) has been reduced from 1.0 to .70 and the special permit FAR has been reduced from 1.75 to 1.35. (2) The maximum building height within the district has been reduced by one story for both the as-of-right and special permit condition. (3) The building setback distance along Gould Street and Highland Avenue has been increased from 20 feet to 50 feet. The noted 50-foot setback area is required to be a landscaped buffer area designed to screen the development from the street. (4) The required open space on the lot has been increased from 20 percent to 25 percent. (5) Permitted uses within the district have been expanded to include multi-family dwellings with an affordable housing requirement of 12.5 percent. (6) The special permit criteria for permit issuance has been expanded to include green building standards. The proposed use and dimensional changes to this area, to be rezoned Highway Commercial 1 ("HC1"), are detailed below.

The amendments to Section 3.2 detail the uses allowed by right and those by special permit. In addition, by listing the uses rather than using the current table of uses, the uses can be clarified and brought up to date. Key changes to the use listing include allowing up to 240 units of multi family dwelling units; allowing greater retail by special permit for more than 5,750 sq. ft. and less than 10,000 sq. ft. (current limit 5,700 sq. ft.); allowing grocery stores of up to 10,000 square feet by special permit; clarifying medical services allowed by right and by special permit (as was done in the Needham Crossing zoning); standardizing the medical laboratory and research and development defined uses; allowing by right more than one use and more than one building on a lot; changing theaters, bowling alleys, skating rinks, billiard rooms and similar commercial amusement or entertainment places from by right to special permit; deleting indoor movie theaters from allowed uses; precluding single family detached dwellings from allowed uses; and precluding certain industrial uses in the district including, inter alia, commercial garages, contractor's yards, lumber or fuel establishments, medical clinics, and previously allowed warehousing, manufacturing and industrial services. The purpose of the use changes are: (1) to ensure that uses allowed by right or by special permit will maximize the economic value of redevelopment to the Town; (2) to ensure that the permitted uses within the district are consistent with the Town's land use goals for this gateway location and the Highland Avenue Corridor; and (3) to subject certain uses presently allowed by right to the special permit process so that they may be properly vetted by the permit granting authority as to impacts and mitigation.

The amendments to Section 4 would create the dimensional requirements for the new Highway Commercial 1 zone. The proposal under the new Section 4.11 establishes height restrictions for the district based upon measured distance from Gould Street and Highland Avenue. For the as-of-right circumstance development within 200 feet of Gould Street and 200 feet of Highland Avenue would be limited to a maximum height of 35 feet and 2 ½ stories and beyond 200 feet to a maximum height of 56 feet and 4 stories. For the special permit circumstance development within 200 feet of Gould Street and 200 feet of Highland Avenue would be limited to a maximum height of 42 feet and 3 stories and beyond 200 feet to a maximum height of 70 feet and 5 stories. (The current zoning allows 30 feet or two stories.) The proposal would change the front setback to 5 feet for all roadways internal to the site such as TV Place. This 5-foot front setback is applicable across the district unless the building height exceeds 35 feet, in which case the front setback increases to 15 feet, or the building sits on Highland Avenue or Gould Street, where a 50-foot landscaped vegetative buffer is proposed or along the layout of Route 95/128 where a 20-foot landscaped vegetative buffer is proposed. (Current front setback is 20 feet

except along Gould and Highland where a 50-foot building setback and landscape buffer is imposed.) The side and rear setback would change to 10 feet unless the building height exceeds 35 feet, in which case the setback is increased to 20 feet for all side and rear setbacks not abutting the MBTA right-of-way. (The current side setback is 20 feet and the current rear setback is 10 feet). For informational purposes, the required building setbacks and allowed envelopes (including setbacks) for additional height above 35 feet are shown as Figure 1 for the as-of-right condition and as Figure 2 for the special permit condition in the zoning article.

The new zoning creates a maximum lot coverage requirement of 65% and an open space requirement of a minimum of 25%. (The current zoning contains no such requirements.) Changes are also proposed to the maximum FAR; a maximum FAR by right would be .70; the FAR may be increased up to 1.35 by special permit provided certain findings are made. The amendment clearly sets out the specific factors which will allow the exercise of the Board's special permit granting authority. The proposed zoning also sets out the maximum uninterrupted façade length that is allowed—200'. (The current zoning allows a FAR of only 0.5 and in very limited special circumstances 0.65-0.75.)

Finally, the new zoning restricts the bulk, height and location of a parking garage, even if it is for an as-of-right development. A parking garage may not exceed 44 feet in height, may not have a building footprint in excess of 42,000 square feet nor may it be located within 250 feet of Highland Avenue or within 200 feet of Gould Street. Notwithstanding the above, the maximum height of a parking garage may be increased to 55 feet by Special Permit from the Planning Board. For informational purposes, the required bulk, height and location requirements of a parking garage under both the as-of-right and special permit condition are shown as figure 3 in the zoning article.

