

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 30, 2023

7:30 P.M.

JAMES HUGH POWERS HALL

NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Additional information on Warrant articles will be made available at www.needhamma.gov/townmeeting during the weeks leading up to the Special Town Meeting.

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 the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE THIRTIETH DAY OF OCTOBER 2023

At 7:30 in the afternoon, then and there to act upon the following articles:

FINANCE ARTICLES

**ARTICLE 1: APPROPRIATE FOR ROADWAY IMPROVEMENTS
(EVERSOURCE)**

To see if the Town will vote to raise and/or transfer and appropriate \$205,000 for roadway improvements, 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.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town entered into an agreement with Eversource that resulted in Eversource making natural gas main repairs and capacity improvements on Webster Street between West Street and Parkinson Street. Eversource completed the work outside the Town’s normal street opening permit period of April to November, and in return, Eversource provided funding to the Town to repave the road. This agreement enabled Eversource to accomplish their goal of repairing the natural gas main and increasing capacity for service improvements while completing the work in a shorter period to limit disruption to the Town. Eversource and the Town mutually agreed that it would be advantageous for the Town to oversee the repaving work using its contractors and staff. These funds are considered general fund receipts – as a result, Town Meeting action is required to ensure that they will be used for their intended purpose. The amount of \$205,000 was calculated by Eversource based on a full gutter to gutter road pavement, and DPW staff has validated that these funds will be sufficient to cover the Town’s costs.

**ARTICLE 2: APPROPRIATE FOR YOUTH HEALTH INITIATIVES
(CHILDREN’S HOSPITAL COMMUNITY BENEFIT PAYMENT)**

To see if the Town will vote to raise and/or transfer and appropriate \$400,000 for youth health initiatives, to be spent under the direction of the Town Manager, and to meet this appropriation that \$200,000 be raised from the Tax Levy and \$200,000 be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Under the terms of a Host Community Agreement, the Town will receive payments from Children’s Hospital in lieu of personal property tax payments for their outpatient surgical center, which is slated to open in December 2025. These funds must be spent on youth health initiatives. The payment schedule includes (i) \$200,000 following the issuance of a building permit, (ii) \$200,000 when construction is 50% complete, and (iii) \$200,000 annually starting the fiscal year after the facility receives an occupancy permit.

The COVID-19 pandemic led to a significant increase in the community’s mental health needs, including depression, anxiety, and suicidal ideation. Despite the lifting of pandemic restrictions, the need for mental health services and the severity of that need, particularly among youth, has continued to grow. This article requests appropriation of \$400,000 (revenue from payment (i) and payment (ii) above that will be received this fiscal year) to support two new full-time staff positions within the Town’s Youth & Family Services Division to better meet this need. An Outreach Clinician would split time between the Needham Free Public Library, Needham Park & Recreation, and other community locations to identify and address mental health challenges in the community and provide case management, referrals, and crisis intervention. A Community Training Coordinator will expand the offering of mental health programs - such as Youth Mental Health First Aid - to the community and to Town and Needham Public Schools staff. It is anticipated that this appropriation will be expended over two years.

**ARTICLE 3: APPROPRIATE FOR INTERSECTION IMPROVEMENTS
(CHILDREN’S HOSPITAL)**

To see if the Town will vote to raise and/or transfer and appropriate \$30,000 for improvements to the intersection of Kendrick Street at Third Avenue, 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.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Planning Board issued a Major Site Plan Special Permit to Boston Children’s Hospital for its development of 380 First Avenue. A condition contained in the permit requires a payment of \$30,000 for the purposes of traffic mitigation at Kendrick Street and Third

Avenue. The Department of Public Works identified a traffic issue between this intersection and the 128/195 ramp that will be remedied using these funds. The two dedicated left turn only lanes onto the 195 southbound ramp will be converted to one dedicated left turn and one straight or left turn. This plan is intended to ease back-ups for through traffic and mitigate increased traffic volume related to the construction of the new medical center. DPW staff will coordinate with the Massachusetts Department of Transportation and plan to restripe the roadway and intersection in the Spring of 2024.

ARTICLE 4: APPROPRIATE FOR COMMUNITY OPIOID SETTLEMENT FUND PLANNING

To see if the Town will vote to raise and/or transfer and appropriate \$145,000 for the development of a Community Opioid Settlement Fund Plan, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Opioid Settlement Stabilization Fund; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This funding request will allow for the use of \$145,000 from the Opioid Settlement Stabilization Fund to be utilized for its legally required purpose of preventing substance misuse, implementing harm reduction programs, and supporting the treatment and recovery of persons who misuse substances, particularly opioids. The Town's efforts will be led by the Health & Human Services Department, and will reflect close collaboration with other Town departments, Needham Public Schools, and community partners. Funding will be allocated to: 1) conduct a detailed and inclusive public engagement process for the use of opioid funds, which will afford significant input from the community and from impacted groups (persons in recovery, family of substance addicted persons, etc.) and which will result in a roadmap to guide the use of these funds over the next 15 years, 2) turn that roadmap into a coherent five-year strategic plan, 3) conduct thoughtful and deliberate program evaluation and to measure the effectiveness of the Town's efforts with these funds, and 4) address certain priority items for opioid fund use including the co-location of opioid overdose reversal kits with AEDs in Town buildings and hiring a Peer Recovery Coach to directly support individuals in their recovery from substance use disorders. The balance in the fund prior to appropriation is \$217,288.

ARTICLE 5: AMEND THE FY2024 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2024 Operating Budget adopted under Article 12 of the 2023 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>
14A	Finance Department Salary & Wages	\$2,398,879	\$2,101,164
14B	Finance Department Expenses	\$1,355,040	\$1,594,151
23A	Public Works Salary & Wages	\$10,915,518	\$10,974,122

or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: There are two transfers requested under this article. The first is to transfer \$58,604 of salary & wages from the Finance Department to the Public Works Department. The purpose of this transfer is to reflect the transfer of the Town's Geographic Information Systems (GIS) operations from the Finance Department Information Technology Center (ITC) to the Public Works Engineering Division. The Town has found that there is greater collaboration and efficiency by having the GIS staff person co-located with engineering staff. The amount of the transfer reflects the wages to be paid for the balance of the current fiscal year. The GIS operational costs (personnel and expenses) will be budgeted in the Public Works Department going forward. The second is to transfer \$239,111 of salary & wages to expenses within the Finance Department. There are two vacancies in the Finance Department ITC division which require the assistance of outside contractors. The cost of those services exceeds the amount that was originally budgeted for technology support and consulting services. The Town is collaborating with the Needham School Department to determine whether the delivery of technology services can or should be changed, to review the mix of internal/external support services, and to determine what synergies could be realized by shared Town and School operations. Any recommended changes to the operation will be reflected in the fiscal year 2025 budget requests.

ARTICLE 6: AMEND THE FY2024 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2024 Sewer Enterprise Fund Budget adopted under Article 13 of the 2023 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>
201D	MWRA Assessment	\$7,197,220	\$7,084,841

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town received its final MWRA sewer assessment after the adoption of the Sewer Enterprise Fund budget. The final assessment is \$112,379 lower than the estimate, and the appropriation has been adjusted accordingly.

ARTICLE 7: AMEND THE FY2024 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2024 Water Enterprise Fund Budget adopted under Article 14 of the 2023 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>
301D	MWRA Assessment	\$1,886,141	\$1,887,130

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town received its final MWRA water assessment after the adoption of the Water Enterprise Fund budget. The final assessment is \$989 higher than the estimate, and the appropriation has been adjusted accordingly.

ARTICLE 8: UNPAID BILLS OF A PRIOR YEAR

To see if the Town will vote to raise and/or transfer and appropriate, or otherwise provide \$3,820.01 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Department:	Finance Department (ITC)
Vendor:	KonicaMinolta Business Solutions U.S.A., Inc.
Description:	Copier and Printer Maintenance Services
Fiscal Year:	2021
Amount:	\$413.74; \$427.51; \$427.50; \$413.69; \$399.96; \$427.51; \$427.51; \$413.69; \$41.35; \$427.55
Total:	\$3,820.01

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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 bills were for services rendered during the time that COVID-19 restrictions were in place. The company was long delayed in billing the Town and conversely the Town needed to investigate the validity of the bills.

CAPITAL ARTICLES

ARTICLE 9: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$96,200 for the purchase of vehicles, to be spent under the direction of the Town Manager, and to meet this appropriation, that \$59,980 be transferred from Article 32 of the May 2018 Annual Town Meeting, \$21,225 be transferred from Article 37 of the May 2019 Annual Town Meeting, and \$14,995 be transferred from Article 21 of the June 8, 2020 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town seeks the transfer of \$96,200 from available funds from prior appropriations for supplemental funding for General Fund fleet replacement. Due to many factors (availability, equipment changes, and price structure), the cost to purchase several vehicles has increased and is higher than what was originally budgeted. This additional funding is necessary to purchase the planned vehicles. The increased cost of vehicles has affected not only the General Fund, but also the Sewer and Water Enterprise Funds. Funding requests for the two enterprise funds are requested in separate warrant articles. The funding under this article will allow for the purchase of a Utility Van (Unit 712) for the Building Maintenance Division (\$7,399), the Swap Loader Packer Truck replacement (Unit 5) for the Solid Waste Division (\$69,117), and the balance (\$19,684) would be available to cover increased costs for vehicles approved at the 2023 Annual Town Meeting.

ARTICLE 10: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$55,000 for the purchase of vehicles, 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.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Just as with General Fund Cash Capital, the Town requires additional funding (\$55,000) to complete the purchase of two Sewer Enterprise Fund vehicles. The funding source for this article is sewer enterprise fund receipts. Due to many factors (availability, equipment changes, and price structure) the cost to purchase two vehicles has increased and is higher than what was originally budgeted. The appropriation under this article will provide the funds for the Town to purchase the Unit 11 Sewer Division Pickup Truck replacement (\$4,883) and Unit 19 Sewer Division Heavy-duty Class 8 Dump Truck replacement (\$50,117).

ARTICLE 11: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$41,100 for the purchase of vehicles, to be spent under the direction of the Town Manager, and to meet this appropriation that \$41,100 be transferred from Article 39 of the May 2018 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town seeks the transfer of \$41,100 from available funds from a prior appropriation for supplemental funding to purchase Water Enterprise Fund vehicles. The reasons are the same as for the requests for the General Fund and Sewer Enterprise Fund cash capital supplemental funding. The cost to purchase equipment has increased and is higher than what was originally budgeted. The appropriation under this article will provide funds for the Town to complete the purchase of Unit 40 Water Division Utility Truck replacement (\$30,081) and the purchase of Unit 21 Water Division Pickup Truck replacement (\$11,019).

ARTICLE 12: TRANSFER OF SURPLUS BOND PROCEEDS

To see if the Town will vote to authorize the transfer of \$286,000 of surplus proceeds from previously issued bonds, which are no longer needed to complete the Central Avenue Elementary School (Sunita Williams School) for which they were initially borrowed, to pay costs of the Emery Grover project as authorized by G.L. c. 44, §20; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Sunita Williams School project is complete, the project was audited, final bonds were previously issued, and the Massachusetts School Building Authority's share of the project cost has been received. This has resulted in a surplus balance which per State Law may only be used to fund another project for which the Town may borrow for a similar term. This requires Town Meeting action. The Sunita Williams School project was funded by a debt exclusion. Therefore, upon the approval of Town Meeting to transfer the monies from the Sunita

Williams School project to the Emery Grover project, a credit will be applied to the outstanding debt, reducing the amount that will be paid by debt exclusion and therefore reducing the amount of additional taxes that would have otherwise been raised on the tax rate. The following article is a companion article to rescind \$286,000 from an earlier debt authorization for the Emery Grover project.

ARTICLE 13: RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind \$286,000 of the borrowing authorization under M.G.L., Chapter 44, Section 7, approved at the 2022 Annual Town Meeting under Article 21 (Emery Grover Renovation), for which the same amount will be appropriated from proceeds of previously issued bonds, or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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. However, in this instance the project is currently in progress and construction work is underway. The purpose of this reduction is to offset the \$286,000 which is proposed to be appropriated to the Emery Grover project under an earlier article. Town Meeting by appropriating the funds in the previous article and rescinding a portion of the debt authorization under this article keeps the total project budget the same.

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE 14: AMEND GENERAL BY-LAWS – NON-CRIMINAL DISPOSITIONS

To see if the Town will vote to amend the General By-laws by:

1. Deleting the following language from Section 2.2.5.1.1:

Whoever violates the provisions of this subsection 2.2.5.2.1 shall be subject to a fine of not exceeding twenty dollars (\$20.00) for each offense under the non-criminal process authorized by MGL Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

2. Deleting the following language from Section 2.2.5.1.4:

Whoever violates the provisions of Sub-section 2.2.5.1.4 shall be subject to a fine not exceeding one hundred dollars (\$100.00) each day being a separate offense.

3. Deleting the following language from Section 2.5.2:

Any person who violates any provision of Sub-section 2.5.2 in the presence of a police officer may be arrested by such officer without a warrant, if such person refuses to give his true name and address or to remove any substance unlawfully discarded by such person after having been requested by such officer. Any person who violates any provision of Sub-section 2.5.2 shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense.

4. Deleting Section 2.5.3 (Sale of Cigarettes by Machine) in its entirety.
5. Deleting Section 2.11.5.9 in its entirety, and inserting in its place the following:

In the event of a demolition of an historically significant building in violation of this by-law, the person or persons responsible for the demolition including, but not limited to, the owners, tenants, developers, or contractors, shall each be subject to daily fines as provided for in Section 8. Each day that the building is not restored to its condition immediately prior to the said demolition, and the demolition permit is not issued, shall be a separate offense, up to a maximum of 183 days.

6. Deleting Section 3.1.1 (Grazing of Animals) in its entirety.
7. Deleting existing Section 3.1.3 (Coasting in Streets) in its entirety.
8. Deleting existing Section 3.1.4 (Use of Sidewalks) in its entirety and inserting in its place the following:

3.1.4 Use of Sidewalks. The Select Board may prohibit the use of motorized recreational vehicles or devices over or upon any public footpath or sidewalk.

9. Deleting existing Section 3.1.5 (Bicycles on Sidewalks) and inserting in its place the following:

3.1.5 Bicycles on Sidewalks. The Select Board may prohibit the riding of bicycles on any sidewalk within the Needham Square and Needham Heights Square business districts, and may from time to time direct the Police Chief to place appropriate markings or signs to this effect.

10. Deleting existing Section 3.1.8.1 in its entirety and inserting in its place the following:

3.1.8.1 No person shall place any snow or ice on a sidewalk or street.

11. Deleting existing Section 3.1.8.2 in its entirety and inserting in its place the following:

3.1.8.2 No owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership

or clientele, shall allow snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, the entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.

12. Deleting existing Section 3.1.14 (Bow and Arrow) and inserting in its place the following:

3.1.14 Bow and Arrows. No person shall hunt with or shoot an arrow from a bow within the limits of any park, playground, public way, public building or other public property except with the consent of the Select Board, or hunt by bow and arrow on any private property except with the written consent of the property's owner or legal representative.

13. Deleting existing Section 3.1.15 (Fines) in its entirety.

14. Renumbering the sections within Section 3.1 in appropriate numerical order to account for the deletion of Section 3.1.1 (Grazing of Animals) and Section 3.1.3 (Coasting in Streets)

15. Deleting Section 3.2.4 (Fines) in its entirety and renumbering the remaining section in Section 3.2 in appropriate numerical order to account for said deletion.

16. Deleting Section 3.3.4 in its entirety and inserting in its place the following:

3.3.4 Penalties

(a) Non-criminal disposition as provided in Section 8.

(b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the non-criminal disposition provided in Section 8, may be ordered by the Select Board after a public hearing, to disconnect and otherwise discontinue the use of such system.

17. Deleting Section 3.4.4 in its entirety.

18. Deleting Section 3.5.7 in its entirety and inserting in its place the following:

3.5.7 Penalties. Any person violating any of the provisions of Section 3.5 shall be deemed to have committed a misdemeanor and upon conviction thereof shall be fined in accordance with Section 8.

19. Amending the last sentence in Section 3.6.1.1 to read as follows:

Any person who refuses to post such signs or mark the pavement as ordered by the Fire Chief or violates any of the provisions of sub-section 3.6.1 shall be punishable by a fine as provided for in Section 8.

20. Deleting Section 3.6.2.4 in its entirety and inserting in its place the following:

3.6.2.4 Penalties

- (a) Non-criminal disposition as provided in Section 8.
- (b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to the non-criminal disposition provided in Section 8, may be ordered by the Select Board, after a public hearing, to disconnect and otherwise discontinue the use of the system.

21. Deleting Section 3.7.3 in its entirety and inserting in its place the following:

3.7.3 Complaints. The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of Section 3.7 and may impose penalties as provided for in Section 8.

22. Deleting Section 3.7.9.3 in its entirety.

23. Deleting the following language from Section 3.8.1;

The penalty for a violation of this regulation shall be a \$50 fine.

24. Deleting Section 3.9.5 in its entirety, and inserting in its place the following:

Any Town employee(s) so designated for this work (“enforcement officer”) by the Town Manager shall enforce this By-law. The first notice of violation issued by the enforcement officer shall be a written warning. The owner/occupant shall then have thirty (30) days within which to remedy and cure the violation. If within a reasonable amount of time after these thirty (30) days have elapsed, the violation has yet to be remedied, subsequent notices of violation may be accompanied by fines as provided in Section 8.

25. Amending the last sentence of Section 3.9.6 to read as follows:

From the date that such hearing request is received by the Town Manager until the date that a decision is issued, all of the deadlines stated in Section 3.9 shall be temporarily stayed.

26. Deleting Section 4.1.4 in its entirety and inserting in its place the following;

In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to fines as stated in Section 8.

27. Deleting the following language from Section 4.2.2:

Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars (\$20) for each offense.

28. Deleting Section 4.2.4 (Taxi Stands) in its entirety.

29. Deleting Section 5.6.1 in its entirety and renumbering the remaining sections within Section 5.6 in appropriate numerical order to account for said deletion.

30. Deleting Section 8.2.2 in its entirety, and inserting in its place the following:

8.2.2 Non-criminal Disposition. Any person violating any provision of these General By-Laws may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following specific penalties are to be included within the scope of this sub-section, that the specific penalties as listed herein shall apply in such cases, and that in addition to the municipal personnel listed for each section, if any, police officers shall in all cases be considered enforcing persons for the purpose of this provision; and each day on which any violation exists shall be deemed to be a separate offense unless otherwise specifically provided for herein. Notwithstanding the schedule of fines set forth below, the appropriate enforcing entity may issue a verbal or written warning in lieu of an initial penalty.

Section	Description	Penalty	Frequency	Enforcement Entity
2.2.5.1.1	Assignment of Street Numbers	\$100	Per Day	Fire Chief or designee / Building Commissioner or Designee
2.2.5.1.4	Street Occupancy Permit	\$100	Per Day	DPW Director or Designee
2.2.5.1.6	Street Intersections	\$100	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals
2.2.5.4	Trench Safety	\$300	Per Offense	DPW Director or Designee
2.2.5.5	Municipal Water Supply	\$100	Per Offense	DPW Director or Designee
2.2.5.6	Private Ways	\$100	Per Offense	Fire Chief or Designee
2.5.1	Transportation of Refuse and Garbage	\$100	Per Offense	Director of Health of Health and Human Services or Designee
2.5.2	Disposal of Refuse and Garbage	\$100	Per Offense	Director of Health of Health and Human Services or Designee
2.11.5	Demolition of Historical Buildings	\$300	Per Day	Building Commissioner or Designee
3.1.2* <i>(to be renumbered as 3.1.1)</i>	Obstruction of Sidewalks	\$100	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.4* <i>(to be renumbered as 3.1.2)</i>	Use of Sidewalks	\$100	Per Offense	Any Sworn Police Officer
3.1.5* <i>(to be renumbered as 3.1.3)</i>	Bicycles on Sidewalks	\$100	Per Offense	Any Sworn Police Officer
3.1.6* <i>(to be renumbered as 3.1.4)</i>	Discharge of Firearms	\$300	Per Offense	Any Sworn Police Officer
3.1.7*	Dealing in Second-Hand Merchandise	\$100	Per Day	Any Sworn Police Officer

<i>(to be renumbered as 3.1.5)</i>				
3.1.8* <i>(to be renumbered as 3.1.6)</i>	Snow and Ice on Sidewalks	\$200	Per Day	Any Sworn Police Officer / DPW Director or Designee
3.1.9* <i>(to be renumbered as 3.1.7)</i>	Consumption of Alcoholic Beverages	\$100	Per Offense	Any Sworn Police Officer
3.1.10* <i>(to be renumbered as 3.1.8)</i>	Use of Marijuana	\$100	Per Offense	Any Sworn Police Officer
3.1.11* <i>(to be renumbered 3.1.9)</i>	Licensed Hawkers and Peddlers	\$100	Per Offense	Any Sworn Police Officer
3.1.12* <i>(to be renumbered 3.1.10)</i>	Household Refuse	\$100	Per Offense	Any Sworn Police Officer
3.1.13* <i>(to be renumbered as 3.1.11)</i>	Discharge of Water	\$200	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.14* <i>(to be renumbered as 3.1.12)</i>	Bow and Arrows	\$300	Per Offense	Any Sworn Police Officer
3.2	Sale of Food	\$100	Per Day and Per Sale	Any Sworn Police Officer
3.3	Improper Use of Burglar Alarms	\$100	Per Offense	Any Sworn Police Officer
3.4.	Handicapped Parking	\$200	Per Offense	Any Sworn Police Officer
3.5	Abandoned, Wrecked, Dismantled or Discarded Vehicles	\$100	Upon misdemeanor conviction	Any Sworn Police Officer
3.6.1	Fire Lanes, and Vehicles Obstructing the Passage of Fire Apparatus	\$100	Per Offense	Any Sworn Police Officer
3.6.2	Improper Use of Fire Alarms	\$100	Per Offense (in excess of 3 per year)	Any Sworn Police Officer

3.7.1	Use of Leashes	\$100	Per Offense	Any Sworn Police Officer
3.7.2	Disturbing the Peace	\$100	Per Offense	Any Sworn Police Officer
3.7.4	Restraint of Dogs	\$300	Per Offense	Any Sworn Police Officer
3.7.5	Uncontrollable Dogs	\$300	Per Offense	Any Sworn Police Officer
3.7.6.	Restricted Areas	\$100	Per Offense	Any Sworn Police Officer
3.7.7	Removal of Pet Waste	\$100	Per Offense	Any Sworn Police Officer
3.7.8	Off-Leash Areas	\$100	Per Offense	Any Sworn Police Officer
3.7.9	Vaccination Requirement	\$100	Per Offense	Any Sworn Police Officer
3.8	Noise Regulation	\$100	Per Offense	Building Commissioner or Designee
3.9	Public Nuisance Regulation	\$100	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee
4.1.4	Failure to License	\$100	Per Offense	Any Sworn Police Officer
4.2	Public Carriages and Taxis	\$100	Per Offense	Any Sworn Police Officer
4.3	Fees, Registration Applicable to Flammables	\$300	Per Offense	Fire Chief or Designee
5	Sign By-Law	\$100	Per Offense	Building Commissioner or Designee
6	General Wetlands Protection	\$300	Per Offense	Conservation Agent
7	Stormwater	\$300	Per Day, after 15 days	DPW Director or Designee
	Violation of the Board of Health Regulations	\$300	Per Offense	Director of Health of Health and Human Services or Designee

	Violation of Zoning By-Laws	\$100 – 1 st Offense \$300 – each subsequent	Per Day	Building Commissioner
	Violation of Regulations for For-Profit Transient Vendors/Businesses: Hawkers & Peddlers; Door-to-Door Solicitations	\$100	Per Offense	Any Sworn Police Officer
NOTE: Enforcement entity may choose to issue a verbal or written warning to a violator before assessing a penalty.				

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article seeks to address administrative issues resulting from the serial nature of Town General By-Law (GBL) updates, specifically related to non-criminal dispositions, their penalties, and intended enforcement entities. As currently adopted, the GBL contains several inconsistencies, primarily: mismatches between individual by-law text and the penalty summary section of the GBL; by-laws with no clearly defined penalties; by-laws with conflicting enforcement entities; by-laws with no stated enforcement entities; outdated language; and combinations of the above. To address these inconsistencies, and to prevent the likelihood of similar issues occurring following any future amendment, this article seeks to amend the GBL by removing references to penalties and enforcement entities from the text of individual by-laws. All penalties and enforcement entities are proposed to be placed in a revised summary section, that will take the form of a table. The wide array of fines has been consolidated into three tiers: \$100 fine for violations that are general inconveniences (predominantly used as a deterrent), \$200 for violations that carry some risk of harm, and \$300 for violations that may cause lasting or irreparable harm. The maximum non-criminal fine allowed under State law is \$300.

ARTICLE 15: AMEND GENERAL BY-LAWS/SPECIALIZED ENERGY CODE

To see if the Town will vote to adopt the Municipal Opt-in Specialized Stretch Energy Code (the “Specialized Energy Code”) for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, and to amend its General By-Laws by deleting Section 3.11 (Stretch Energy Code) in its entirety, and inserting in its place the text set forth below, provided that said adoption of the Specialized Energy Code and this amendment of the General By-Laws shall be effective as of July 1, 2024.

Section 3.11 SPECIALIZED ENERGY CODE

3.11.1 Definitions

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

Stretch Energy Code - Codified by the combination of 225 CMR 22 and 23, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

3.11.2 Purpose The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

3.11.3 Applicability The Specialized Energy Code applies to residential and commercial buildings.

3.11.4 Specialized Energy Code The Specialized Energy Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into this section.

3.11.5 Enforcement The Specialized Energy Code is enforceable by the Building Commissioner.

3.11.6 Effective Date This Section 3.11 shall be effective as of July 1, 2024.

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article not be Adopted

Article Information: This article would adopt the Massachusetts Specialized Energy Code as a Town by-law. Needham adopted the Stretch Energy Code in 2019, which established more efficient energy standards for buildings. This proposed by-law adds a new opt-in Specialized Energy Code that was created to ensure new construction meets State greenhouse gas limits and climate goals for 2025 – 2050.

The Specialized Energy Code applies only to new construction. Adopting the Specialized Code would increase energy efficiency, reduce heating loads, and advance electrification of new buildings compared to the Stretch Code. Use of fossil fuels, such as gas, propane and biomass, is permitted under the Specialized Code but comes with requirements for on-site solar generation and pre-wiring for future electrification of any equipment that uses fossil fuels. The Stretch Energy Code will continue to apply to existing buildings and those currently under construction.

New requirements under the Specialized Energy Code include: (1) new low-rise residential buildings (up to 3 stories) that use fossil fuels must be pre-wired to transition to all electric in the future and install solar panels (at least 4kW for a home <4,000 square feet and enough kW to achieve net zero for homes >4,000 square feet), (2) new multi-family buildings with 4+ stories and over 12,000 square feet must achieve Passivehouse certification (this is a design approach that focuses on the building envelope and mechanical systems to reduce energy demand), and (3) new commercial buildings that use fossil fuels must be pre-wired to transition to all electric in the future and install solar panels based on the size of the building. Under the Specialized Code, the solar requirement does not apply to any building that is all electric or achieves Passivehouse certification. For new low-rise residential and commercial buildings that are all electric, the requirements under the Stretch Code and the Specialized Code are the same.

Buildings account for about 64% of Needham's greenhouse gas emissions, with residential buildings contributing 37% and commercial buildings contributing 27% of total emissions. Achieving Net Zero emissions by 2050 will require efficiency upgrades and electrification of heating in buildings. Adoption of the Specialized Energy Code will ensure that new construction will reduce overall emissions and will contribute to the Town's efforts to address climate change locally. Across Massachusetts, 280 municipalities have adopted the Stretch Energy Code and 20 municipalities have adopted the Specialized Energy Code including Concord, Acton, Aquinnah, Arlington, Boston, Brookline, Cambridge, Concord, Lexington, Lincoln, Maynard, Newton, Northampton, Sherborn, Somerville, Stow, Truro, Watertown, Wellesley, Wellfleet, and Worcester.

The Specialized Code, if adopted, will apply to new municipal buildings. This is consistent with the preference of the Massachusetts School Building Authority, which provides additional reimbursement for projects complying with the Specialized Code. For other municipal buildings, complying with the Specialized Code for new construction is consistent with the vote of Town Meeting in October 2021, declaring a climate emergency and directing the Town to reduce its greenhouse gas emissions.

This article must be adopted as-is, without applying amendments or conditions. Passage of this article would approve all future editions and modifications of the Specialized Energy Code automatically, as updated by the Massachusetts Department of Energy Resources. If adopted, the Specialized Code would go into effect July 1, 2024.

ARTICLE 16: FOSTER PROPERTY OPEN SPACE ZONING NON-BINDING RESOLUTION

To see if the Town will vote to support the concept of amending the Zoning By-Laws to allow for clustered development of a portion of the parcel located at 484 Charles River Street, containing 58.28 acres +/- as shown on Assessors Map 304, Block 0002, as approximately 70 townhome housing units, of which at least 5% would be affordable, provided that such zoning shall be consistent with the proposal to preserve (i) approximately half of 484 Charles River Street, (ii) 0 Charles River Street (as shown on Assessors Map 304, Block 0004), and (iii) 0 Charles River Street (Assessors Map 304, Block 005) collectively containing 34 acres +/- in Town ownership, and for which Town Meeting appropriated \$2.5 million at the October 2022 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article not be Adopted

Article Information: The Select Board is asking for the opinion of Town Meeting to determine whether to work with the Planning Board to propose a zoning amendment at a future Town Meeting that would allow for the implementation of the proposed development at Castle Farm (Foster Property) on Charles River Street.

The October 24, 2022, Special Town Meeting authorized the purchase of approximately 34 acres of this land to increase community access to the Charles River for \$2.5 million, and to provide walking trails and recreational opportunities for generations to come. The Town continues to work in collaboration with Northland Residential, who proposes to build a 70-unit cluster of townhouses on approximately 14 acres of the site. Four units (5%) were proposed to be affordable. A key component of this land use plan is to cluster all residential development of Castle Farm within this limited footprint, to maintain an additional 14 acres of buffer around the residential construction for the benefit of neighbors and views from the scenic road, and to preserve the remaining 34 acres untouched by development or construction.

Before presenting the project to Town Meeting in October 2022, both the Town and Northland received confirmation from the Department of Housing and Community Development (now the Executive Office of Housing and Livable Communities, HLC) that a Local Initiative Program (LIP, or “friendly 40B”) application with 5% of the units being affordable would be eligible for approval. HLC also indicated that there is no law or regulation that specifically requires a LIP project to contain 25% affordability; that threshold is HLC practice only. Therefore, the expectation at the time was that this project could proceed by way of a comprehensive permit, without local zoning in place to authorize the type of cluster/open space development under discussion. This past spring, however, HLC informed the Town that it will not issue a project eligibility letter for a LIP comprehensive permit project containing fewer than 25% of the units as affordable.

The negotiated purchase price for the Foster Property, and the parties’ respective contributions toward that purchase price, were premised on Northland’s ability to permit a 70-unit residential

development, with 5% of those units being sold as affordable. Northland has stated that a project containing 25% affordability, which increases the number of affordable units from 4 to 18, without a corresponding reduction in the purchase price or a significant increase in the number of market rate units, renders the project economically infeasible.

The Select Board is committed to this project at Town Meeting's direction and recognizes that the Town is at a crossroads with respect to the future use and development of Castle Farm. One option to achieve the goal of implementing the proposed use of Castle Farm is to adopt new zoning that allows for cluster development with open space, rather than pursue the project through a LIP. The Select Board has included this article on the Special Town Meeting warrant to get direction on this question directly from Town Meeting. This article will also provide the sellers with a measure of the Town's continued interest in the project, given that Town Meeting would not consider an actual zoning amendment until May 2024, and the sellers will otherwise lack any indication as to whether this proposed future use of the property is a possibility before then.

A yes vote on this article means that the Select Board will ask the Planning Board to take up zoning to allow for clustered residential development and open space preservation of this parcel using the typical zoning process. A no vote means that the Select Board will not continue to pursue a zoning option to allow for the use described above, and development options will remain limited to the underlying single family zoning permitting the construction of approximately 25 single family homes.

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 into our hands at Needham aforesaid this 26th day of September 2023.

Marianne B. Cooley, Chair
Kevin Keane, Vice Chair
Heidi Frail, Clerk
Marcus A. Nelson, Member
Catherine Dowd, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable: