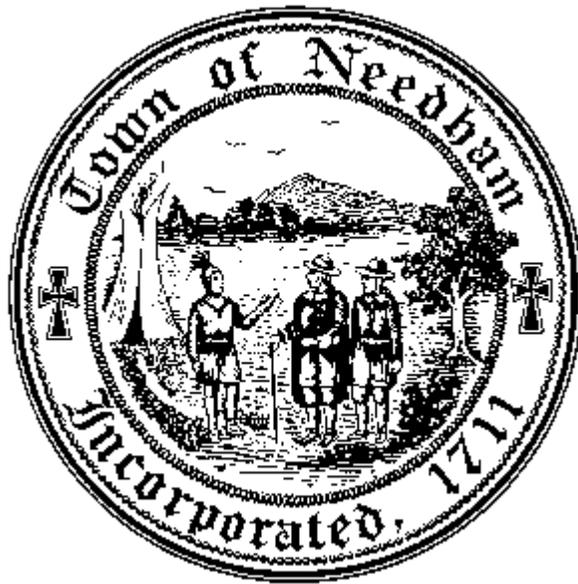


SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, NOVEMBER 2, 2009

7:30 P. M.

NEWMAN ELEMENTARY SCHOOL

CENTRAL AVENUE

NEEDHAM

**November 2, 2009 Special Town Meeting Warrant
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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the Constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Newman Elementary School:

MONDAY, THE SECOND DAY OF NOVEMBER, 2009

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

ARTICLE 1: CITIZENS PETITION: MAP CHANGE TO GENERAL 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 General Residence Zoning District (i) all that land now zoned Single Residence B bounded generally to the south by Central Avenue, to the west by Parcel 12 on Needham Assessor’s Map No. 81, to the north by Parcels 8, 9, and 4 on said Map No. 81, and to the east by Hamilton Place, said land comprising Parcels 5, 6, and 7 on said Map No. 81; as well as (ii) all that land now zoned Single Residence B and Industrial, bounded generally to the north by Central Avenue, to the east by the Charles River, to the south by Parcel 17 on Needham Assessor’s Map No. 80, and to the west by Parcels 17, 9 and 10 on said Map No. 80, said land comprising Parcels 11, 12, 13, 14, and 15 on said Map No. 80.

Said land comprising Parcels 11, 12, 13, 14 and 15 on Town of Needham Assessor’s Map No. 80, and Parcels 5, 6 and 7 on Town of Needham Assessor’s Map No. 81, and being bounded and described as follows:

Parcel 11 – beginning at the point of intersection of the easterly sideline of Central Avenue and the northerly boundary line of Parcel 10 on Town of Needham Assessor’s Map No. 80; thence running northeasterly along the easterly sideline of Central Avenue a distance of approximately 36.07 feet, to the point of intersection with the southerly boundary line of Parcel 12 hereinafter described; thence turning and running southeasterly along the southerly boundary line of said Parcel 12 a distance of approximately 251 feet a point; thence turning and running easterly along the southerly boundary line of said Parcel 12 a distance of 150 feet more or less to the Center Line of the Charles River; thence turning and running southerly along the Center Line of the Charles River, to a point on the southerly boundary of parcel 17; thence turning and running westerly along the northerly boundary line of said Parcel 17 a distance of 192 feet more or less to a point; thence turning and running northeasterly a distance of 125 feet more or less to a point on the easterly boundary line of Parcel 9 on Town of Needham Assessor’s Map No. 80; thence turning and running northerly along the easterly boundary line of said Parcel 9 a distance of 35.35 feet more or less; thence turning and running northwesterly along the northerly boundary line of said Parcel 9, a distance of 29 feet more or less; then continuing northwesterly along the northerly boundary line of the aforementioned Parcel 10, a distance of 82.15 more or less; thence turning and running northerly along the easterly boundary line of said Parcel 10 a distance of 10.54 feet more or less; then turning and running northwesterly along the northerly boundary line of said Parcel 10 a distance of 45.10 feet more or less to the point of beginning.

Parcel 12 – beginning at the point of intersection of the easterly sideline of Central Avenue and the northerly boundary line of Parcel 11 described above; thence running northeasterly along the easterly sideline of Central Avenue a distance of 40.16 feet more or less to the point of intersection with the southerly sideline of

Parcel 13, hereinafter described; thence turning and running southeasterly along the southerly sideline of said Parcel 13 to a point; thence turning and running easterly along the southerly boundary line of said Parcel 13 to the Center Line of the Charles River; thence turning and running southerly along the Center Line of the Charles River, to a point being the northeasterly corner of Parcel 11; thence turning and running westerly along the northerly boundary line of said Parcel 11 a distance of 150 feet more or less to a point; thence turning and running northwesterly a distance of 251 feet more or less to the point of beginning.

Parcel 13 – beginning at the point of intersection of the easterly sideline of Central Avenue and the northerly boundary line of Parcel 12 described above; thence running northeasterly along the easterly sideline of Central Avenue a distance of 80 feet more or less to the point of intersection with the southerly sideline of Parcel 14, hereinafter described; thence turning and running southeasterly along the southerly sideline of said Parcel 14 a distance of 180 feet more or less, to a point; thence turning and running easterly along the southerly boundary line of said Parcel 14 a distance of 88 feet more or less, to the Center Line of the Charles River; thence turning and running southerly along the Center Line of the Charles River, to a point being the northeasterly corner of Parcel 12; thence turning and running westerly along the northerly boundary line of said Parcel 12 to a point; thence turning and running northwesterly along the northerly boundary line of Parcel 12 to the point of beginning.

Parcel 14 – beginning at the point of intersection of the easterly sideline of Central Avenue and the northerly boundary line of Parcel 13 described above; thence running northeasterly along the easterly sideline of Central Avenue a distance of 67.5 feet more or less to the point of intersection with the southerly sideline of Parcel 15, hereinafter described; thence turning and running southeasterly along the southerly sideline of said Parcel 15 a distance of 147 feet more or less, to a point; thence turning and running easterly along the southerly boundary line of said Parcel 15 a distance of 101 feet more or less, to the Center Line of the Charles River; thence turning and running southerly along the Center Line of the Charles River, to a point being the northeasterly corner of Parcel 13; thence turning and running westerly along the northerly boundary line of said Parcel 13 a distance of 88 feet more or less, to a point; thence turning and running northwesterly along the northerly boundary line of Parcel 13 distance of 180 feet more or less, to the point of beginning.

Parcel 15 – beginning at the point of intersection of the easterly sideline of Central Avenue and the northerly boundary line of Parcel 14 described above; thence running northeasterly and easterly along the easterly sideline of Central Avenue along a curved line, a distance of 165 feet more or less to the Center Line of the Charles River; thence turning and running southerly along the Charles River, to a point being the northeasterly corner of Parcel 14; thence turning and running westerly along the northerly boundary line of said Parcel 14 a distance of 101 feet more or less, to a point; thence turning and running northwesterly along the northerly boundary line of Parcel 14 distance of 147 feet more or less, to the point of beginning.

Parcel 5 – beginning at the point of intersection of the westerly sideline of Central Avenue and Hamilton Place; thence turning and running southerly along the westerly sideline of Central Avenue a distance of 11 feet more or less to the northeasterly corner of Parcel 6; thence turning and running westerly along the northerly boundary line of Parcel 6 on Town of Needham Assessor's Map No. 81 a distance of 118 feet more or less, to a point on the easterly boundary of Parcel 4; thence turning and running northerly along the easterly boundary line of Parcel 4 on Town of Needham Assessor's Map No. 81, a distance of 96.60 feet more or less to the southerly sideline of Hamilton Place; thence turning and running easterly along the southerly sideline of Hamilton Place a distance of 88 feet more or less; thence turning and running along a curved line at the intersection of the southerly sideline of Hamilton Place and the westerly sideline of Central Avenue, a distance of 28.72 feet more or less, to the point of beginning.

Parcel 6 – beginning at the point of intersection of the westerly sideline of Central Avenue and Parcel 5 described above; thence turning and running southerly along the westerly sideline of Central Avenue, a distance of 111.75 feet more or less to the northerly boundary line of Parcel 7 on Town of Needham Assessor's Map No. 81, hereinafter described; thence turning and running westerly along the northerly boundary line of said Parcel 7 and also Parcel 8 on Town of Needham Assessor's Map No. 81, a distance of

140.60 feet more or less to a point; thence turning and running northerly along the easterly boundary lines of Parcels 8, 9 and 4 on Town of Needham Assessor's Map No. 81, a distance of 123 feet more or less to a point; thence turning and running easterly along the southerly boundary line of said Parcels 4 and 5, a distance of 162.8 more or less to the point of beginning.

Parcel 7 – beginning at the point of intersection of the westerly sideline of Central Avenue and Parcel 6 described above; thence turning and running southerly along the westerly sideline of Central Avenue a distance of 71 feet more or less to the northerly boundary line of Parcel 12 on Town of Needham Assessor's Map No. 81; thence turning and running westerly along the northerly boundary line of said Parcel 12 a distance of 72.39 feet more or less; thence turning and running northerly along the easterly boundary line of said Parcel 12, a distance of 71 feet more or less to the southerly boundary line of Parcel 6 described above; thence turning and running easterly along the southerly boundary line of said Parcel 6 a distance of 100 feet more or less to the point of beginning.

Be any of said measurements, more or less.

Or take any other action relative thereto.

INSERTED BY: Ronald Tocci, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The petitioners seek to rezone eight parcels from Single Residence B to General Residence. Three of the parcels are currently occupied by two-family residences, one by a commercial building, one by a mixed commercial and residential building, and the rest by single family residential dwellings. The properties include 33-37 Hamilton Place, 16 Central Avenue, 17 Central Avenue, 22-24 Central Avenue, 28-30 Central Avenue, 34 Central Avenue, and 36 Central Avenue. More information on the parcels and a map of the subject area are available on the Town's website at www.needhamma.gov under the Government/Town Meeting page.

**ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT –
NEEDHAM BUILDING CUSTODIAN AND TRADESMAN INDEPENDENT
ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Building Custodian and Tradesman Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2009; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Needham Building Custodian and Tradesman Independent Association have agreed to a contract for fiscal year 2009 which includes a 2.5% base wage increase. The Association has agreed to the conversion of the Town's group health insurance program to a higher deductible and higher co-payment plan known as "Rate Saver" for new hires. Town Meeting funding approval is required to ratify this contract.

**ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT –
NEEDHAM BUILDING CUSTODIAN AND TRADESMAN INDEPENDENT
ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Building Custodian and Tradesman Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2010; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Association have not reached an agreement for fiscal year 2010. If agreement is reached prior to Town Meeting, information on contract provisions and cost will be available at the Town's website www.needhamma.gov under Government/Town Meeting.

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – FIRE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Fire Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2010; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Fire Union have not reached an agreement for fiscal year 2010. If agreement is reached prior to Town Meeting, information on contract provisions and cost will be available at the Town's website www.needhamma.gov under Government/Town Meeting.

ARTICLE 5: AUTHORIZE EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to convey to the Massachusetts Water Resources Authority an easement to construct, install and maintain utilities for the supply of water at the St. Mary's Street waterworks; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Massachusetts Water Resources Authority (MWRA) has requested that the Town provide the agency with an easement to maintain the water pipes and controls connecting the MWRA's existing water distribution system to the Town's water distribution system. The MWRA provides water to the Town to supplement the Town's water supply. The easement is located on Town property at the St. Mary's Street pumping station.

**ARTICLE 6: HOME RULE PETITION –
 TAKING FOR BRIDGE REPAIR**

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

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO TAKE BY EMINENT DOMAIN EASEMENTS IN LAND OWNED BY THE COMMONWEALTH OF MASSACHUSETTS ADJACENT TO SOUTH STREET AND THE CHARLES RIVER FOR THE PURPOSE OF INSTALLING UTILITIES AND TO CHANGE THE USE OF THE LAND FROM OPEN SPACE TO UTILITY USE UNDER ARTICLE OF AMENDMENT XLIX.

Section 1. The Town of Needham, acting by its Board of Selectmen may take easements in land owned by the Department of Conservation and Recreation located adjacent to South Street and the Charles River in Needham for the purposes of accommodating Mass Highway Department's reconstruction of the bridge over the Charles River that connects South Street in the Town of Needham to Willow Street in the Town of Dover and for installing utilities to accommodate the reconstruction of the bridge.

Section 2. There shall be no damages paid to the Department of Conservation and Recreation for such takings.

Section 3. Under the provisions of Article of Amendment XLIX of the Constitution of the Commonwealth of Massachusetts, the Town of Needham is authorized to change the use of the land in which it takes easements from the Department of Recreation and Conservation adjacent to South Street and the Charles River in the Town of Needham from open space to highway purposes and utility purposes and may grant easements to utility companies and cable companies to install equipment necessary for them to provide their services.

Section 4. This act shall take affect upon its passage.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Massachusetts Highway Department (MassHighway) is in the process of replacing the South Street/Willow Street Bridge over the Charles River between Needham and Dover. In order for the work to proceed, the Town is required to obtain a drain and utility easement within the state Department of Conservation and Recreation property adjacent to the bridge in order to allow MassHighway to relocate a storm drain pipe and utility pole. The legal process requires that the Town seek permission from the State Legislature under MGL Chapter 97 to take the easement, and to reassign the use of the property within the easement for a different public purpose than what was originally intended.

**ARTICLE 7: ACCEPTANCE OF G.L. CHAPTER 64L SECTION 2(a) –
 LOCAL OPTION MEALS TAX**

To see if the Town will vote to accept G.L. c. 64L Section 2(a) to impose a local meals excise.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: Acceptance of Mass. General Law chapter 64L Section 2(a) would authorize the Town to levy an excise of .75% on the sale of restaurant meals. This local option statute was enacted by the legislature during the fiscal year 2010 budget process. If adopted, the increase in the meals excise would be effective on January 1, 2010. Estimated revenue during the remaining six months of fiscal year 2010 would be approximately \$113,000 based on preliminary State Department of Revenue data. Additional information on the meals excise is available at the Town's website at www.needhamma.gov under Government/Town Meeting.

**ARTICLE 8: ACCEPTANCE OF G.L. CHAPTER 64G SECTION 3A –
ROOM OCCUPANCY EXCISE**

To see if the Town will vote to amend its local room occupancy excise under G.L. c. 64G, Section 3A to the rate of six percent.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Acceptance of Mass. General Law chapter 64G Section 3A would authorize the Town to amend its local room occupancy excise by 2% to a maximum of 6%. This local option statute was enacted by the legislature during the fiscal year 2010 budget process. If adopted, the increase in the room occupancy excise would be effective on January 1, 2010. Estimated revenue during the remaining six months of fiscal year 2010 would be approximately \$51,000. Additional information on the room occupancy excise is available at the Town's website at www.needhamma.gov under Government/Town Meeting.

**ARTICLE 9: APPROPRIATE FOR REMOVAL AND REMEDIATION OF NEWMAN
SCHOOL OIL TANK**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the removal and associated remediation of the oil tank at the Newman Elementary School, to be spent under the direction of the Town Manager, and to meet this appropriation that \$125,000 be transferred from Article 2 of the May 12, 2008 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This request would allow the Town to remove a failed oil tank at the Newman Elementary School during the summer of 2010 to ensure that the work is completed prior to the start of the proposed construction project. The oil tank was discovered to be leaking last spring and has been deactivated. The School is currently relying on temporary oil storage tanks to supply fuel for the heating system. The funding source is an amount originally intended for repair work in an electrical room at the School – this work is now incorporated into the proposed renovation project.

ARTICLE 10: APPROPRIATE FOR CPA - PURCHASE OF LAND (LOT 1)

To see if the Town will vote to authorize the Board of Selectmen to acquire a parcel of land described as Assessors Map 217, Lot 11 consisting of 154,507 sq. ft. (known as "Lot 1") for open space purposes under

the Community Preservation Act, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$445,000 under M.G.L., Chapter 44B as it may hereafter be amended; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: An option to purchase this open space parcel (approximately 3 1/2 acres) is available to the Town under the provisions of Mass. General Law c. 61A. Under this program, agricultural land that has received favorable tax treatment must be offered to the Town prior to sale. The Board of Selectmen recommends that the Town purchase this parcel by bonding from Community Preservation Act open space revenue. This acquisition would add to the Town's holdings between Great Plain Avenue and Central Avenue, which constitute the community's largest contiguous area of Town-owned open space land. The Selectmen believe that this property, and the adjacent parcel recommended for purchase under Article 11, are good values in and of themselves, and may prove to be more so in the event that additional open space to the southwest becomes available in the future. This property would also increase the buffer between the former landfill site and the abutting neighborhood, and would facilitate trail improvements and use of an existing public easement across the property. Additional information is available on the Town's website at www.needhamma.gov under Government/Town Meeting.

ARTICLE 11: APPROPRIATE FOR CPA - PURCHASE OF LAND (LOT 2)

To see if the Town will vote to authorize the Board of Selectmen to acquire a parcel of land described as Assessors Map 217, Lot 12 consisting of approximately 52,625 sq. ft. (known as "Lot 2") for open space purposes under the Community Preservation Act, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$475,000 under M.G.L., Chapter 44B as it may hereafter be amended; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: As with the subject matter of Article 10, an option to purchase this open space parcel (approximately 1.2 acres) is available to the Town under the provisions of Mass. General Law c. 61A. Under this program, agricultural land that has received favorable tax treatment must be offered to the Town prior to sale. The Board of Selectmen recommends that the Town purchase this parcel by bonding from Community Preservation Act open space revenue. This acquisition would add to the Town's holdings between Great Plain Avenue and Central Avenue, which constitute the community's largest contiguous area of Town-owned open space land. The Selectmen believe that this property, and the adjacent parcel recommended for purchase under Article 10, are good values in and of themselves, and may prove to be more so in the event that additional open space to the southwest becomes available in the future. This property would also increase the buffer between the former landfill site and the abutting neighborhood. Additional information on this parcel is available at the Town's website at www.needhamma.gov under Government/Town Meeting.

ARTICLE 12: APPROPRIATE FOR PURCHASE OF REAL PROPERTY

To see if the Town will vote to raise and/or appropriate a sum to acquire by purchase, eminent domain or otherwise a parcel of land and buildings for the purpose of housing a senior center; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Selectmen is authorized to acquire such land and buildings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: In November 2008, the Board of Selectmen voted to create a Senior Center Exploratory Committee to make recommendations as to the appropriate location, size and design, projected costs, and other matters related to the construction of a new senior center. Upon the recommendation of the Committee, the Board of Selectmen authorized the issuance of a Request for Proposals for the purchase of a facility of approximately 18,000 to 20,000 sq. ft. within one and one-half miles of Needham Center, to include kitchen facilities, a large hall or multi-purpose room, and space for classrooms and offices. The facility must have a minimum of 50 parking spaces on site or on an adjacent municipal lot. Proposals for the sale of such a facility are due prior to the start of Town Meeting. More information will be provided to Town Meeting Members as it becomes available at the Town's website at www.needhamma.gov under Government/Town Meeting.

ARTICLE 13: APPROPRIATE FOR FEASIBILITY FUNDING

To see if the Town will vote to raise and/or transfer and appropriate \$100,000 for a feasibility study of certain facilities and/or parcels proposed to be used for the creation of a new facility for the Senior Center, said sum to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation, that \$50,909 be transferred from line 10 of the fiscal year 2010 operating budget, that \$391 be transferred from Article 36 of the 2005 Annual Town Meeting, that \$10,000 be transferred from Article 39 of the 2005 Annual Town Meeting, that \$7,900 be transferred from Article 66 of the 2006 Annual Town Meeting, that \$14,400 be transferred from Article 46 of the 2006 Annual Town Meeting, that \$2,200 be transferred from the Article 38 of the 2007 Annual Town Meeting, that \$2,500 be transferred from Article 33 of the 2006 Annual Town Meeting, and that \$11,700 be transferred from Article 32 of the 2008 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Senior Center Exploratory Committee has progressed to a point in its evaluation of potential sites where funding for professional level analysis and recommendation is required. The SCEC has recommended that the Town appropriate \$100,000 for this purpose.

ARTICLE 14: APPROPRIATE FOR FACILITY REPAIRS / NEWMAN SCHOOL

To see if the Town will vote to raise and/or appropriate the sum of \$26,962,128 for architectural design, engineering, constructing, remodeling, reconstructing and making extraordinary repairs to the Newman School located at 1155 Central Avenue and shown as Lot 21 on the Needham Assessor's Map, numbered 216; which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the Town Manager/Public Building Committee; that to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty percent (40%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA;

provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59 Section 21C (Proposition 2 ½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Massachusetts School Building Authority (MSBA) has approved partial funding for the Newman School Repair Project, contingent upon Town Meeting appropriation and a successful debt exclusion override vote on December 8, 2009. If approved, the MSBA will reimburse the Town for up to 40% of eligible costs, or \$8,598,927, thereby reducing the amount the Town must borrow for the project to \$18,813,201. This article requests Town Meeting approval of \$26,962,128 of the total project budget of \$27,412,128, contingent upon voter approval of the debt exclusion ballot question in December. This request for authorization differs from that which will be presented to the voters because \$450,000 of the total amount was previously appropriated at the May 11, 2009 Special Town Meeting.

The authorization requested through this article would cover architectural design, engineering, constructing, remodeling, reconstructing and extraordinary repairs to the Newman School, consistent with the approved project scope. The project scope includes repairs/replacement/upgrades to the heating/ventilation system and related components, roofing and building repairs, code upgrades, other electrical/technology infrastructure upgrades, interior finishes and renovations (including reconfiguration of the nursing/guidance/administration suite), kitchen upgrades, auditorium light and sound upgrades, modular classrooms and related site work, and relocation of students to temporary space. This project budget is in addition to the \$650,000 appropriated in May 2008 to install a temporary heating/ventilation system at the school and to conduct a feasibility study of long-term repair options. Additional information on this project is available at the Town's website at www.needhamma.gov under Government/Town Meeting.

ARTICLE 15: AMEND THE 2010 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2010 Operating Budget adopted under Article 28 of the May 2009 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
6	Debt Service	\$9,886,980	\$9,943,937
17A	Planning Department Salary and Wages	\$ 204,227	\$ 202,727
17B	Planning Department Expenses	\$ 16,260	\$ 17,760

and to meet this appropriation that \$56,957 be transferred from Debt Exclusion Offsets; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This request (Line 6) would allow the Town to appropriate \$56,957 in debt exclusion offset credits provided by the lender at the June, 2009 bond sale which occurred after the appropriation of the FY2010 debt service budget. Changes to Lines 17A and B provide for the Town to hire a student intern in the Planning Department, not by means of direct salary and wages, as originally intended, but through a university cooperative program, in which the Town reimburses the university as an expense payment.

ARTICLE 16: AMEND COMMUNITY PRESERVATION FUND RESERVES

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2010 Community Preservation Fund Reserve Appropriations adopted under Article 43 of the May 2009 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

	<u>Changing From:</u>	<u>Changing To:</u>
C. Community Preservation Fund Annual Reserve	\$ 83,880	\$278,391
D. Community Housing Reserve	\$182,000	\$186,200
E. Historic Resources Reserve	\$ 0	\$ 4,200
F. Open Space Reserve	\$182,000	\$186,200

And to meet these appropriations that \$207,111 be raised from FY2010 CPA receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town received a larger than projected Community Preservation Fund match from the Commonwealth in the amount of \$207,111. This request would allocate the statutorily required allocations to Community Housing, Historic Resources, and Open Space, and the balance to the Community Preservation Fund Annual Reserve.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

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

Given under our hands at Needham aforesaid this 22nd day of September 2009.

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

Selectmen of Needham

A TRUE COPY
Attest:
Constable:

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

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

ATTN: SPECIAL TOWN MEETING WARRANT