Based on the build-out analysis, traffic report, dimensional analysis, consultant findings and information, and meeting testimony, the Planning Board confirmed that certain dimensional requirements, including front setback, height, floor area ratio, and side setbacks, and use requirements were constraining development under the current zoning rules and, given the properties' regionally prime commercial location along Route 128, is significantly underperforming economically, to the detriment of the Town. Further the Board found that the current industrial district zoning at the property was not reflective of the Town's land use policy goals for this gateway location and that a conversion to a mixed-use district consistent with the land use profile of the remainder of the Highland Avenue corridor was warranted. With rezoning, in time, this area should attract significant high value redevelopment consistent with the Town's land use objectives, which will be overseen by the Planning Board under its site plan review and special permit obligations.

MOVED: That the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

"HC-1 -- Highway Commercial 1"

2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

"3.2.7 Uses in the Highway Commercial 1 District

3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where each establishment contains 5,750 square feet or less of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry-cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter "Group Practices") or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. "Professional" shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals ("Non-group Practice").
- (h) Bank or Credit Union.

(i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.

(j) Radio or television studio.

(k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.

(l) Telecommunications facility housed within a building.

(m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.

(n) More than one building on a lot.

(o) More than one use on a lot.

### 3.2.7.2 Uses Permitted by Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

(a) Light-rail train station.

(b) Adult day care facility.

(c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).

(d) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where any establishment contains more than 5,750 but less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 10,000 square feet of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1(g) and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.

(m) Apartment or multi-family dwelling provided that (1) the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district as detailed in Section 4.3, (2) no more than 240 dwelling units shall be permitted in the Highway Commercial 1 District, (3) at least 40% but not more than 70% of all dwelling units within any project shall be one-bedroom units, and (4) at least 12.5% of all dwelling units shall be Affordable Units as regulated in Section 6.12."

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4.10, Dimensional Regulations for Industrial-1 District, by deleting Section 4.10.4, which refers to Section 4.7.1 (b) and (c).
5. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

| Minimum Lot Area (Sq. Ft.) | Minimum Lot Frontage (Ft.) | Front Setback (Ft.)<br>(1) | Side Setback (Ft.)<br>(1) (3) | Rear Setback (Ft.)<br>(1) (3) | Maximum Height (Ft.)<br>(1) | Maximum Stories<br>(1) | Maximum Lot Coverage<br>(2) (4) | Floor Area Ratio<br>(5) (6) |
|----------------------------|----------------------------|----------------------------|-------------------------------|-------------------------------|-----------------------------|------------------------|---------------------------------|-----------------------------|
| 20,000                     | 100                        | 5                          | 10                            | 10                            | 56                          | 4                      | 65%                             | 0.70                        |

- (1) a. All buildings shall be limited to a height of 56 feet and four stories, except that buildings within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and buildings within 200 feet of Gould Street shall be limited to a height of 35 feet and 2 ½ stories as-of-right. If the height of a building is increased above the height of 35 feet, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

b. By Special Permit from the Planning Board, the maximum height of a building may be increased to 3 stories and 42 feet within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and within 200 feet of Gould Street. By Special Permit from the Board, the maximum height of a building may be further increased to the following limits: 5 stories and 70 feet provided the building is not located within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. or within 200 feet of Gould Street.

c. (i) The line from which the 200-foot setback from Highland Avenue referred to in paragraphs a. and b. above shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bound/drill hole, then continues on the same northeasterly course an additional 330.54 feet for a total distance from the first mentioned bound of 700 feet. Reference is made to a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489. (ii) The line from which the 50-foot landscaped setback from Highland Avenue referred to in paragraph d. below shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bound/drill hole. If the 1980 State Highway Alteration along Highland Avenue is superseded by a subsequent State Highway Alteration, the 50-foot landscaped setback from Highland Avenue shall be measured from the newly-established street line.

d. Buildings and structures abutting Highland Avenue for the distance described in subsection (1) c. (ii) above and/or abutting Highland Avenue as it continues southwesterly to the intersection with Gould Street and/or abutting Gould Street shall be set back at least 50 feet from said streets. Buildings and structures abutting the layout of Route 128/95 beyond said Highland Avenue distance from stone bound to stone bound shall be set back at least 20 feet from said Route 128/95 layout. Notwithstanding the location or height of any building and structures, the required 50-foot or 20-foot setback shall be a landscaped, vegetative buffer area, which shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

e. Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above

height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

f. For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 35 feet for the as-of right circumstance and 42 feet for the special permit circumstance are shown on figures 1 and 2 below.

Figure 1:

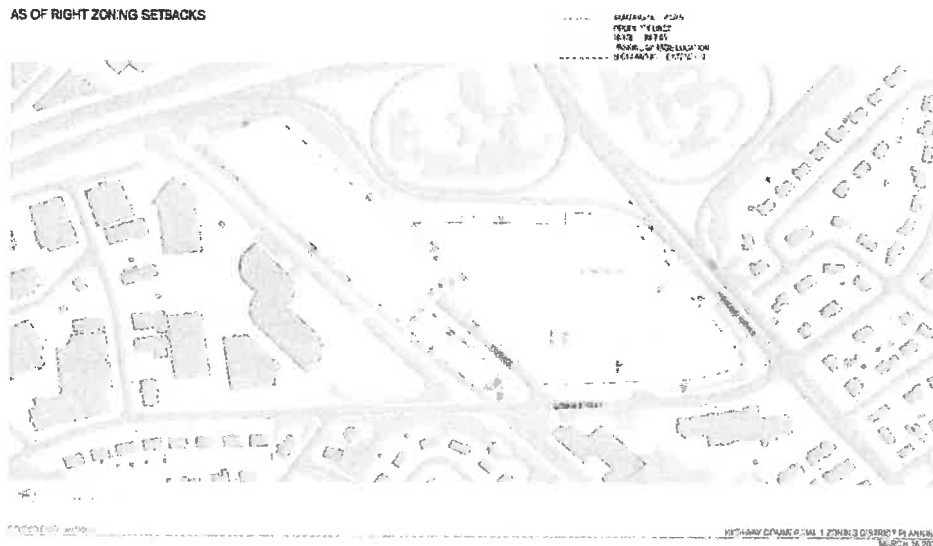
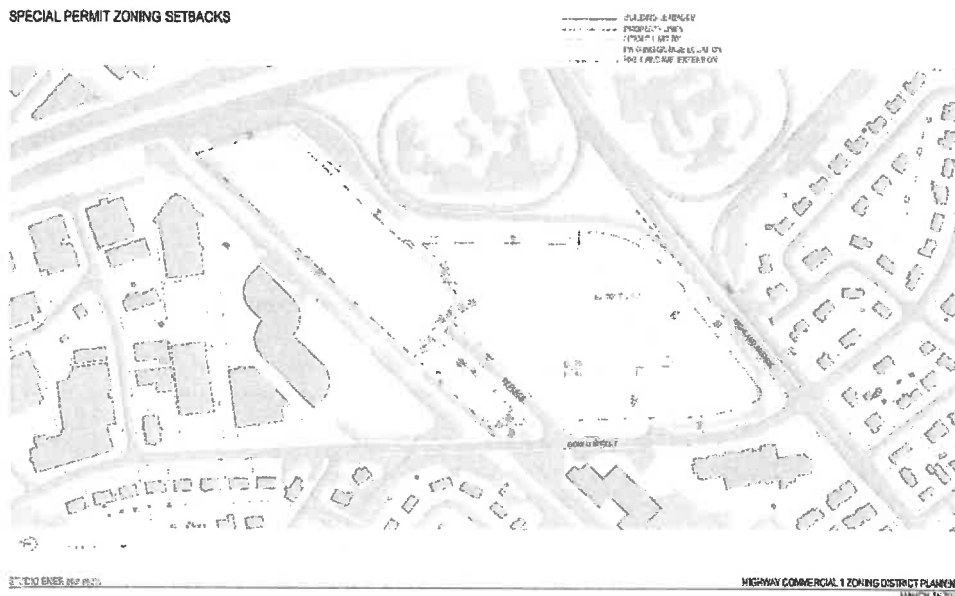


Figure 2:



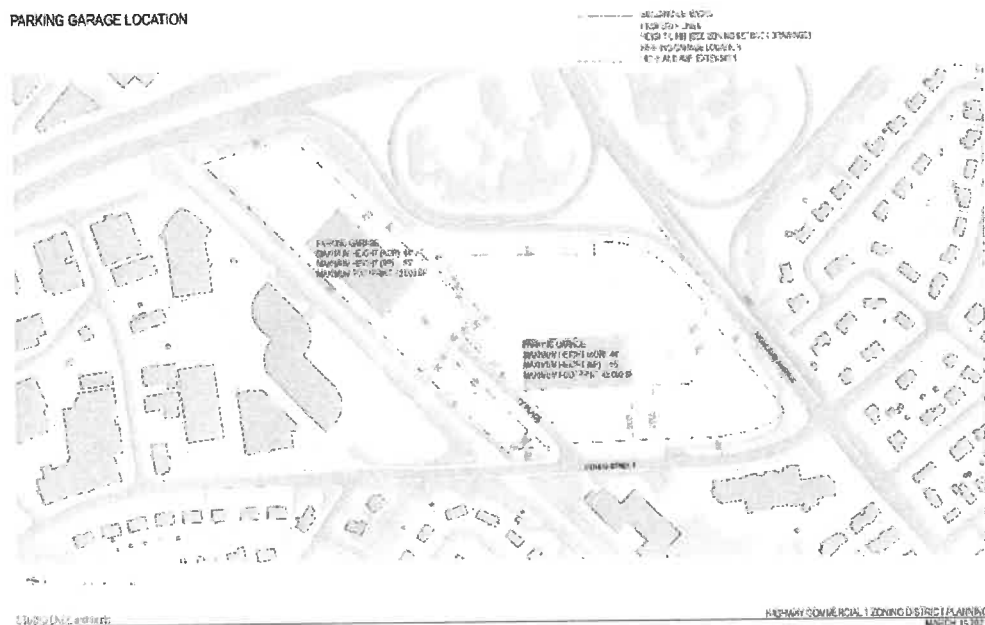
- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.

- (4) A minimum of 25% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space may include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.35 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.
- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures but shall include such active ground floor uses, such as retail, office, institutional, or display as are allowed by Section 4.11.2 (2).

#### 4.11.2 Supplemental Dimensional Regulations

- (1) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed 44 feet in height, may not have a building footprint in excess of 42,000 square feet and may not be located within 250 feet of Highland Avenue or the extension of the right-of-way line described in Section 4.11.1 (1) c. (i) or within 200 feet of Gould Street. Notwithstanding the above, the maximum height of a parking garage may be increased to 55 feet by Special Permit from the Planning Board. For purposes of clarity the height, coverage and location requirements for the as-of-right and special permit parking garage circumstance are shown on figure 3 below.
- (5) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings but may be attached to the building it is servicing if all fire and safety requirements are met.
- (6) Maximum uninterrupted facade length shall be 200 feet.
- (7) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

Figure 3:



#### 4.11.3 Special Permit Requirements

In approving any special permit under Section 3.2.7.2 and/or Section 4.11, or for any project proceeding under the Highway Commercial 1 district provisions which constitute a Major Project under Section 7.4.2, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with

the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; (e) The proposed development should incorporate as many green building standards as practical, given the type of building and proposed uses; (f) The proposed development should be designed and conditioned to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking; and (g) The proposed development shall include participation in a transportation demand management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program.”

6. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads “Such parking setback shall also be twenty (20) feet in an Industrial-1 District” the words “and Highway Commercial 1 District unless a deeper parking setback is required by Section 4.11.”
7. Amend Section 6.5.1 of Section 6.5 Limited Heliports, by adding after the words “Industrial Districts,” in the first sentence, the words “and in the Highway Commercial 1 District,”.
8. Amend Section 6.12, Affordable Housing, by revising the first paragraph to read as follows:  
  
“Any mixed-use building in the Neighborhood Business District (NB) with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. Any building in the Highway Commercial 1 District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. The requirements detailed in paragraphs (a) thru (i) below shall apply to a development that includes affordable units in the Neighborhood Business District. The requirements detailed in paragraphs (a), (c), (d), (e), (f), (g), and (h) below shall apply to a development that includes affordable units in the Highway Commercial 1 District.”
9. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words “Industrial-1 District,” in the first sentence, the words “Highway Commercial 1 District,”.
10. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words “Highway Commercial 1 District,” after the words “Highland Commercial-128,”.
11. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words “Industrial-1 District,” in the first sentence of the second paragraph, the words “Highway Commercial 1 District,”.

A motion to discuss Articles 5 and 6 together and vote on separately was offered by Mr. Adam Block, member, Planning Board. However, because Mr. Block is not a current Town Meeting Member, Jeanne S. McKnight, Chair, Planning Board and Town Meeting Member At Large moved to discuss Articles 5 and 6 together and vote on separately. The motion was presented and carried by unanimous vote.

Mr. Barry S. Pollack (Precinct J) offered the following motion to amend Article 5 by:

1. Deleting the number “25%” in Paragraph 5, specifically in the first sentence of 4.11.1(4) and inserting in its place thereof the number “1.0”, and inserting at the end of the paragraph a new sentence starting: “To encourage mixed-use development, when considering a special permit the Planning Board can give favorable consideration to mixed—use plans that devote a substantial amount of the floor area, beyond that allowed by right, to (i) dwelling units, and (ii) indoor athletic, exercise, fitness, or skating rink uses that can substantially benefit Needham students and support or supplement school programs.”

Mr. Pollack advised that his amendment decreases the Floor Area Ratio, increases the housing component, and increases open space. This would allow space that the YMCA is seeking. He noted that his amendment would increase the setback from 20 feet to 50 feet, reduce the number of stores from 6 to 5 and the FAR from 1.35 to 1.30 which would decrease traffic by 40%. He also asked consideration for a skating rink.

Catherine W. Mertz (Precinct I) offered the first of two motions to amend as follows:

1. Amend Section 6.12. Affordable Housing.... By replacing the fourth sentence:

The requirements detailed in paragraphs (a), (c), (d), (e), (f), (g) and (h) below shall apply to a development that includes affordable units in the Highway Commercial 1 District”

With

“The requirements detailed in paragraphs (a), (d), (e), (f), (g), (h) and (j) below shall apply to a development that includes affordable units in the Highway Commercial 1 District.”

And by adding to Section 6.12 new subsection (j) as follows:

“(j) To create a window of opportunity for households seeking affordable ownership units and to provide rental units affordable for households at a range of incomes, the following provisions shall apply:

- (1) In a homeownership project, the affordable unit(s) must be made available to households with annual gross incomes at or below 80% of the area median income (AMI). These unit must be priced for affordability to households having annual gross incomes of not more than 70% of AMI at the time of marketing. The monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and parking must not exceed 30% of the 70% AMI limit for that unit.
- (2) In a rental project, the affordable units must be made available to households with annual gross incomes at or below 80% of the area median income (AMI), such that the AMI used for establishing rent and income limits for all the affordable units must average no more than 65% of AMI. Alternatively, at least 50% of such units may have income limits at 50% of AMI and the remaining affordable units may have income limits of 80% AMI.
- (3) Affordable rental units are to be priced to be affordable to a household having a gross annual income at the household income limit for that affordable unit. Monthly housing costs, inclusive of rent, utility costs for heat, water, hot water, and electricity, parking, and including access to all amenities that are offered to tenants in the building, must not exceed 30% of the applicable household income limit for the affordable unit. If the utilities are separately metered, they may be paid by the tenant and the maximum allowable rent will be reduced to reflect the tenant's payment of utilities, based on the area's utility allowance for the specific unit size and type, to be secured from the Needham Housing Authority. For a household with a section 8 voucher, the rent and income are to be established by the Needham Housing Authority with the approval of HUD.”

Catherine W. Mertz (Precinct I) offered the second of two motions to amend the main motion under Article 5 Amend Zoning By-Law – Highway Commercial 1 Zoning District by deleting subsection (2) of Section 3.2.7.2 (M) under Paragraph 2, which subsection (2) provides that no more than 240 dwelling units shall be permitted in the Highway Commercial 1 District, and by renumbering the subsequent subsections from (3) and (4) to (2) and (3).

Upon request from Catherine W. Mertz, the Moderator allowed Oscar E. Mertz III, (Precinct I voter) to address these motions to amend. Mr. Mertz advised that these motions to amend address equal justice in Needham's Housing Group. The expansion of affordable housing must be an essential goal. There is a crisis of affordable housing in Greater Boston, and in Needham, and we feel Needham should do its part and provide more quality affordable housing to share the great advantages of our town and move Needham toward greater economic and racial equity. We have witnessed our own housing crisis as teardowns are being replaced by larger homes, leading to rising housing values and a reduction in options for young families to choose Needham and seniors to downsize and stay. We can reverse this trend if we approach the challenge and look for solutions. It is the responsibility of the town's governing bodies to seek opportunities for housing that is affordable and is balanced with other needs of our community. It is also our community's responsibility to begin to make amends for the historic racial exclusion that took place in suburban communities including Needham.

The first amendment proposes to remove the 240 residential unit cap and the second amendment proposes to lower the affordable housing qualifying income threshold from 80% AMI (area median income in the region), to an average of 65% AMI for the required 12.5% of all units developed on the site. The 240-unit cap and the 80% AMI in the current rezoning proposal represent unnecessary restrictions on the quantity of potential affordable housing before a developer can even consider their proposal. Lifting the housing cap increases the likelihood that a future developer will see housing as profitable and thus include it in their proposal - recall that it is not currently required in the rezoning proposal, only allowed by special permit. This offers the added benefit that housing has a much smaller impact on traffic than commercial. Maximizing the likelihood that this space will include housing, by lifting the cap and making it more lucrative to include housing, will also result in a development that has a smaller traffic impact. We believe it is in Needham's and the region's best interest for our town to pursue more housing that is more affordable for more people.

Multi-family housing does mean there is an increase in density but being able to build densely is one way to provide more housing choice at more affordable prices. The town's increasing housing costs are directly connected to the overwhelming proportion of single-family zoning across Needham, and across many other suburban communities. Our single-family housing stock has been part of a decades-long regional trend of skyrocketing housing costs. When smaller single-family homes are replaced with larger homes, this drives the average home price higher at a rate far outpacing the economic capacity of potential buyers. Discussions about affordable and multi-family housing often include concerns about the impact of more school-age children on our schools and the increase in traffic generated by a site's development potential. We agree that the impacts on schools and traffic must be addressed, but the realistic timeframe for a completed development on the Muzi site allows for the town to proactively plan for the impacts and address appropriate mitigation in negotiations with a potential developer so the concerns of the town and citizenry are considered. The amendments we are proposing do not change the fact that developers will still need to present their proposals to the town and address citizens' concerns through careful analysis and compromise. It is not only our responsibility, but in our community's best interest, to undo the historic inequity of suburban single-family zoning. One of Needham's values is being welcoming to all, but our current zoning policy limits us from fulfilling this. By thoughtfully reforming our current zoning and affordable housing policy, we can reverse the trend and find solutions so Needham does not become increasingly less affordable with diminishing economic and racial diversity. We are a desirable community and can become even more accessible if we address the challenges of housing and density as an engaged and welcoming community. This is an opportunity to shift town consciousness to racial equity where it has historically been ignored in mostly white suburbs, and we urge you to focus on this critical issue. Equal Justice in Needham hopes to present you with this incentive to prioritize affordable housing. We believe these two amendments present an opportunity to live up to the higher standard of being a regional trailblazer in making housing affordable and addressing crises of housing and equity and hope you will support these amendments with that wider goal in mind.

The following motion to amend under Article 5 was offered by Stephen Anthony Frail (Precinct G) by:

1. Deleting the sentence “( e) The proposed development should incorporate as many green building standards as practical, give the type of building and proposed use;” from the paragraph under 4.11.3, and inserting in its place the sentence “The proposed development should be built to the most energy efficient building standards (e.g., stretch building codes) approved by the State of Massachusetts at the time the special permit is requested, regardless of whether the Town of Needham has adopted those standards for town-wide use.”

Stephen Frail (Precinct G) rose in support of his amendment to urge the Town of Needham on any future building be done in the most energy efficient manner.

Mr. Paul S. Alpert, member, advised that the Planning Board voted to oppose all motions to amend and to vote in favor of Articles 5 and 6. The Planning Board has worked on this amendment for years. The number of housing units have been reduced from 350 – 400 units to 240 units.

He agreed with Mr. Mertz that affordable housing units should be town wide and would like Messrs. Mertz and Frail to work with the Planning Board.

Ms. Marianne B. Cooley, Vice Chair, Select Board, advised that there is no developer at this time. When we do have a potential developer, we can work with that individual. The Select Board requests Town Meeting approval of Articles 5 and 6.

Ms. Carol A. Fachetti, Chair, advised that the Finance Committee reviewed the motions to amend and all had a common theme. But these amendments have not been studied like the main motions in Articles 5 and 6. The Finance Committee voted not to support the amendments.

Ms. Lois F. Sockol (Precinct I) rose in support of Articles 5 and 6. She noted that she watched the Planning Board vision of this property for the last seven years. The setback was increased from 20 to 50 feet. The building height was reduced. Open Space has grown from 25 to 30 feet. The 240 housing units include some one-bedroom units so older residents can remain in Needham and young kids can return. She believes these articles address the needs of the town.

James S. Bonasia (Precinct J) rose in support of Barry Pollock's motion to amend. Mr. Bonasia expressed concern with the enormous homes being constructed, the reduction of green space and the lack of an athletic center. We can find agreement.

Mr. Irwin Silverstein (Precinct A) expressed concern with the proposed increased housing and school populations. What is the existing capacity and future enrollments? He questioned the town costs to expand school capacity. Jeanne S. McKnight, Chair, Planning Board, advised that a fiscal impact study evaluated the number of children in Needham. With the addition of 275 Second Avenue, they estimated an additional 38 children who would attend Eliot School or 2 – 3 children per grade.

Mr. Nicholas P. Sterling (Precinct A) rose in opposition to Articles 5 and 6. He expressed concern with the existing business on the property and hopes the three businesses and their rights will not be jeopardized. He also expressed concern that the quality of life for the residents and staff at Wingate with increased traffic will not be compromised. He would like the town to be cautious.

Glenn Alan Mulno (Precinct J) advised that traffic has increased due to the add-a-lane on route 95 and is very concerned with traffic. Mr. Mulno supported Mr. Pollack's motion to amend.

Adam J. Block stated that when zoning was first adopted 50 years ago it was very different from today. For example, Wellesley's Boston Sports complex was a special permit.

Jill C. Kahn-Boesel (Precinct I) read a letter from Leigh Doukas who expressed concern and suggested that increased density and traffic will affect the quality of life for residents in this area and urged the town to go slowly and err on the side of caution. She supported Mr. Pollack's motion to amend.

Mr. Maurice “Moe” Handel rose in support of Article 5 and against the amendments. He supports affordable housing and suggested adoption of Articles 5 and 6 and deal with housing separately.

Andrea E. Longo Carter (Precinct C) and member of the School Committee, suggested the School Committee must look at many factors. She urged support of Articles 5 and 6 and opposed the amendments. She also noted that the Town should not overlook revenue. There are three critical school projects to be completed – Emory Grover, Mitchell, and Pollard.

Joan Schockett (voter from Precinct A) suggested Town Meeting either pass the Pollack amendment or refer to further study.

Joseph J. Leghorn (Precinct D) noted that there are issues. The current Zoning By-Law allows warehouses as a matter of right. The Special Permit process allows what can be granted. If Muzi sells next week, a big warehouse can go in. It is best to create zoning in advance. Mr. Leghorn urged passage of articles 5 and 6. This is better than what we have now.

The following Town Meeting Members rose in support of Articles 5 and 6: Rebecca A. Young (Precinct I), Josephine Ochalla (Precinct I), and Joseph S. Matthews (Precincts I).

Doug H. Fox (Precinct F) rose in support of the amendments and against the main articles 5 and 6. Rebecca Waber (Precinct C) rose in support of the two pro-housing amendments. John P. Kirk (Precinct F) rose in favor of affordable housing.

A motion to move the previous question on all matters on the floor was offered by William R. Dermody. The motion was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

Mr. Frail's motion to amend was presented but failed to pass by a majority vote on a voice vote declared by the Moderator.

Ms. Mertz' first motion to amend (income level eligibility) was presented but the Moderator was in doubt. The motion was again presented and failed on a voice vote declared by the Moderator.

Ms. Mertz' second motion to amend (affordable housing cap) was presented but failed to attain a majority vote on a voice vote declared by the Moderator.

Mr. Pollack's motion to amend was presented but failed to attain a majority vote on a voice vote declared by the Moderator.

**ACTION:** The main motion was presented but the Moderator was in doubt and requested a count by hands. The Hand count was Yes 168 - No 37. The motion passed by the required two-thirds vote on a counted (standing) vote. 168 in favor and 37 opposed.

#### **ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO HIGHWAY COMMERCIAL 1**

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

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the

Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

Or take any other action relative thereto.

*Article Information: Article 6 describes the geographical area proposed to be placed in the new Highway*

*Commercial 1 zoning district. The affected area is generally bounded on the north by the Massachusetts Bay Transit Authority (M.B.T.A.) commuter railroad right-of-way, on the east by the Circumferential Highway, known as Route 128/95, on the south by Highland Avenue and on the west by Gould Street. The subject land is currently located in the Industrial-1 zoning district.*

**MOVED:** That the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly,

westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running

S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

**ACTION:** The main motion was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

#### **ARTICLE 7: CITIZEN'S PETITION/AMEND ZONING BY-LAW – MAP CHANGE TO SINGLE RESIDENCE B ZONING DISTRICT**

To see if the Town will vote to amend the Needham Zoning Bylaw by amending the Zoning Map as follows:

Place in the Single Residence B Zoning District (i) all that land now zoned Single Residence A bounded generally to the northwest by a point at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66, to the northeast by the State Circumferential Highway, to the southeast by Kendrick Street, and to the northwest by Hunting Road; said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58; as well as (ii) all that land now zoned Single Residence A bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the southeast by Cheney Street, and to the southwest by Hunting Road, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State

Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

Be any or all of said measurements, more or less.

Or take any other action relative thereto.

*Article Information:* This article describes the geographical area proposed to be placed in the Single Residence B Zoning District. The affected area consists of 23 separate parcels of land, containing, in total, approximately 360,892 square feet of land, located between the Circumferential Highway (Route 128) and Hunting Road, starting at the property known and numbered 176 Hunting Road and continuing to Cheney Street. The affected area is currently located within the Single Residence A zoning district. The Planning Board's recommendation on the article will be made at Town Meeting.

**MOVED:** That if the Town will vote to amend the Needham Zoning Bylaw by amending the Zoning Map as follows:

Place in the Single Residence B Zoning District (i) all that land now zoned Single Residence A bounded generally to the northwest by a point at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66, to the northeast by the State Circumferential Highway, to the southeast by Kendrick Street, and to the northwest by Hunting Road; said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58; as well as (ii) all that land now zoned Single Residence A bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the

southeast by Cheney Street, and to the southwest by Hunting Road, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

Be any or all of said measurements, more or less.

Kim Marie Nicols (Precinct B) noted that she first thought this was a neighborhood issue, but then saw that one of the petitioners is a developer. She questioned whether the Town had restrictions on teardowns and larger houses being constructed in their place.

Daniel P. Matthews, Member, advised that the concern of the Select Board is that it would be by right and should be referred back.

Michael J. Greis (Precinct J) advised that he had the same reaction as Ms. Nicols. Mr. Greis moved to refer the subject matter of the main motion under Article 7 to the Planning Board, Select Board and Finance Committee for further study and report back to Town Meeting at the 2022 Annual Town Meeting or sooner.

Jeffrey D. Heller (Precinct F) rose in opposition to the main motion under Article 7 and the motion to refer. He suggested that the proponents should be forthright.

Artie J. Crocker expressed concern with this article but would support the motion to refer.

Phillip R. Murray (Precinct E) rose in support of Article 7. He advised that there are 23 houses with more restrictions than the neighbors across the street. He noted that Residential B Zoning District requires a 10,000 Square Foot lot. William J. Paulson (Precinct E) advised that an 80-foot street front is required in the Residential B Zoning District. The proponent has the required frontage, but also has an easement.

A motion to move the previous question on the main motion and the motion to refer was offered by Peter Sergey Panov (Precinct J). The motion to move the previous question was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

**ACTION:** The motion to refer was presented but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by voice vote declared by the Moderator.

---

## **ARTICLE 8: OMNIBUS**

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

The moderator announced that no action has been requested under the Omnibus Article.

---

At this time, the Moderator thanked Town Meeting Members for their service and hopes this would be the last Open Air Town Meeting! He also thanks the town services including Department of Public Works, Parks, Maintenance, and the Town Manager for turning on the lights. He acknowledged the huge amount of work required to set up Town Meeting at Memorial Park parking lot. He also thanked State Representative Denise C. Garlick for attending and for the work she does for Needham. The Moderator announced that Sandra Cincotta is retiring and thank her for manning the audio-visual component of our Town Meetings. He wished her success as she embarked on a well-earned retirement.

At 800 P.M. Mr. Matthew D. Borrelli, on behalf of the Select Board moved to dissolve the Annual Town Meeting with the following Resolution:

### **THE FOLLOWING RESOLUTION**

**was offered**

**In memory of Needham residents who have died  
due to COVID-19**

**WHEREAS:** COVID-19 is a contagious disease caused by a new strain of coronavirus that produces a respiratory illness ranging from mild flu-like symptoms to severe pneumonia and multi-organ failure; and

**WHEREAS:** On March 10, 2020 Governor Baker declared a State of Emergency in the Commonwealth of Massachusetts, and on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

**WHEREAS:** The Town of Needham's Emergency Operations Center was activated on March 6, 2020 to respond to the pandemic, to communicate rapidly changing news and information about COVID-19, and to maintain the health and safety of the Needham community; and

**WHEREAS:** The first case of COVID-19 was reported in Needham on March 11, 2020, and there have been 1,740 total reported cases of COVID-19 in Needham; and

**WHEREAS:** Personal Protective Equipment and other critical supports were provided to seniors and vulnerable residents as a joint effort by the Town, first responders and volunteers; and

**WHEREAS:** COVID-19 has taken a toll on communities worldwide, from crowded hospitals and strained medical providers and systems, to job loss, isolation, mental health challenges, and lost classroom time for our children; and

**WHEREAS:** Essential workers and first responders have continued to provide critical services to our community, while sacrificing their own health and safety; and

**WHEREAS:** COVID-19 has had a disproportionate impact on low-income communities and communities of color; and

**WHEREAS:** We are optimistic that many lives will be saved with the distribution of vaccines, the ongoing heroic work of public health professionals, medical providers, and first responders, and the actions being taken by members of the community such as wearing facemasks and social distancing;

**NOW THEREFORE,** be it resolved by this body that the 2021 Annual Town Meeting be dissolved in honor of the 125 individuals in Needham who have died from COVID-19 since the pandemic was declared.

**ACTION:** At 8:04 P.M. on Monday, May 3, 2021, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC  
Town Clerk

A true copy  
ATTEST:

