

**RECORD OF SPECIAL TOWN MEETING
Monday, October 2, 2017**

Pursuant to a Warrant issued by the Selectmen August 15, 2017 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Monday, October 2, 2017, at 7:30 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 206 voters, including 203 Town Meeting Members, were checked on the list as being present and 48 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Boy Scout Troup 10 members John Wheeler, Senior Patrol Leader, Alex Boni, Aidan Boni, and Matthew Duthaler presented the colors. Town Meeting Members were requested to rise and join the Boy Scouts of America, Needham Troop 10, in honoring our country by saluting the flag and reciting the Pledge of Allegiance. Special thanks given to Town Meeting Member Peter Atallah, Troup 10 volunteer, for arranging the Scouts' presentation tonight.

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 stated that Town Meeting Members may only sit in the first eleven rows as indicated by the Marshall, Steven Jacques, and as signified by the pylons. He further noted that there are two microphones which must be used for comments from the floor. Tonight these microphones are being provided to you by Noah Ramos and Lily Pendergast.

The Moderator announced the following ground rules and these were adopted unanimously:

1. Please rise to be recognized and address the Moderator as Chair. When a member is recognized by the Chair, please state 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, shout "Mr. Moderator" or raise your hand high to inform the Chair so that appropriate accommodation may be made.
2. Anyone entering or exiting the Hall while we are in session must use care not to disrupt the session, in particular, must not allow the doors to slam.
3. No eating, drinking or smoking is permitted in the hall.
4. No firearms or weapons are permitted in the hall, except by law enforcement personnel.
5. No hats may be worn in the hall other than by uniformed personnel or for religious or medical reasons.
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 judgment of the

Moderator, exceeds the bonds of civility. Please remember that we are ONE community and ONE Town Meeting Family with one common goal: the best interests of our town.

7. All commentary, remarks and inquiries must be addressed to the Moderator as Chair.

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, Mr. Tobin, 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, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

Special Note on zoning articles, Articles 8-9. 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 our Annual Town Meeting, if you contemplate making an amendment to one of these zoning articles, I request that you confer with the Planning Board in advance and address questions or if necessary, work out with them in advance the wording and content of any amendments.

10. Short motions to amend and procedural motions need not be in writing.

11. Parliamentary motions known 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 our Annual Town Meeting, inappropriate conduct involving the T.V. coverage or cameras shall be dealt with swiftly by the chair and will be deemed to be out of order and addressed swiftly and definitively by the chair.

15. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate:

Committee Chairpersons, Proponents of Articles including Citizen Petitioners, Attorneys representing proponents: **(15 Minutes inclusive per article)**

Town Meeting Members, non-Town Meeting Members, visitors other than attorneys: **(5 Minutes all-inclusive per article)**

Rules 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 2, Amendments to the Fiscal Year 2017 Operating Budget, as well as Articles 3, 4 and 5 amendments to the Enterprise Fund Budgets consolidated General Fund Cash capital article. That rule would provide that a motion to amend under this article which adds funds to a particular line item will not be in order unless the movant

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.

Announcements

The Moderator announced that we are conducting a non-binding, informational survey of Town Meeting Members on the subject of start time for our sessions. Please complete the survey and deposit them in the receptacles provided by the Town Clerk. The results will be tallied by the Town Clerk and shared with the Moderator, the Board of Selectmen and Town Meeting Members. Because it is important that we obtain the views of Town Meeting Members and not others, we ask that you identify yourself in the space provided so the Town Clerk may verify the participants. Thank you.

The Needham Historical Society is hosting a “Walk through Needham History”: on Sunday, October 8, 2017 from 11 AM – 3 PM.

The Moderator welcomed our State Representative Denise C. Garlick to our Special Town Meeting.

The Moderator advised that there were no changes in affirmative motions or motions to withdraw.

The Moderator announced that Articles 9 and 11 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. 1. No Town

Meeting Members responded with “question” or “debate” to Articles 1, 3, 4, 5, 6, 12, 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 so 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 – DPW/NIPEA

To see if the Town will vote the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employees Association, Local 1116, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2018; or take any other action relative thereto.

Article Information: The Town and the Needham Independent Public Employees Association, Local 1116 have agreed to a one year contract extension for fiscal year 2018. As a result of changes in the plan offerings by the West Suburban Health Group – of which Needham is a member – the Town will be negotiating with all employee groups over the coming year relative to its group insurance program. The one year contract extension for this unit brings all units current for fiscal year 2018 as we begin those discussions. If this article is approved, funding would be transferred from the classification, performance and settlements line item for the General Fund employees.

MOVED: That the Town vote the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employees Association, Local 1116, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2018.

ACTION: So voted by Unanimous Consent.

ARTICLE 3: AMEND THE FY2018 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 RTS Enterprise Fund adopted under Article 16 of the 2017 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>
101A	Salary & Wages	\$782,833	\$796,656

and to meet this appropriation that the additional amount be raised from RTS Enterprise Fund receipts; or take any other action relative thereto.

Article Information: This article is to amend the FY2018 RTS Enterprise Fund Budget. The Town and the Needham Independent Public Employees Association have reached an agreement for a one year contract extension as presented under Article 1. If approved, this budget amendment will provide the additional funding (\$13,823) necessary to pay the cost of the Agreement for FY2018. There are eight members of the Union assigned to RTS operations.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2018 RTS Enterprise Fund adopted under Article 16 of the 2017 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>
101A	Salary & Wages	\$782,833	\$796,656

and to meet this appropriation that the additional amount be raised from RTS Enterprise Fund receipts.

ACTION: So voted by Unanimous Consent.

ARTICLE 4: AMEND THE FY2018 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Sewer Enterprise Fund adopted under Article 17 of the 2017 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>
201A	Salary & Wages	\$938,603	\$958,976
201D	MWRA Assessment	\$5,918,642	\$5,889,796

or take any other action relative thereto.

Article Information: This article is to amend the FY2018 Sewer Enterprise Fund Budget. The Town and the Needham Independent Public Employees Association have reached an agreement for a one year contract extension as presented under Article 1. If approved, this budget amendment will provide the additional funding (\$20,373) necessary to pay the cost of the Agreement for FY2018. There are 11 members of the Union assigned to Sewer operations. The article also seeks to lower the MWRA Assessment appropriation by \$28,846. At the time the Sewer Enterprise Fund budget was approved, the sewer assessment was based on the preliminary figures released by the MWRA. The Town has received its actual assessment for FY2018 which was less than the budgeted amount. The net effect of the requested changes is a decrease of \$8,473 (-0.09%) to the Enterprise Budget.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2018 Sewer Enterprise Fund adopted under Article 17 of the 2017 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>
201A	Salary & Wages	\$938,603	\$958,976
201D	MWRA Assessment	\$5,918,642	\$5,889,796

ACTION: So voted by Unanimous Consent.

ARTICLE 5: AMEND THE FY2018 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Water Enterprise Fund adopted under Article 18 of the 2017 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>
301A	Salary & Wages	\$1,226,141	\$1,248,413
301D	MWRA Assessment	\$1,114,185	\$1,109,794

and to meet this appropriation that the additional amount be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

Article Information: This article is to amend the FY2018 Water Enterprise Fund Budget. The Town and the Needham Independent Public Employees Association have reached an agreement for a one year contract extension as presented under Article 1. If approved, this budget amendment will provide the additional funding (\$22,272) necessary to pay the cost of the Agreement for FY2018. There are 12 members of the Union assigned to Water operations. The article also seeks to lower the MWRA Assessment appropriation by \$4,391. At the time the Water Enterprise Fund budget was approved, the water assessment was based on the preliminary figures released by the MWRA. The Town has received its actual assessment for FY2018 which was less than the budgeted amount. The net effect of the requested changes is an increase of \$17,881(0.32%) to the Enterprise Budget.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2018 Water Enterprise Fund adopted under Article 18 of the 2017 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>
301A	Salary & Wages	\$1,226,141	\$1,248,413
301D	MWRA Assessment	\$1,114,185	\$1,109,794

and to meet this appropriation that the additional amount be raised from Water Enterprise Fund receipts

ACTION: So voted by Unanimous Consent.

ARTICLE 6: 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>
High School Cafeteria Construction	Nov 2015 STM	11	\$2,100,000	\$225,000
Sewer Pump Station Reservoir B	Nov 2011 STM	15	\$6,300,000	\$170,000
Total			\$8,400,000	\$395,000

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, and/or favorable bids.

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>
High School Cafeteria Construction	Nov 2015 STM	11	\$2,100,000	\$225,000
Sewer Pump Station Reservoir B	Nov 2011 STM	15	\$6,300,000	\$170,000
Total			\$8,400,000	\$395,000

ACTION: So voted by Unanimous Consent.

ARTICLE 12: EXTINGUISH SEWER AND DRAIN EASEMENT/BROOKSIDE ROAD

To see if the town will vote to authorize the Board of Selectmen to extinguish a sewer and drain easement from Clarke Circle to Brookside Road, more fully described in an order of taking number 1958-1, dated April 8, 1958 and recorded at the Norfolk County Registry of Deeds in Registration Book 233, Page 17; or take any other action relative thereto.

Article Information: In 1958, the Town established a sewer easement along the property line of 103 Brookside Road. In 1992, the Town established a new sewer easement but did not formally dissolve the original 1958 easement. Town Meeting action is required to extinguish the 1958 easement that is no longer needed by the Town.

MOVED: That the Town vote to authorize the Board of Selectmen to extinguish a sewer and drain easement from Clarke Circle to Brookside Road, more fully described in an order of taking number 1958-1, dated April 8, 1958 and recorded at the Norfolk County Registry of Deeds in Registration Book 233, Page 17.

ACTION: So voted by Unanimous Consent.

ARTICLE 13: ACCEPT GRANT OF ACCESS EASEMENT/CARTWRIGHT ROAD

To see if the Town will vote to authorize the Selectmen to accept a grant of access easement by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham as shown on a plan entitled "Definitive Subdivision Plan, 260 and 267 Cartwright Road, a 2 Lot Single Family Residential Subdivision, Needham, Massachusetts" on file with the Planning Board; or take any other action relative thereto.

Article Information: As a condition of approval of the Cartwright Road Subdivision, the Planning Board required that the Developer grant the Town a grant of access easement. The access easement allows for passage by foot or vehicle over the private way, consistent with the manner in which streets are customarily used in the Town of Needham. Town Meeting approval of such easements is required in order for them to be effective.

MOVED: That the Town vote to authorize the Selectmen to accept a grant of access easement by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham as shown on a plan entitled “Definitive Subdivision Plan, 260 and 267 Cartwright Road, a 2 Lot Single Family Residential Subdivision, Needham, Massachusetts” on file with the Planning Board.

ACTION: So voted by Unanimous Consent.

ARTICLE 14: EXTINGUISH A PORTION OF DRAIN EASEMENT/NICHOLS ROAD

To see if the Town will vote to authorize the Board of Selectmen to extinguish a portion of a 1937 Drain Easement at 56 Nichols Road from Nichols Road to the rear property line of 56 Nichols Road, more fully described in a Grant of Easement recorded at the Norfolk County Registry of Deeds in Book 2144 Page 459; or take any other action relative thereto.

Article Information: The property owner of 56 Nichols Road received permission from the Board of Selectmen to encroach on the existing drain easement in order to reconstruct a new home. In consideration of this approval, the property owner relocated the drain line, and the old line was abandoned and removed as part of the construction. Town Meeting action is required to extinguish the original drain easement that is no longer needed by the Town.

MOVED: That the Town vote to authorize the Board of Selectmen to extinguish a portion of a 1937 Drain Easement at 56 Nichols Road from Nichols Road to the rear property line of 56 Nichols Road, more fully described in a Grant of Easement recorded at the Norfolk County Registry of Deeds in Book 2144 Page 459.

ACTION: So voted by Unanimous Consent.

At this time the Moderator proceeded with the remaining articles.

ARTICLE 2: AMEND THE FY2018 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Operating Budget adopted under Article 15 of the 2017 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>
<u>3</u>	<u>Group Insurance, Employee Benefits, Assessments & Administrative Costs</u>	<u>\$13,949,197</u>	<u>14,429,197</u>
<u>9</u>	<u>Reserve Fund</u>	<u>\$1,862,600</u>	<u>\$1,812,600</u>
<u>22B</u>	<u>Public Facilities Expenses</u>	<u>\$2,696,730</u>	<u>\$2,746,730</u>

Article Information: This article seeks to amend the Town’s operating budget for fiscal year 2018. The \$480,000 increase to the Group Health Insurance, Employee Benefits & Administrative Costs budget line is to cover increased health insurance costs. This funding increase was expected at the time the fiscal year 2018 budget was presented to Town Meeting this past May. At that time, there were several variables identified that could impact the fiscal year 2018 health insurance budget, including premium increases, additional head count in the School and Town departments, plan selection by employees, and actual enrollment. Given the number of variables, it was agreed that the final budget amount would be recommended at the fall Special Town Meeting. The increase is proposed to be funded by an increase in recurring revenue.

The \$50,000 increase to the Public Facilities expense budget line is to provide funding for an outside consultant to review the Town’s maintenance program for its public buildings. This request comes at the request of the Town Manager and the Finance Committee to have an outside assessment of the Town’s practices and assumptions in planning and maintaining its capital investment to help ensure that the expected life cycles are met, and that best practices are employed to meet the demands. The study is expected to be completed prior to the end of the fiscal year. The reduction to the Reserve Fund would be the funding source for this appropriation.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2018 Operating Budget adopted under Article 15 of the 2017 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>
<u>3</u>	<u>Group Insurance, Employee Benefits, Assessments & Administrative Costs</u>	<u>\$13,949,197</u>	<u>14,429,197</u>
<u>9</u>	<u>Reserve Fund</u>	<u>\$1,862,600</u>	<u>\$1,812,600</u>
<u>22B</u>	<u>Public Facilities Expenses</u>	<u>\$2,696,730</u>	<u>\$2,746,730</u>

and to meet this appropriation that the additional amount be raised from the tax levy.

Mr. Richard M. Reilly, Chairman, addressed this proposal on behalf of the Finance Committee. He stated that the Finance Committee unanimously supports this article and recommends adoption. Ms. Marianne B. Cooley, Chairman, unanimously recommended adoption on behalf of the Board of Selectmen.

In response to an inquiry from Mr. John D. Crimmings, Mr. Reilly advised that the increased cost for Group Insurance, Employee Benefits, Assessments & Administrative Costs are the responsibility of the Town and not the employees.

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

Articles 3, 4, 5, and 6 were previously adopted by unanimous consent earlier this evening.

ARTICLE 7: AUTHORIZATION FOR ACQUISITION OF REAL PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to purchase on behalf of the Town the real property known as 43 Lincoln Street (Assessors Map 47, Lot 46); or take any other action relative thereto.

Article Information: The Town has been seeking to acquire the property at 43 Lincoln Street for several years. The acquisition, if approved, ensures the Town's ownership of the entire block bordered by School Street, Chestnut Street, Lincoln Street, and the Chestnut/Lincoln Parking Lot. Over the past seven years, the Town has acquired five parcels in the block in order to increase and improve municipal parking, and to allow for the expansion and reconstruction of the Public Safety Building. The acquisition will both improve the design of the project and also obviate the need to eliminate parking currently dedicated for public use. The property consists of approximately .26 acres. No appropriation is required for the acquisition – the Board of Selectmen negotiated a mitigation agreement with the developer of the Second Avenue Residences to support enhancements to public safety facilities.

MOVED: That the Town vote to authorize the Board of Selectmen to purchase on behalf of the Town the real property known as 43 Lincoln Street (Assessors Map 47, Lot 46).

Mr. Matthew D. Borrelli, Selectmen, addressed this proposal on behalf of the Board of Selectmen. He explained that this is the fifth parcel to be purchased by the Town for added space and parking for the public safety building to be reconstructed. The asking price for this parcel is \$1,495,000. The appraisal came in at \$1,125,000. The previous purchases were comparable and the town had to pay a premium. Mr. Borrelli advised that the Board of Selectmen unanimous seeks support on this vote.

Mr. John P. Connelly, Member, addressed this proposal on behalf of the Finance Committee. Mr. Connelly advised that the Finance Committee voted unanimous not to vote for Article 7.

The Finance Committee looked at this potential property purchase on two levels: First, is this purchase a necessity for the Public Safety Building Project? Second, is the proposed purchase price of \$1.5 million a reasonable use of the Town's resources? The answers we arrived at to both of these questions were in the negative.

As for necessity, while we agree with the Selectmen that 43 Lincoln Street is a nice parcel for the Town to own, in our view it is not a necessary parcel.

All of the planning that has been done for the Public Safety Building Project has been done not including 43 Lincoln Street. The project can be built without this 1/4 acre of property. All expansion of the buildings can be done without the parcel, almost doubling the size of the existing Police and Fire Stations, with increased parking for both buildings. And the proponents of Article 7 themselves agree with this.

As for reasonableness, the Finance Committee does not believe that \$1.5 million is a reasonable price to pay for a 1/4 acre parcel of property on Lincoln Street. As you know, Lincoln Street is not a major road such as Great Plain Avenue, Chestnut Street or Highland Avenue.

43 Lincoln Street is a small lot; 1/4 acre; with insufficient frontage. The assessed value of the property is \$525,800. By purchasing the property for \$1.5 million, the Town would be paying a premium of 185% over the assessed value of the property.

We were provided with two appraisals for the property. The first appraisal was for \$750,000, providing that the best use of the property based on all its size restrictions would be as a tear down replaced with a 2 unit condominium. Based on this appraisal of \$750,000, the Town would be paying a premium of 100% if we were to purchase the property for \$1.5 million.

Then, just last week, we were provided with a second appraisal, this appraisal was for \$1.125 million, providing that a special permit could be obtained to build three condominium units on this small 1/4 acre parcel with less than the required frontage to build a single family home. We did not consider this second appraisal to be reliable. It provided no examples of where a special permit was issued so as to build 3 condominium units on such a small lot. Further, it provided no details as to what these 3 condominium units might look like (Studio? One bedroom? Two bedroom? etc.). In our view, for such a significant use of the Town's resources, a reliable appraisal must be provided supporting the purchase price. The second appraisal is not reliable. It lacks the required supporting information, and it is too speculative relying as it does on a special permit being granted.

You will be hearing further about the Public Safety Building Project in Article 10 coming up. You will hear that the total estimated cost of the project, including a new and expanded Fire Station and Police Station and Fire Station 2, along with temporary spaces required during construction, will total over \$65 million. That will be the largest single capital project performed by the Town, and it will require the largest debt exclusion override in the Town's history, scheduled to take place next year in November, 2018. The funds that Article 7 propose to be used for the purchase of the parcel at 43 Lincoln Street can be used for the project, in particular Fire Station 2. We can apply the \$1.15 million to reduce the cost down from \$65 million to \$63.5 million; or, we can add the \$1.5 million to increase the cost of the project, which would now be \$66.5 million instead of \$65 million. In our

view, the fiscally prudent decision is to decrease the total cost of the project, and not to increase it.

In conclusion, the Finance Committee does not believe that the proposed purchase of 43 Lincoln Street for \$1.5 million is a prudent use of the Town's funds, and so we recommend that Article 7 not be adopted by this Town Meeting.

In response to an inquiry from Mr. Mark A. Oberle, Mr. Connelly advised that the parcels on Lincoln Street are all about the same size.

In response to an inquiry from Mr. William A. Zoppo, Mr. Borrelli concurred that the Town would have to dip into additional funds for this purchase. Mr. Borrelli explained to Mr. Aaron M. Pressman that the town will lose 33 parking spaces if this land is not purchased.

Mr. Paul A. Siegenthaler noted that it is hard to hear about loss of parking when we just lost some spaced with the new downtown design.

Mr. Jeffrey D. Heller rose in support of this proposal. He suggested that Town Meeting may regret years later if we don't purchase this property.

A motion to amend was offered by Mr. David C. Harris to refer the subject matter of Article 7 back to the Board of Selectmen for further study.

In response to an inquiry from Mr. John L. Gallo, Mr. Borrelli indicated that the town does not have a right of refusal but does have a signed purchase and sale agreement.

Mrs. Ann Der Marderosian rose in support of the motion to refer and requested that the town look into taking the property by eminent domain.

A motion to move the previous question was offered by Mr. Ford H. Peckham. The motion was presented but the Moderator was in doubt as to the voice vote. The following tellers were sworn in by the Moderator: Erik J. Bailey, Marjorie M. Margolis, Thomas M. Harkins, Richard A. Zimbone, Deborah S. Winnick, and Jane B. Murphy. The motion was again presented and carried by the required two-thirds vote. The hand count was Yes 144 No 49.

The motion to refer which requires a majority vote for passage was presented but the Moderator was in doubt. The tellers were asked to take their positions. The motion was again presented and carried by majority vote. The hand count was Yes 107 No 84.

ARTICLE 8: AMEND ZONING BY-LAW – MAP CHANGE TO CENTER BUSINESS DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to place in the Center Business District all that land now zoned Single Residence B and located at the intersection of Chestnut Street and School Street (Assessor's Map 47, Parcel 56) said area bounded and described as follows:

“Beginning at a point at the Chestnut Street centerline which intersects with the boundary line between the existing Single Residence B District and the Center Business District; then

running easterly along said zoning boundary line to a point where it intersects with the boundary line between the Center Business District and a General Residence District; then turning and running southerly along the existing Single Residence B District and said General Residence District to a point where it intersects with the centerline of School Street and the boundary line between the existing Single Residence B District and General Residence District; then turning and running westerly to a point where it intersects with the centerline of Chestnut Street and the boundary between the existing Single Residence B District and the Chestnut Street Business District; then turning and running northerly along said boundary to the point of beginning.”

Or take any other action relative thereto.

Article Information: This article describes the geographical area located at the intersection of Chestnut Street and School Street proposed to be changed from a Single Residence B District to a Center Business District. One parcel – namely the Police and Fire Station property (Parcel 56 on Assessors' Plan 47) – that is currently zoned Single Residence B is affected by this rezoning. The proposed rezoning will correct a historical inconsistency currently in place along the easterly frontage of Chestnut Street where a singular residential property was retained along what is otherwise a contiguously zoned commercial corridor. With this noted change, the subject locale will be rendered consistent with that of its abutting Center Business District.

MOVED: That the Town vote to amend the Needham Zoning By-Law by amending the Zoning Map to place in the Center Business District all that land now zoned Single Residence B and located at the intersection of Chestnut Street and School Street (Assessor's Map 47, Parcel 56) said area bounded and described as follows:

“Beginning at a point at the Chestnut Street centerline which intersects with the boundary line between the existing Single Residence B District and the Center Business District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the Center Business District and a General Residence District; then turning and running southerly along the existing Single Residence B District and said General Residence District to a point where it intersects with the centerline of School Street and the boundary line between the existing Single Residence B District and General Residence District; then turning and running westerly to a point where it intersects with the centerline of Chestnut Street and the boundary between the existing Single Residence B District and the Chestnut Street Business District; then turning and running northerly along said boundary to the point of beginning.”

Mr. Paul S. Alpert, member, addressed this proposal on behalf of the Planning Board. He explained that this article proposes to change one parcel – specifically the Police and Fire Station property – that is currently zoned Single Residence B. This change will also correct a historical inconsistency currently in place along the easterly frontage of Chestnut Street where a singular residential property was retained along what is otherwise a contiguously zoned commercial corridor. The Planning Board recommends adoption of Article 8.

Mr. Maurice P. Handel, Selectman, stated that the Board of Selectmen unanimously recommends adoption of Article 8. Ms. Carol A. Fachetti, member, advised that the Finance Committee recommends adoption of this Article 8.

In response to an inquiry from Mr. Ilan Barzilay, Mr. Alpert advised that the zoning amendment does not change the zoning of 43 Lincoln Street.

ACTION: The main motion, which requires a two-thirds vote, was presented and carried by unanimous vote.

ARTICLE 9: AMEND ZONING BY-LAW – FLOOR AREA RATIO AND LOT COVERAGE REQUIREMENT FOR A MUNICIPAL BUILDING OR STRUCTURE IN THE GENERAL RESIDENCE DISTRICT

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

(a) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (h) for the Maximum Floor Area Ratio in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(h) The Board of Appeals may grant a special permit increasing the maximum Floor Area Ratio required by this footnote up to 0.60 for a municipal building or structure.”

(b) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (i) for the Maximum Percentage Lot Coverage in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(i) The Board of Appeals may grant a special permit increasing the maximum lot coverage required by this footnote up to twenty-five (25) percent for a municipal building or structure.”

Or take any other action relative thereto.

Article Information: This article proposes to amend the section of the Zoning By-Law that limits the maximum floor area ratio and the maximum lot coverage requirements for a municipal building or structure in the General Residence District. The amendment is offered in an effort to guide the planned reconstruction and expansion of Fire Station #2 at the intersection of Highland Avenue and Webster Street. The amendment would allow the Planning Board, acting as a special permit granting authority under site plan review, to issue a special permit in the General Residence District to increase the maximum permitted floor area ratio for a municipal building or structure up to 0.60, and the maximum permitted lot coverage for a municipal building or structure up to twenty-five (25) percent. Currently in the General Residence District, the maximum floor area ratio for a municipal building or structure is capped at 0.30 and the maximum lot coverage for a municipal building or structure is capped at fifteen (15) percent.

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

(a) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (h) for the Maximum Floor Area Ratio in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(h) The Board of Appeals may grant a special permit increasing the maximum Floor Area Ratio required by this footnote up to 0.60 for a municipal building or structure.”

(b) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (i) for the Maximum Percentage Lot Coverage in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(i) The Board of Appeals may grant a special permit increasing the maximum lot coverage required by this footnote up to twenty-five (25) percent for a municipal building or structure.”

The following motion to amend under Article 9 was offered by Mr. Paul S. Alpert:

(a) In Article 9, by inserting in the table contained in Section 4.2.4 at the end of footnote (h) the words “on a lot containing an acre or more of area” so that the footnote shall now read as follows (new language underlined):

“(h) The Board of Appeals may grant a special permit increasing the maximum Floor Area Ratio required by this footnote up to 0.60 for a municipal building or structure on a lot containing an acre or more of area.”

(b) In Article 9, by inserting in the table contained in Section 4.2.4 at the end of footnote (i) the words “on a lot containing an acre or more of area” so that the footnote shall now read as follows (new language underlined):

“(i) The Board of Appeals may grant a special permit increasing the maximum lot coverage required by this footnote up to twenty-five (25) percent for a municipal building or structure on a lot containing an acre or more of area.”

Mr. Paul S. Alpert, member, addressed this proposal on behalf of the Planning Board. He explained that this amendment allows for a special permit to increase the maximum permitted floor area ratio up to 0.60, and maximum permitted lot coverage up to twenty-five (25) percent for municipal buildings in the General Residence District. This applies specifically to the planned reconstruction and expansion of Fire Station #2. The Planning Board recommends adoption of both the motion to amend and the main motion under Article 9.

Mr. Maurice P. Handel, Selectman, recommended adoption on the motion to amend and the main motion on behalf of the Board of Selectmen.

Ms. Carol A. Fachetti, member, recommended adoption on behalf of the Finance Committee.

In response to an inquiry from Holly Anne Clarke, Mr. Alpert stated that the neighbors were notified of a public hearing on this zoning amendment and no one showed up.

The motion to amend was presented and carried by unanimous vote.

ACTION: The main motion, as amended, two-thirds vote required for passage, was presented and carried by unanimous vote.

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

(a) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (h) for the Maximum Floor Area Ratio in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(h) The Board of Appeals may grant a special permit increasing the maximum Floor Area Ratio required by this footnote up to 0.60 for a municipal building or structure on a lot containing an acre or more of area.”

(b) Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.4, Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District, by inserting a footnote (i) for the Maximum Percentage Lot Coverage in the General Residence District on the table contained in Section 4.2.4, such footnote to read as follows:

“(i) The Board of Appeals may grant a special permit increasing the maximum lot coverage required by this footnote up to twenty-five (25) percent for a municipal building or structure on a lot containing an acre or more of area.”

ARTICLE 10: APPROPRIATE FOR PUBLIC SAFETY BUILDING & FIRE STATION #2 DESIGN

To see if the Town will vote to raise, borrow, and/or transfer and appropriate \$3,750,000 for engineering and design for the reconstruction of the Public Safety Building and Fire Station #2, including costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law 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 Law 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 article will fund the design development phase of the public safety building project.

The Public Safety Building, located at the intersection of Chestnut Street and School Street, opened in 1931, and was renovated in 1988-1989. Fire Station #2, located at the intersection of Highland Avenue and Webster Street, opened in 1949 and was also renovated in 1988-1989. The amount of space that was originally allocated within both buildings for the Police and Fire Departments is no longer sufficient to accommodate changes in operations, changing personnel needs, technology upgrades, and security improvements, and neither station is fully accessible for individuals with limited mobility.

In 1950, 19 years after the station opened, the Police Department had 25 sworn officers and responded to 1,774 calls. By 2015, the number of sworn officers was 49 and call volume had increased to 31,610. The proposed program meets many deficiencies identified in the Police Department, including the lack of adequate locker facilities for female officers, evidence and property storage, interview rooms and interview recording technology, public meeting space, records storage, dispatch areas, patrol and administrative office space, and report writing space. The prisoner holding cells are outdated and inadequate, and the current prisoner booking area is unsafe due to its size and configuration. The building lacks the ability to handle technology improvements due to available space needed, while the roof continues to leak into the records/server room on the second floor. The current climate control only works sporadically throughout the building creating numerous temperature variations.

In 1950, the Fire Department had 27 firefighters. Call volume data is not available for 1950, but the Department responded to 600 calls in 1960. By 2015, the number of sworn firefighters was 64 and the Department responded to 3,915 calls. The proposed program meets many deficiencies identified in the Fire Department, including apparatus bays that are too small for modern fire trucks, insufficient area for performing equipment maintenance and repair, lack of facilities for storing and cleaning turnout gear, minimal existing office space, inadequate facilities for firefighter support such as bunkrooms, toilets and showers, and insufficient storage space for files and equipment.

The November 2, 2015 and February 10, 2016 Special Town Meetings and the 2017 Annual Town Meeting approved a total of \$390,000 in funding for feasibility studies and schematic design. If the appropriation for design development is approved, the project will be presented to the fall, 2018 Special Town Meeting for construction appropriation, and to the voters at the November 6, 2018 State election for debt exclusion funding.

MOVED: That the Town vote to raise, borrow, and/or transfer and appropriate \$3,750,000 for engineering and design for the reconstruction of the Public Safety Building and Fire Station #2, including costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mr. Daniel P. Matthews, Selectman, addressed this proposal on behalf of the Board of Selectmen. He explained that this article requests \$3,750,000 for the next phase of the public safety building and Fire Station #2. This will be the final design for the three new public safety facilities and we will be back in the fall of 2018. Public meeting space, staffing space, equipment space are all necessary for the needs of today. Temporary fire quarters will be housed at the old Hillside School building. Mr. Matthews stated that the Board of Selectmen unanimously recommends adoption of this article.

Mr. Barry J. Coffman, member, addressed this proposal on behalf of the Finance Committee. He advised that it is clear from the analysis that these public safety facilities are being designed for future decades. The Finance Committee recommends adoption of Article 10.

ACTION: The main motion, which requires a two-thirds vote, was presented and carried by unanimous vote.

ARTICLE 11: APPROPRIATE FOR HIGH SCHOOL EXPANSION CONSTRUCTION

To see if the Town will vote to raise, borrow, and/or transfer and appropriate \$13,188,000 for the reconstruction and expansion of the Needham High School, including 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 that \$120,000 be transferred from Article 1 of the November 2013 Special Town Meeting, that \$126,000 be transferred from Article 14 of the November 2009 Special Town Meeting, that \$817,000 be transferred from the Capital Facility Fund, and that \$1,000,000 be transferred from Overlay Surplus; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$11,125,000 under Massachusetts General Law 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 Law 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: Needham High School is in need of additional classroom space to accommodate growing enrollment, and renovations to correct building deficiencies. This project would fund the addition of classroom space at the school, and would make the following improvements: replacement of the chillers, renovation of Gymnasium "A", addition of gym storage, and reconfiguration of gym lockers.

The classroom expansion component is intended to support anticipated student population growth. This project would include construction of a new classroom wing at the Webster Street entry to the school. Enrollment is growing and expected to peak at 1,835 students in the 2024/25 School Year. This population, as well as the relatively small size of existing classrooms, has created both over-crowding in and over-utilization of existing classroom

spaces. The building was originally designed for 1,450 students and reflected School Building Authority standards in effect at the time that were lower than the current design guidelines. (In 2007, the year the High School was renovated, 725 s.f. was the typical classroom size, which is smaller than the current Massachusetts School Building Authority guideline of 925 s.f. Under the current guidelines, a 725 s.f. classroom is sized for 19 students, whereas a 925 s.f. classroom can accommodate 23 students per instructional space.) Currently, 45% of the core academic sections - Math, English, Social Studies and World Languages - have more than 23 students per section, with some having as many as 28 students. An additional 40% of sections have 16-23 students. The average utilization rate in these spaces is 90%, which exceeds the MSBA guideline of 85% (set to preserve flexibility in scheduling.) Since 2008, several spaces at NHS have been repurposed to function as classrooms, however the number available remains below the need. Further, the repurposing has compromised the overall operation of the educational program.

The project would also replace the 300-ton chiller at the High School, with two 250-ton chillers. The existing chiller stopped working last year, cannot be repaired and must be replaced. The new chillers will accommodate the current building needs, as well as the additional square footage created by the expansion project.

Finally, this project would renovate the A Gym and related spaces. The A Gym was added to the high school in the 1950's and remains essentially in its original configuration. As a result, the space has many deficiencies and is in need of significant renovation. Specifically, the project would replace the gym floor, relocate the ceiling mounted basketball hoops, replace the rooftop-mounted ventilation units, replace the lighting and floor systems, remove the wood paneling, repaint the entire space, and install acoustic panels to the underside of the exposed roof deck. Additionally, the project would add much needed equipment storage to the gym area, and would reconfigure and increase the number of gym lockers to accommodate the expanded student population.

This article will fund construction of the proposed expansion project. The 2017 Annual Town Meeting appropriated \$1.075 million for project design (including \$950,000 for the classroom expansion and gym renovations and \$125,000 for chiller replacement.) This article requests the balance of the funds needed to complete the project.

MOVED: That the Town vote to raise, borrow, and/or transfer and appropriate \$13,188,000 for the reconstruction and expansion of the Needham High School, including 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 that \$120,000 be transferred from Article 1 of the November 2013 Special Town Meeting, that \$126,000 be transferred from Article 14 of the November 2009 Special Town Meeting, that \$817,000 be transferred from the Capital Facility Fund, and that \$1,000,000 be transferred from Overlay Surplus; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$11,125,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Ms. Marianne B. Cooley, Chairman, Board of Selectmen, offered the following motion to amend: That the main motion under Article 11 be amended by deleting the sum “\$817,000” and inserting in place thereof the sum “\$1,817,000”, and by deleting the words “and that \$1,000,000 be transferred from Overlay Surplus:”

Ms. Cooley explained that they will be bringing the final proposal back next spring. The Board of Selectmen unanimously recommends adoption of the main motion under Article 11 and the motion to amend.

Ms. Heidi C. Black, Chairman, addressed this proposal on behalf of the School Committee. She explained that the May 2017 Annual Town Meeting Approved \$125,000 for the High School Chiller Replacement design under Article 42 and approved \$950,000 for the High School expansion design under Article 43. Funding for the school chiller replacement design includes renovation of Gym “A”. The classroom expansion will provide ten new classrooms and accommodate the projected school population of 1800. When the project is complete the Needham High School will be complete according to Ms. Black. She requested support for this article and the amendment.

Mr. Richard M. Reilly, Chairman, addressed this proposal on behalf of the Finance Committee. He noted that this article is almost \$1,000,000 higher than anticipated. However, the Finance Committee voted unanimously to support Article 11 and the amendment.

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 vote to raise, borrow, and/or transfer and appropriate \$13,188,000 for the reconstruction and expansion of the Needham High School, including 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 that \$120,000 be transferred from Article 1 of the November 2013 Special Town Meeting, that \$126,000 be transferred from Article 14 of the November 2009 Special Town Meeting, that \$1,817,000 be transferred from the Capital Facility Fund, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$11,125,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 12 was previously adopted by unanimous consent earlier this evening.

ARTICLE 13 was previously adopted by unanimous consent earlier this evening.

ARTICLE 14 was previously adopted by unanimous consent earlier this evening.

At this time the Moderator thanked the following individuals for their help in making this Special Town Meeting run smoothly: Noah Ramos and Lily Pendergast for manning the microphones, Steven Jacques for serving as Marshall, and Pat Thornton, Town Hall Custodian.

At 10:15 P.M. Ms. Marianne B. Cooley, Chairman, on behalf of the Board of Selectmen, offered the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of William “Bill” Tedoldi

WHEREAS: William Jack August (“Bill”) Tedoldi was born in Manhattan, raised in the Bronx, and graduated from New York’s Peter Stuyvesant High School. He served his country in the U.S. Navy, including three years in the Pacific, before earning a degree in business administration from Northeastern University and a law degree from the New England School of Law; and

WHEREAS: In 1956, Bill married Betsy Ann McCurran. They settled in Needham, first on Mark Lee Road, then on High Street, where they raised their four children: James, Michael, Susan and Mary Kate, all of whom are graduates of Needham High School; and

WHEREAS: Bill owned and operated the Proventure Business Group, a management consulting organization specializing in bringing together prospective buyers and sellers of companies; and

WHEREAS: Bill was active for more than 25 years with the Old Colony Planning Council, a regional agency dedicated planning for the physical, social and economic development of member communities, and was recently recognized by the Council for his outstanding service and exceptional contributions. Bill was an active board member of the Charles River Watershed Association, and served as its Treasurer. As a member of the “Stream Team,” Bill would wade into the river on a monthly basis to collect water samples as part of an effort to improve water quality in the River; and

WHEREAS: Bill enjoyed being “Papa the Clown” at the annual Needham Street and Harvest Fairs, and was a fixture riding with his family in a Model T in the Fourth of July Parade. When asked to identify his occupation, he often answered “activist”; and

WHEREAS: Bill was a member of the Zoning Board of Appeals from 1984 until 2003, serving as

chairman for ten of those years, and was a
Town Meeting Member for 24 years from
1964 to 1986;

NOW THEREFORE, be it resolved by this body that the
October 2, 2017 Special Town Meeting be dissolved in honor of
the civic and community contributions of Bill Tedoldi to the Town
of Needham.

ACTION: At 10:20 P.M. 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 ELECTION
Tuesday April 10, 2018**

Pursuant to a Warrant issued by the Selectmen March 13, 2018, 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 tenth day of April in the year 2018 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 – Broadmeadow School – Performance Ctr.
- Precinct F – Needham High School – Gym
- Precinct G – Needham High School – Gym
- Precinct H – Broadmeadow School -- Performance Ctr.
- 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.

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

- Two Selectmen 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;
- One Member of Board of Health for Three Years;
- One Member of Planning Board for Five Years;
- One Member of Needham Housing Authority for Five Years;
- One Commissioner of Trust Funds for Three Years;

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

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.	15	25	8	20	16
9:00 A.M.	25	45	28	33	32
10:00 A.M.	55	65	34	47	44
11:00 A.M.	60	79	55	63	68
12:00 NOON	70	112	77	79	84
1:00 P.M.	79	153	93	101	92
2:00 P.M.	90	167	106	115	110
3:00 P.M.	102	196	118	124	123
4:00 P.M.	113	203	134	137	142
5:00 P.M.	125	224	156	157	164
6:00 P.M.	135	255	181	180	188
7:00 P.M.	150	284	212	210	219
8:00 P.M.	156	313	222	228	245

<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.	25	10	40	26	30
9:00 A.M.	34	37	53	50	49
10:00 A.M.	51	50	86	74	65
11:00 A.M.	68	72	105	104	77
12:00 NOON	85	96	128	133	99
1:00 P.M.	105	120	147	152	117
2:00 P.M.	115	151	167	172	140
3:00 P.M.	128	166	176	189	151
4:00 P.M.	148	189	204	225	170
5:00 P.M.	171	230	232	276	194
6:00 P.M.	191	276	272	332	224
7:00 P.M.	225	323	315	394	266
8:00 P.M.	240	366	339	437	288

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 9:17 P.M., April 10, 2018.

The total number of votes cast was as follows:

	Total
Precinct A	156
Precinct B	313
Precinct C	222
Precinct D	229
Precinct E	245
Precinct F	240
Precinct G	367
Precinct H	337
Precinct I	437
Precinct J	288

TOTAL **2,834**

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

TOTAL VOTE CAST –
(13.59 % of the 20,859 Registered Voters)
(or 12.89% of both Active & Inactive Voters – 21,987)

The result of the balloting was as follows:

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	156	313	222	229	245	240	367	337	437	288	2,834

SELECTMAN (for three years) (Vote for Not More Than Two)

John A. Bulian	112	182	147	145	152	159	226	221	249	151	1,744
Maurice Handel	107	210	157	164	155	169	220	217	260	184	1,843
Byron John Doerfer	56	100	97	81	110	89	173	128	228	142	1,204
Scattered Write-Ins	0	3	0	3	0	2	6	1	3	1	19
Blanks	37	131	43	65	73	61	109	107	134	98	858

ASSESSOR (for three years) (Vote for One)

Walter F. McDonough	112	207	166	164	161	161	247	225	298	191	1,932
Scattered Write-Ins	0	0	0	0	1	0	0	1	3	3	8
Blanks	44	106	56	65	83	79	120	111	136	94	894

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

Heidi C. Black	109	201	168	166	168	172	244	222	295	197	1,942
Susan B. Neckes	111	202	166	162	178	169	252	234	299	196	1,969
Scattered Write-Ins	1	8	0	3	0	1	1	1	3	5	23
Blanks	91	215	110	127	144	138	237	217	277	178	1,734

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

William J. Topham	73	128	94	106	92	96	166	140	203	104	1,202
Peter J. Vergados	47	94	92	79	85	96	123	98	131	120	965
Scattered Write-Ins	0	0	0	1	0	0	0	0	1	0	2
Blanks	36	91	36	43	68	48	78	99	102	64	665

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

Mark R. Forbes	107	201	160	159	162	160	239	208	306	194	1,896
Scattered Write-Ins	0	1	1	2	0	0	0	1	1	2	8
Blanks	49	111	61	68	83	80	128	128	130	92	930

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	156	313	222	229	245	240	367	337	437	288	2,834

TRUSTEE OF NEEDHAM PUBLIC LIBRARY (for three years) (Vote for Not More Than Two)

Gregory John Shesko	114	201	158	165	161	163	237	205	285	173	1,862
Richard T. Fleck	95	169	145	132	140	139	218	193	269	163	1,663
Scattered Write-Ins	0	0	0	1	2	1	0	2	2	4	12
Blanks	103	256	141	160	187	177	279	274	318	236	2,131

BOARD OF HEALTH (for three years) (Vote for One)

Kathleen Ward Brown	94	187	146	163	155	155	278	203	306	177	1,864
Felix I. Zemel	39	60	46	37	48	38	47	55	72	63	505
Scattered Write-Ins	0	1	0	1	0	0	0	1	1	0	4
Blanks	23	65	30	28	42	47	42	78	58	48	461

PLANNING BOARD (for five years) (Vote for One)

Elizabeth Jane Grimes	112	191	163	164	161	162	240	212	304	193	1,902
Scattered Write-Ins	0	0	2	1	0	0	0	1	3	1	8
Blanks	44	122	57	64	84	78	127	124	130	94	924

NEEDHAM HOUSING AUTHORITY (for five year) (Vote for One)

Penelope W. Kirk	101	189	169	159	167	177	241	205	307	186	1,901
Scattered Write-Ins	0	0	2	1	0	0	1	2	0	4	8
Blanks	55	124	53	69	78	63	125	130	130	98	925

COM MISSIONER OF TRUST FUNDS (for three years) (Vote for One)

Heydon David Traub	103	197	162	163	163	160	227	210	292	179	1,856
Scattered Write-Ins	0	0	2	1	0	0	0	0	0	4	7
Blanks	53	116	58	65	82	80	140	127	145	105	971

PARK & RECREATION COMMISSION (for three years) (Vote for Not More Than Two)

David C. DiCicco	116	200	165	158	161	161	241	217	293	198	1,910
Christopher J. Gerstel	101	184	151	151	159	160	227	202	270	177	1,782
Scattered Write-Ins	0	1	0	1	0	0	0	1	2	3	8
Blanks	95	241	128	148	170	159	266	254	309	198	1,968

* 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	156	313	222	229	245	240	367	337	437	288	2,834

TOWN MEETING MEMBERS FROM PRECINCT A (Vote for Not More Than Eight)

PRECINCT A (For Three Years)

Erik J. Bailey	92	Rachel B. Miller	105
Emily Rose Cooper	97	Elizabeth M. Sargent	102
Richard S. Creem	94	Cynthia R. Gonzalez	89
John F. Diodato	83	*James F. Sargent	72
Donald B. Gratz	90		

* 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	156	313	222	229	245	240	367	337	437	288	2,834

TOWN MEETING MEMBERS FROM PRECINCT B (Vote for Not More Than Eight)

PRECINCT B (For Three Years)

Elizabeth M. Bloom	161	Kim Marie Nicols	167
Marianna Borrelli	152	Margot Copeland Pyle	155
John H. Cogswell	164	Stacie M. Shapiro	187
*Scott McConchie	129	Sarah Ann Toran	161
		Paul H. Attridge	154

TOWN MEETING MEMBERS FROM PRECINCT C (Vote for Not More Than Eight)

PRECINCT C (For Three Years)

Paul S. Alpert	151	Ted Owens	146
Joseph P. Barnes	160	Paul B. Tillotson	146
Gilbert W. Cox, Jr.	149	Joshua W. Levy	152
Susan B. Neckes	153	Michael E. O'Brien	157

TOWN MEETING MEMBERS FROM PRECINCT D (Vote for Not More Than Eight)

PRECINCT D (For Three Years)

Holly Anne Clarke	144	Bruce T. Eisenhut	147
Roy A. Cramer	142	Kathleen M. Lewis	145
Kathryn L. D'Addesio	153	Gregory John Shesko	150
Ann Der Marderosian	152	Emma Navales	123

TOWN MEETING MEMBERS FROM PRECINCT D (Vote for ONE)

PRECINCT D (For Two Years)

Steven E. Mock	170
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TOWN MEETING MEMBERS FROM PRECINCT E (Vote for Not More Than Eight)

PRECINCT E (For Three Years)

Constance S. Barr	175	Philip V. Robey	167
Cynthia J. Chaston	154	Write-Ins:	
Ann M. Cosgrove	170	Edward Scheideler	16
Carol A. Fchetti	146	* Melissa Doyle	15
Philip R. Murray	152	*Gretchen Cook Anderson	8
Ford H. Peckham	152	* Robert Vecchi	6

* 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	156	313	222	229	245	240	367	337	437	288	2,834

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

Alison S. Borrelli	164	**Fabienne A. Madsen	107
John P. Connelly	127	Jennifer S. Sexton	144
Gail E. Davis	147	Deborah S. Winnick	161
Richard W. Davis	130	William A. Zoppo	119
		**Joseph McCabe	107

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

Susan W. Abbott	232	Matthew A. Kane	209
David Dirks	225	Maureen T. McCaffrey	236
Fran Gallagher	210	Susan B. McGarvey	217
Thomas M. Harkins	229	Susan Welby	230

TOWN MEETING MEMBERS FROM PRECINCT G (Vote for ONE)**PRECINCT G (For Two Years)**

*Richard DeMeis	54	Annmarie MacDonnell	216
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TOWN MEETING MEMBERS FROM PRECINCT H (Vote for Not More Than Eight)**PRECINCT H (For Three Years)**

Heinz R. Brinkhaus	157	Marjorie M. Margolis	197
M. Patricia Cruickshank	184	Paul T. Milligan	145
*Thomas Edward Gillogley	137	Richard M. Reilly	158
Elizabeth P. Handler	205	* Lynn Sara Feigenbaum	133
Kimberly Knickle-Tierney	160	Marsha B. Moller	166

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

Peter D. Atallah	282	Laurie B. Hutcheson	270
Peter Stephen Connolly	215	Paul Robey, III	252
David J. Escalante	216	Lois F. Sockol	256
John L. Gallo	263	Ron Sockol	198
		*Michael Centola	178

* 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	156	313	222	229	245	240	367	337	437	288	2,834

TOWN MEETING MEMBERS FROM PRECINCT I (Vote for One)

PRECINCT I (For Two Years)

William Christopher Kent	222	*Rao H. Prabhala	112
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TOWN MEETING MEMBERS FROM PRECINCT J (Vote for Not More Than Eight)

PRECINCT J (For Three Years)

Georgina A. Arrieta-Ruetenik	161	Elizabeth Nicole Kaponya	124
William R. Dermody	177	Christine S. McCourt	136
David C. DiCicco	144	Donna M. Mullin	159
*Stephen K Epstein	117	Lisa Cherbuliez	166
Michael J. Greis	175	*Andrea N. Cunningham	112

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 9:17 P.M., April 10, 2018.

Theodora K. Eaton, MMC
 Town Clerk

A true copy
 ATTEST

ELECTION
 (To break A Tie Vote in Precinct F
 Of Two Candidates for a Three-Year Term)
 Tuesday, April 24, 2018
 7:30 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct F was held on Tuesday, April 24, 2018 at 7:30 P.M. for the purpose of electing one of two candidates receiving tie votes to fill the three-year term. The ballots were cast with the following results:

Joseph McCabe	7 Votes	Fabienne A. Madsen	2 Votes
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RECORD OF THE ANNUAL TOWN MEETING
Monday, May 7, 2018

Pursuant to a Warrant issued by the Selectmen February 13, 2018 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Monday, May 7, 2018, at 7:30 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 232 voters, including 219 Town Meeting Members, were checked on the list as being present and 31 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Town Meeting Members joined the Moderator in honoring our country by saluting the flag and reciting the pledge of allegiance.

At this time the Moderator introduced Will Supple, a lifelong Needham resident, son of former Town Meeting Member Bill Supple and his wife Mary. He graduated from St. Sebastian's School in Needham and enrolled in Boston College where he was a winner of school-wide talent contests and selected as a member of the Bostonians, the original and premier campus vocal group. Will performed as a member of this highly-regarded college *a capella* group both as a member of the ensemble and as an out-front soloist. This year, Will auditioned for "American Idol" at the New York screening session and performed for the celebrity judges Lionel Ritche, Katy Perry and Luke Bryan, who chose him for further competition in Hollywood. Will traveled with his family to Hollywood and performed on additional occasions for American Idol. Will's journey to Hollywood was profiled on WCVB Channel 5's "Chronicle." Needham is so proud of Will, who is currently pursuing opportunities in LA and elsewhere as a professional recording artist. At my invitation Will has graciously agreed to help us open our Annual Town Meeting by performing the National Anthem. Will's vocal rendition of the National Anthem was awesome!

At the designation of Rev. Nick Morris-Kliment, President of the Needham Interfaith Clergy Association, Rev. Catie Scudera of First Parish in Needham, Unitarian-Universalist, gave the invocation.

The Moderator declared that a quorum is 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.

The Moderator stated that Town Meeting Members may only sit in the first eleven rows as indicated by the Marshalls William McCarthy and Steven Jacques, and as signified by the pylons. He further noted that there are two microphones which must be used for comments from the floor. Tonight, these microphones are being provided to you by Lily Pendergast and Kim Parsons.

The Moderator announced the following ground rules and these were adopted unanimously:

1. Please rise to be recognized and address the Moderator as Chair. When a member is recognized by the Chair, please state 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, shout "Mr. Moderator" or raise your hand high to inform the Chair so that appropriate accommodation may be made.
 2. Anyone entering or exiting the Hall while we are in session must use care not to disrupt the session, in particular, must not allow the doors to slam.
 3. No eating, drinking or smoking is permitted in the hall.
 4. No firearms or weapons are permitted in the hall, except by law enforcement personnel.
 5. Please silence all cell phones.
 6. No hats may be worn in the hall other than by uniformed personnel or for religious or medical reasons.
 7. 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 judgment of the Moderator, exceeds the bonds of civility. Please remember that we are ONE community and ONE Town Meeting Family with one common goal: the best interests of our town.
 8. All commentary, remarks and inquiries must be addressed to the Moderator as Chair.
 9. 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.
 10. Blank forms for lengthy motions are available from Town Counsel, Mr. Tobin, 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, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.
- Special Note on zoning articles, Articles 8-9. 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 our Annual Town Meeting, if you contemplate making an amendment to one of these zoning articles, I request that you confer with the Planning Board in advance and address questions or if necessary, work out with them in advance the wording and content of any amendments.*
11. Short motions to amend and procedural motions need not be in writing.
 12. Parliamentary motions known 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.
 13. Limits on debate shall be enforced by the Moderator.

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

15. As stated in the Moderator’s memorandum to Town Meeting Members in connection with our Annual Town Meeting, inappropriate conduct involving the T.V. coverage or cameras shall be deemed to be out of order and addressed swiftly and definitively by the chair.

16. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate:

Committee Chairpersons, Proponents of Articles including Citizen Petitioners, Attorneys representing proponents: **(15 Minutes inclusive per article)**

Town Meeting Members, non-Town Meeting Members, visitors other than attorneys: **(5 Minutes all-inclusive per article)**

Rules 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 16, Amendments to the Fiscal Year 2019 Operating Budget, as well as Articles 17, 18 and 19, the Enterprise Fund Budgets and Article 32, the consolidated Cash Capital Article. That rule would provide that a motion to amend under these articles which adds funds to a particular line item will not be in order unless the movant identifies another line item or items that will be reduced in order to fund the proposed increase.

The adoption of the Rules concerning budget and Cash Capital Articles was presented and passed by majority vote as declared by the Moderator.

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 announced that the Needham Exchange club will hold its first Car Show on May 20, 2018 at the High School. Admission is free and donations are welcomed. Please come and support the Needham Exchange Club.

The Moderator noted that there are two changes in the following main affirmative motions: on **Page 22, Article 3**: The problem is that “(1)” was not in the paragraph under Article 3 in the warrant and on **Page 74, Article 52**: Correct the spelling of the word “Offence” changing to “Offense.” In any event, the Main Motion is now subject to a motion to amend.

The Moderator announced that the proponents no longer have an interest in Articles 4, 5, 6, 13 and 51 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 4, 5, 6, 13, and 51.

The Moderator announced that Articles 23, 46, 48, and 52 are subject to motions to amend or other motions from the proponents or for other reasons cannot be passed by unanimous consent.

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 Articles 3, 7, 8, 9, 12, 15, 27, 29, 37, 38, 39, and 45. The Moderator then called each of the above-mentioned articles 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 articles and the votes thereunder are as follows:

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, 2018, as required by Massachusetts General Laws, Chapter 41, and Section 108:

Town Clerk	\$84,197
Town Clerk with 6 years of service in that position (1)	\$102,622
Selectmen, Chairman	\$1,800
Selectman, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$7,184, 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 \$60,105. The annual salary of \$102,622 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 \$10,558. 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 \$14,782; 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 Board of Selectmen have remained unchanged since 1977.

MOVED: That the Town vote to fix the compensation of the following elected officers of the Town as of July 1, 2018, as required by Massachusetts General Laws, Chapter 41, and Section 108:

Town Clerk	\$84,197
Town Clerk with 6 years of service in that position (1)	\$102,622
Selectmen, Chairman	\$1,800
Selectman, Others	\$1,500

- (2) In addition, such compensation shall also include payment of longevity in the amount of \$7,184, 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 \$60,105. The annual salary of \$102,622 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 \$10,558. 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 \$14,782; or take any other action relative thereto.

ACTION: So voted by unanimous consent.

ARTICLE 7: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986

To see if the Town will vote to accept, for fiscal year 2019, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Massachusetts General Law Chapter 59 relative to real estate property tax exemptions, and approve an increase in the amount of 100% for each eligible exemption; or take any other action relative thereto.

Article Information: Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, surviving minors of deceased parents, persons over the age of 70, certain veterans and disabled veterans and their surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one of the following clauses of Massachusetts General Law Chapter 59, Section 5: Clauses 17, 17C, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 or

43. The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid in the preceding year, except through the application of Massachusetts General Law, Chapter 58, Section 8A or Massachusetts General Law Chapter 59, Section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair cash value. Town Meeting must approve the additional exemption on an annual basis. In fiscal year 2018, the cumulative increase above the statutory limit was 100%.

MOVED: That the Town vote to accept, for fiscal year 2019, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Massachusetts General Law Chapter 59 relative to real estate property tax exemptions, and approve an increase in the amount of 100% for each eligible exemption.

ACTION: So voted by unanimous consent.

ARTICLE 8: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, said sum to be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The Board of Selectmen voted to recommend a higher amount for fiscal year 2019. The voluntary fund received \$14,044 in fiscal year 2017.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$25,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, said sum to be transferred from Overlay Surplus.

ACTION: So voted by unanimous consent.

ARTICLE 9: APPROPRIATE FOR SENIOR CORPS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, to be spent under the direction of the Town Manager, said sum to be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: The Senior Corps is a program whereby qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, the individuals are paid up to \$1,100 per year, which is applied to their property tax bills.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, to be spent under the direction of the Town Manager, said sum to be transferred from Overlay Surplus.

ACTION: So voted by unanimous consent.

ACTION: So voted by unanimous consent.

ARTICLE 12: APPROPRIATE FOR TIME CLOCK SYSTEM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$81,000 for the purpose of funding a time clock system, 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: The Town seeks to implement a time clock system to track the work hours of DPW staff. Currently, work hours are tracked manually. This system will integrate with the Town's financial software to facilitate the processing of payroll. It will allow staff to "punch-in" at the beginning and the end of their shifts to ensure that payroll records are accurate and to resolve discrepancies currently found in the paper system. The new system will reduce the current double entry system, whereby the division generates a manual time card and then this time card is entered into the payroll system.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$81,000 for the purpose of funding a time clock system, 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 15: APPROPRIATE FOR WATER METER DATA COLLECTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$220,000 for the purpose of funding a water meter data collection system, said sum 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.

Article Information: The Department of Public Works has developed a plan to convert all water meters in Town to meter interface units (MIU) that can be read remotely with a remote data collection tool. There are 660 domestic and irrigation water meters in Town that have touch pads for reading the meter. In order to collect readings from these types of meters, Town staff must record the reading from the water meter and input the data into a hand-held device. Through this process, more time is spent in the field reading water meters and the readings are subject to human error. The MIUs will allow the meters to be read remotely from a Town vehicle, reducing reading time in the field and improving accuracy. The data from the MIU is transmitted by radio frequency to the mobile data collector tool.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$220,000 for the purpose of funding a water meter data collection system, said sum 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.

ARTICLE 27: APPROPRIATE FOR ROSEMARY CAMP PROPERTY

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

Article Information: The three remaining buildings at the Rosemary Camp property are subject to vandalism and should be removed for safety reasons. The two smaller buildings were formerly latrines, and need to be decommissioned as part of demolition. The shelter building is not insulated and the electrical source was disconnected almost twenty years ago when a fourth building was lost in a fire. The main trail head, accessed from the Rosemary Recreation Complex parking lot, is being rebuilt while the parking lot is rebuilt, and through a prior approved funding source, the bridge crossing the stream will be re-built by the Student Conservation Association. At a later time, a picnic shelter will be added at the camp property. This area will be available for use by trail walkers as well as any programs offered by Park and Recreation or other Needham organizations.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for Rosemary Camp Property improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 29: APPROPRIATE FOR HISTORIC DATABASE PROJECT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for the completion of the historic database project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

Article Information: The Needham History Center and Museum proposes to complete its on-going artifact and archive project. With prior CPC funding, the Needham History Center and Museum has been able to rehouse and reorganize its collection and create a collections database. Archivally-sound containers have been used for storage, photos have been taken and information uploaded onto a database system that makes it easier to search and put together exhibits, including web-based exhibits.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$25,000 for the completion of the historic database project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 37: APPROPRIATE FOR RTS PROPERTY REPAIRS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$645,000 for RTS Property Repairs, including costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$645,000 under Massachusetts General Law 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 Law 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 funding will enable the Town to make repairs to the Recycling & Transfer Station (RTS) facility to increase efficiency, comply with regulatory requirements, and improve the facility function. The Town’s design consultant conducted two evaluations in 2016 on the roof and structure of the 1998 building. Emergency structural repairs were made to address immediate safety concerns in the building, including

cleaning and painting of the steel framing, and repairs to the fire protection system. The remaining structural repairs that must be addressed include repairs to the pre-engineered metal framing, additional repairs to the fire protection system, additional cleaning and painting of the steel framing, roof repair, installation of a fall protection/warning system at tipping pit, replacement of the steel approach at tipping pit, and repair of the slab-on-grade. This funding will support the design, engineering, and construction of these items.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$645,000 for RTS Property Repairs, including costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$645,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: So voted by unanimous consent.

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 \$1,357,111 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 transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$132,111	
Sewer	Sewer Main Extension Zone I and II	\$690,000	
Sewer	Sewer Main Replacements	\$330,000	
Sewer	Sewer System Infiltration & Inflow Removal	\$205,000	
		\$1,357,111	

Article Information

Sewer Main Extension Zones I and II

The Massachusetts Department of Environmental Protection designates certain sensitive areas for aquifer protection. The Zone I and Zone II aquifer protection areas for the Charles River Wellfield include homes with private septic systems. Zone I includes land within a 400 foot radius of existing or potential public water supply wells, and Zone II includes the area of an aquifer that, given the most severe pumping and recharge conditions that can be realistically anticipated, would potentially be affected by nearby septic systems. All three of Needham’s wells are located in an area that is vulnerable to contamination from nearby septic systems. Extending the sewer main will enable access to homes within Zones I & II and reduce the risk of contamination. This funding will support the installation of a new sewage pumping station and extension of the sewer main in Winding River Road.

Sewer Main Replacements

The Greendale Avenue/Route 128 sewer interceptor is in need of rehabilitation/replacement. The existing sewer line is deteriorating and in need of rehabilitation/replacement. This funding will replace or reline 12,000 feet (2.25 miles) of 18 inch reinforced concrete gravity sewer main running through Town property in the Right of Way from Greendale Avenue near Cheney Street towards Route 128, and along the Route 128 Right of Way to Great Plain Avenue. This interceptor sewer collects and conveys waste water from numerous sewer lines. FY2019 funding will be allocated to a feasibility study for this project.

Sewer System Infiltration and Inflow Removal

The Town recently completed a study identifying priority areas for inflow and infiltration removal for the next ten years. The Town of Needham, along with numerous other communities, is under Administrative Orders from the Department of Environmental Protection (DEP) to identify and remove Infiltration and Inflow (I/I) in existing sewer systems. Infiltration is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures that need to be repaired. Inflow is defined as clean, non-septic water, which

is introduced to the system. This water is generally produced by residential sump pumps that drain basements. Unless circumstances require otherwise, this funding will support the design of the removal of the remaining locations of identified infiltration in the system.

Sewer Enterprise Fund – Core Fleet Replacement

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
28	Sewer	Work Truck Class 3 Flat Bed	2001	Work Truck Class 3 Pick Up	\$64,247
94	Sewer	Work Truck Class 2B Pick Up#	2014	Work Truck Class 3 Pick Up	\$67,864
Total					\$132,111

The vehicle will be retained as a backup vehicle.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,357,111 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 transferred from Sewer Enterprise Fund Retained Earnings.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$132,111	
Sewer	Sewer Main Extension Zone I and II	\$690,000	
Sewer	Sewer Main Replacements	\$330,000	
Sewer	Sewer System Infiltration & Inflow Removal	\$205,000	
		\$1,357,111	

ACTION : So voted by unanimous consent earlier this evening (Monday, May 7, 2018).

ARTICLE 39: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,525,048 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	Fleet Replacement Program	\$355,048	
Water	Birds Hill Water Tank	\$340,000	
Water	Water Distribution System Improvements	\$830,000	
		\$1,525,048	

Article Information:

Birds Hill Water Tank

The water tank located at Birds Hill ensures that the Town is able to maintain proper operating system pressure of the water distribution system. The tank is filled through one central pipe at the bottom of the tank — and this is also how the tank is drained. The movement of water is therefore predominately at the bottom of the tank. This tank is 100 feet in diameter at the foundation and is 45 feet in elevation. This funding will allow the Town to install a mixing valve that will circulate water throughout the tank. The improved circulation will assist in maintaining chlorine levels inside the tank, improving water quality.

Water Distribution System Improvements

Water System Rehabilitation

Through the Water System Rehabilitation Program, the Town's water infrastructure is continually evaluated to assess functionality and performance, and to identify areas in need of repair. Water infrastructure requires ongoing attention and periodic replacement, and portions of the Town's water infrastructure are 75+ years old and approaching the end of their useful life. A diligent rehabilitation program encompassing maintenance, repair, and replacement ensures a continual supply of water to the public. The Department of Public Works prioritizes replacement of water pipes based upon pipe condition, water break history, and adequacy of water flow to fire hydrants. Unless

circumstances require otherwise, the FY2019 funding will support the replacement of 8 inch water mains on Bennington Street from High Street to Concord Street (unlined) and on Country Way (unlined).

Water Main Replacement

This request is to replace a total of 11,500 linear feet of 14 inch water main. The existing water line dates from 1936-1939 and is cast iron with bitumastic or coal tar liner. The water quality in areas serviced by this line is a concern, as the lining of these pipes breaks down over time causing discoloration in the water. In 2008, the Town began addressing areas served by this type of piping, which at the time was approximately 19,000 linear feet. The 14 inch water main was relined from the Charles River Water Treatment Facility to Grove Street. In 2010, the second phase of this project replaced the 14 inch water main with a new 16 inch water main extending from Grove Street to Central Avenue. In FY2016, the Town replaced the water main in Oak Street from Maple Street to Chestnut Street and in Chestnut Street from Oak Street to School Street. Unless circumstances require otherwise, FY2019 funding will be allocated to the construction of the remaining 11,500 linear feet of water main to be replaced from the intersection of Pine Street to Marked Tree Road to Oak Street, and Maple Street. The 14 inch water main will be replaced by a 16 inch water main.

Water Enterprise Fund Fleet Replacement – Specialty Equipment

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
14	Water	Heavy Truck Class 8 Dump Truck	2009	Heavy Truck Class 8 Dump Truck	\$239,404
22	Water	Work Truck Class 4 Utility Box	2009	Work Truck Class 4 Utility Box	\$115,644
Total					\$355,048

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,525,048 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	Fleet Replacement Program	\$355,048	
Water	Birds Hill Water Tank	\$340,000	
Water	Water Distribution System Improvements	\$830,000	
		\$1,525,048	

ACTION : So voted by unanimous consent earlier this evening (Monday, May 7, 2018).

ARTICLE 45: NON-BETTERMENT STREET ACCEPTANCE – PANDOLF LANE

To see if the Town will vote to accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen in accordance with plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans: Pandolf Lane; or take any other action relative thereto

Article Information: Pandolf Lane was constructed by a developer in conformance with the Town's design standards. This article, if accepted, will make Pandolf Lane a Public Way.

MOVED: That the Town vote to accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen in accordance with plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans: Pandolf Lane.

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 stated that there are no reports of Town Officers and Committees and declared this article disposed of.

Article 3 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEE ASSOCIATION/DPW

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages

provided for under the agreement for fiscal year 2019; 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 approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019.

Article 4 was withdrawn earlier this evening (May 7, 2018).

ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – INDEPENDENT TOWN WORKERS' ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; 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 approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019.

Article 5 was withdrawn earlier this evening (May 7, 2018).

ARTICLE 6: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN/TRADES INDEPENDENT ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades 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 2019; 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 approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades 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 2019.

Article 6 was withdrawn earlier this evening (May 7, 2018).

Article 7 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

Article 8 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

Article 9 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018)

ARTICLE 10: APPROPRIATE FOR TOWN-OWNED LAND SURVEYS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for survey of Town-owned lands, 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 Town has acquired land over the years that has never been surveyed. In recent years, when the Town has begun the design process for construction on such parcels, survey data has been unavailable or incorrect, resulting in delays and added cost to projects. This funding would allow the Town to conduct land surveys, including title research, field work, analysis, installation of bounds or markers, drafting work, and recording of the completed plan. The Town-owned survey project will be a multi-year program. Key priorities for future surveys include the Nike Site, Claxton Field, Mitchell School, Pollard School, the Emery Grover Building, the boat launch, Cricket Field, the Daly Building, Walker Gordon Field, Mills Field, Cooks Bridge Sewer Station, and the Stephen Palmer Building.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$100,000 for survey of Town-owned lands, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy

Mr. Maurice Handel, Selectman, addressed this proposal on behalf of the Board of Selectmen stating that the Board supports this article.

Mr. Thomas M. Jacob, member, advised that the Finance Committee supports this article.

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

ARTICLE 11: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$625,000 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 Overlay Surplus; or take any other action relative thereto.

Article Information: This warrant article will fund the annual and necessary maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2019 program will fund duct cleaning at the High Rock and Mitchell Schools, PSAB, and CATH, wood floor refinishing at the Pollard, High School, Mitchell, Hillside, Broadmeadow, Newman, and Eliot Schools and Town Hall, carpet replacement in the media

center at the Pollard School, asbestos abatement at the DPW garage, an evaluation of the pipes at the Public Safety Building, and splitting the chimney at the roof at the Eliot and High Rock Schools. At the Broadmeadow School, it will fund a hot water heater replacement and an acoustical treatment in the gym. At the Mitchell School, it will fund electrical upgrades, an office reconfiguration, painting of the ceiling tiles, refinishing of the wood trim and doors, rekeying the building, replacing the base trim, and providing acoustical insulation in the attic.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$625,000 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 Overlay Surplus.

Mr. John A. Bulian, Selectman, addressed this article on behalf of the Board of Selectmen. The Board of Selectmen unanimously supports this article.

Mr. John P. Connelly, member, advised that the Finance Committee voted unanimously to adopt this article.

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

Article 12 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

ARTICLE 13: APPROPRIATE FOR LONG RANGE PLAN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding consulting assistance for a long range plan, said sum 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: Long range planning is an organized way to determine community needs and to set a series of goals to meet those needs. Needham has experienced an extraordinary amount of growth over the last decade. Each of these projects has been sized on its own to determine the impact and mitigation needed for town infrastructure. This funding will allow the Town to engage a consultant to provide data for boards, committees, and commissions to use in understanding the impact of population growth, demographic changes and economic development on aspects such as traffic and circulation, housing and residential development, historic and cultural resources areas, natural resources and open space, schools, and public facilities and services. The funding will permit us to look at the studies for various projects and to fill in the gaps between those studies in order to create a holistic picture of the town's growth. This information will be used in goal and priority setting across the Town. It will also be used to understand the opportunity for further growth and development.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding consulting assistance for a long range plan, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

Article 13 was withdrawn earlier this evening (May 7, 2018).

ARTICLE 14: APPROPRIATE FOR RTS EFFICIENCY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding an RTS efficiency study, 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: The Department of Public Works has proposed a review of the day-to-day operations of the RTS to identify efficiencies and develop a master plan based on the findings. The efficiency study will include a review of all aspects of the RTS operation (recycling, municipal solid waste, composting, materials processing, and the closed landfill) as they relate to site operations, a review of site layout, traffic patterns, identifiable safety concerns, an evaluation of operating and maintenance, disposal, and transportation costs, a review of current staffing and equipment levels and evaluation of future needs, and a review of Municipal Solid Waste (MSW) and recycling handling practices and their impact on existing infrastructure. The recommendations included in the efficiency study report will inform the mastering planning process for RTS facility improvements.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding an RTS efficiency study, 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.

Mr. John A. Bulian, Selectman, addressed this proposal on behalf of the Board of Selectmen. He noted that the Board of Selectmen unanimously recommends adoption.

Mr. Thomas M. Jacobs, member, advised that the Finance Committee unanimously recommends adoption.

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

Article 15 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

ARTICLE 16: APPROPRIATE THE FY2019 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 \$2,506,298, from Overlay Surplus in the amount of \$335,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$115,147, and \$441,494 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: That the Town 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 \$2,506,298, from Overlay Surplus in the amount of \$335,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$115,147, and \$441,494 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.

Mr. Richard M Reilly, Chair, Finance Committee, addressed this proposal with a power point presentation.

Mr. Reilly stated that in consideration of the Operating Budget, the major focus will be on updating and supplementing the letter from the Finance Committee which is printed in the Warrant.

Before doing so, however, Mr. Reilly spent some time discussing the capital projects that are in process as well as those which are contemplated in the Town's Capital Improvement Plan. As will be seen when we do turn to the consideration of the budget, one of the fastest growing line items is for debt service, the element of the budget that funds the borrowing costs for these capital projects.

The first few slides of the PowerPoint presentation list the projects which were discussed at the Capital Facility Summit meeting a few weeks ago. That meeting provided an update on ongoing and upcoming projects. The first slide lists projects that have already been approved. The second slide lists projects that are being proposed this evening or are expected to be proposed at the STM this fall. The financing costs for all of these projects are included in the charts. The third chart lists projects that are not being proposed currently but are needed and are expected to be proposed in the future. None of the financing costs for debt associated with these three projects are included in the following projections.

This next chart shows the existing and projected financing costs, assuming that everything being proposed is approved. The top line shows the financing costs for all of the Town's projects, those financed through Enterprise fund revenues and the CPA, in addition to those financed through the tax levy. These figures do not reflect reimbursement from the MSBA. The second line shows the financing costs for those projects, after MSBA reimbursement, as a percent of the total revenue, including CPA and enterprise fund revenue. The Town's guidelines call for striving to keep those costs at no more than 10% of such revenue. The bottom line of the chart shows the financing costs of the projects financed through the levy as a percent of general revenue. Our guidelines call for committing 3% of such revenue to financing capital expenditures.

As the top line on the chart indicates, financing costs are projected to increase by 50% in 6 years, from \$15.8M in 2018 to

\$23.8M in 2023. Although not shown on this chart, total revenue is projected to grow at a slower rate, creating an imbalance. It should be kept in mind that our practice is to be conservative, both with respect to the assumed rate of interest for our borrowing costs and our revenue growth assumptions. In addition, the Debt Service Stabilization Fund could be used to offset some borrowing costs. Thus we will not necessarily exceed our 3% or 10% guidelines. To the extent that we do exceed those guidelines, however, we will be obliged to reduce the revenue available for other expenditures, dollar for dollar, at a time when there is likely to be added pressure to increase those expenditures.

The final chart in this preliminary section illustrates the impact of all of this on the tax bill for the hypothetical average single family home.

The first chart shows the growth in that tax bill in recent years through fiscal 2019. The second chart shows the increase in such tax bill for the next 10 years if all of the debt exclusions for projects currently being proposed were to be approved. For 8 of the 10 years indicated that would add \$1K or more, approximately 10%, to the tax bill for that ASFH. As mentioned, these projections do not include any costs for Mitchell or Pollard.

Mr. Reilly turned the attention to the matters before us over the next several nights. He started with the money available for General Fund Appropriation. For FY 2019 that amount is \$182.5M, an increase of \$9.3M or 5.4% over last year. While a number of revenue numbers cut both ways, the primary element contributing to this growth is property taxes, up approximately \$9.0M. The following chart analyzes the components of the increase in the property tax. The top line on the chart reflects the fact that \$1.3M of new growth came on line late last fiscal year, allowing us to recognize it for fiscal 2018. We had not been expected to recognize this revenue until FY 2019 and, accordingly had not reflected it in the tax base projected for 2018. While similar adjustments in the tax base calculations are customary from year to year, they are normally in the low to mid-five figure range and do not have a material impact. \$1.3M is an unusually large amount. The rest of the categories on the chart are self-explanatory.

The chart shows that \$5.8M, or 65% of the increase in the growth in tax revenue comes from components which cannot be assumed to be sources of future growth for on-going general expenses. He explained the unusual nature of the first line. The excluded debt is, by definition, dedicated to specific expenditures. It is revenue neutral in that the \$s so raised are not available to fund general operations. That leaves new growth. New growth is the increment to the tax base that is the result of renovations and new construction. While new growth does become part of our base, and as such is available for general operations on a continuing basis, the increase is highly variable year over year.

The following chart breaks down our new growth for the period from 2014-2019. The first component of new growth is that attributable to residential activity. While this has increased in recent years, it is the commercial component of new growth that has driven the significant overall increase in new growth. As can be seen, this element is highly variable. It should not be counted on as a source of future increases. We should also be aware that new growth brings with it increased demands for services, leading to greater operating costs. There's no free lunch.

How do we propose spending that revenue? Unless and until Town Meeting determines how and to what extent monies available for General Fund appropriation are to be applied, those

monies are not appropriated. The articles in the warrants for both this Town Meeting and for the Special Town meeting, which will be convened next Monday, propose to allocate the \$182M, as follows:

The \$162.7M for the Operating budget reflects Townwide expenses and the budgets for the operating departments that we will be voting on shortly. Cash capital and the financial warrant articles are for capital and other expenditures which may extend beyond FY 2019. The transfers to the Enterprise funds are reimbursements to those entities for work which they perform on behalf of the Town. \$1.5M of the \$2m goes to the RTS, one of the reasons there is a proposal later on to fold the RTS back into Town government. The \$2M for reserve and stabilization funds is self-explanatory. The last element-\$3.2M -covers some miscellaneous items, including state and county assessments, as well as provisions to cover possible abatements and exemptions, the so-called Overlay Account. Amounts not needed for this purpose can be appropriated later in the year, the so-called Overlay Surplus.

Turning to the Operating Budget, the \$162.7M proposed for FY2019 represents an increase of \$9.5M, or 6.2%, over the operating budget for FY 2018. There are two primary drivers of this increase, Townwide expenses and Education.

Townwide expenses are proposed to increase by \$5M, or 10.7%. The increase in Townwide expense is also primarily attributable to two elements. Debt service is up by \$2.3M, or 18.5%. The increase is due to the Williams school. The other substantial increase in Townwide expense is attributable to employee benefits for current employees and retirees. Those combined expenses are also up by \$2.3M, a little over 8.0%. Thus, these two elements represent \$4.6M of the \$5M, over 90% of the total increase in Townwide expenses.

In addition to the increase in Townwide expenses, Education expenses are proposed to increase by \$2.9M. While this increase is the second largest increase in absolute dollars, it represents an increase of only 4.1%, substantially less than the 6.2% increase in the overall operating budget.

There are two other components of the budget which, at first blush, appear to present substantial increases. A closer look shows this not to be the case, however. The first of these items is the DPW budget. While it is up by over \$6.5M, more than doubling last year's number, that is because the maintenance division of the Department of Public Facilities has been combined with the DPW. The consolidated budgets for both DPW and Public Facilities are up by less than \$500K year over year, less than 4% over their consolidated budgets from FY 2018. The other apparent large increase is for the Park and Rec. budget, which is up by some 35% over FY 2018. That is because Rosemary Pool was not open during FY 2018, so the Park and Rec. budget is artificially low this year. The Park and Rec. proposed budget is up some 20% over FY 2017, reflecting the expanded program at the new Rosemary Pool.

Turning back to the budgetary items which have had a substantial increase, the two components of Townwide expenses, debt service and employee benefits, together with Education expense, account for an increase of \$7.5M, or 79%, of our overall budgetary increase of \$9.5M. Fortunately we can afford this increase, and at the same time fund the other items we will be voting on. Frankly we did not have to make a lot of difficult choices in developing the proposed budget for FY 2019. But this will not necessarily continue to be the case going forward.

The "wind has been at our backs" for several years now, driven by both a strengthening overall national economy and a very healthy local economy, leading to enhanced local receipts and new growth in our tax base. According to the Building Department, in FY 2017, Needham property owners spent \$324M to construct or remodel their properties, both residential and commercial. This is just short of 1/3 of a \$Billion, that's with a "B". That \$324M is an 80% increase over FY2016. As the earlier chart showed, much of this increase was attributable to commercial activity.

There is an expression in the investment world- "trees don't grow to the sky". Thus, we should not assume that we will continue to be the beneficiaries of this growth. In addition, we may very well have to come to grips with looming federal deficits that may squeeze revenues at the state and local level. Consequently, we must continue to show discipline in the commitments we make and the on-going costs that we build into our Operating Budget.

From a macro point of view, some 75% of the Operating Budget involves personnel costs, both compensation and benefits. Given that town government is essentially a service business, this is not surprising. On a side note, almost another 10% of our budget is for debt service, leaving just over 15% for everything else. We can assure Town Meeting that managing headcount is a major focus of the Town management and the Finance Committee in our budget deliberations. Nonetheless, staffing additions continue in order to meet evolving needs. We encourage Town governmental entities and, perhaps more importantly, our citizens to be alert to and accepting of the potential for substituting delivery of services through technological rather than human sources. (Remember how much resistance there was about going to a machine instead of a teller to get cash out of our bank accounts?) If we aren't open to technological solutions, we will be faced with escalating costs that will be a major constraint on our abilities to fund other worthwhile and necessary projects and activities.

Mr. Richard M. Reilly concluded his presentation stating that the Finance Committee unanimously approves and supports of Article 16, The FY2019 Operating Budget.

Mr. Daniel P. Matthews, Chair, addressed Article 16 on behalf of the Board of Selectmen. He noted the extraordinary work of the Finance Committee, Town Manager, and all employees who contributed to this budget. He noted that we do face challenges, but Needham is conservative in our planning. The Board of Selectmen unanimously recommends adoption of Article 16.

The Moderator proceeded to call out each line item in the budget.

Under Line Item 3, I response to an inquiry from Carol I. Urwitz, Mr. Richard M. Reilly, Chair, Finance Committee, advised that the Town was under a rate saver plan and there is now a new plan with a high deductible plan. Mr. Reilly also advised Catherine E. Kurkjian that employee costs have increased due to increased costs to the Town. Unanimous consent was given to allow Town Manager Kate Fitzpatrick, non-resident, to address Town Meeting. She explained that this new high deductible plan is positive but new employees increase costs.

Mr. John J. Frankenthaler noted that some towns purchase bulk energy and act as the provider. Mr. Daniel P. Matthews, Chair, Board of Selectmen, advised that there are pros

and cons to this process. The town has looked at this and will continue to monitor this type of purchase.

Under Line Item 4, Mr. Paul S. Alpert questioned if the solar panels contribute to the costs of electricity. Mr. Reilly noted that the Town sells the electricity.

Under Line Items 5 and 6, Mr. Steven M. Rosenstock asked for the latest actuarial reports. Mr. Reilly advised the 71.1% of the town's pension costs are covered and as of June 30 2017 20.23% of OPEC was covered.

In response to an inquiry from Mr. Mark A. Oberle, Mr. Reilly indicated that the Town is satisfied with the Fire Department staffing and salaries and we are comparable to other communities with which we compare.

Under Line Item 20, Mr. Jeffrey Stulin, Needham Representative to Minuteman School Committee, presented a brief status update. He explained that there are two parts to this Minuteman project – hardware and software. The hardware portion is the new Minutemen High School Building and the software is the Academy Educational Model. The building was constructed at each end and met in the middle. The original construction building completion date was summer of 2020, but building modifications to streamline construction and an interesting construction idea leads to a project completion date of June 2019. The project is currently on-time and on-budget. For the software portion of the project, today's students need to be both better educated and more flexible in order to succeed in a job market whose requirements are rapidly evolving due to technology and other forces.

Requirements for the "new" workplace include:

- Stronger academics
- Better communication/presentation skills
- Ability to work with colleagues from multiple disciplines
- Ability to integrate academic skills with career skills
- Expertise in technology & automation (masters of technology, not servants of technology)
- Continuing education
- Career flexibility

Making the Academy model work includes:

- **Floor plan of new building** allows the physical proximity of the career education within the academies and between the academies and academics
- **Rubicon Atlas** software enables discovery of curricula connections throughout the school, enabling the development of "real world" integrated projects
- **Technology:** student technology, critical business technology, collaboration technology, specific career path technology expertise
- **Hard work by staff** to successfully take advantage of the above to create complex multi-disciplinary curriculum exposing the students to a realistic modern work environment.

The goal is to provide an education that will enable district students to be successful today and in the future for whichever path they choose: career, college, military, or other.

In response to an inquiry from Mr. Kenneth Scott Muldoon, Mr. Stulin advised that there are 20 – 21 Needham students currently enrolled in Minuteman.

Mr. Peter Sergey Panov requested that this presentation be posted on the website.

Under Line Item 21, Mr. Aaron M. Pressman, Chairman, presented the school budget report to Town Meeting. As always the school budget for the upcoming year has many moving parts but he first updated Town Meeting on some of the projects approved in the past. He noted that if you're a fan of abstract steel sculpture, it's a great time to live in Needham. There are the bars going up for the big Beth Israel Deaconess expansion, we may be past steel at the new Rosemary pool building, and then you can admire the frames of our high school classroom addition and the new Sunita L. Williams school.

There is good news to report about the cost of the new Sunita Williams School. Bids for the work came in about \$7 million below the town's \$66 million estimate. With a small portion of those savings and consistent with the Town's overall energy plan, we are adding a rooftop array of photovoltaic solar panels that will generate 40 to 50% of the school's energy needs. The infrastructure to support a PV was already part of the original project, so it's easy to add the panels. The remainder of the savings will reduce the amount of borrowing required. We broke ground on November 17 and the work is proceeding rapidly. Behind the site, the AmeriCorps Student Conservation Association helped build a series of nature trails that will be a great resource for all to enjoy.

At the high school, work has begun on the addition to add 10 new and 7 renovated classrooms. Unfortunately, when the bids came in, we discovered that last year's \$13.2 million estimated cost to complete all of the work we promised, including replacing the chiller and renovating the A gymnasium, fell short. Higher costs particularly for drywall, labor and some other items created a shortfall of \$431,000, or about 3% of the previous request. You will hear more about a request to cover the shortfall when we get to article #7 at our special town meeting next week.

Planning is also in the later stages for bringing full day kindergarten to Needham starting in the fall of 2019 to coincide with the opening of the Sunita Williams School, which has more available space than the current Hillside school. We conducted the full day K space study that you approved last year and found that we could fit in four of our five elementary schools, but we uncovered an immediate space crunch at the Mitchell school. To address that squeeze, we will be asking for preliminary design funding to add two modular classrooms at Mitchell. It's true that we are planning to fully rebuild the Mitchell school, but that is not likely to happen for another 8 to 10 years because of other important town projects and needed support from the Massachusetts School Building Authority. Also keep in mind that these particular modular classrooms will be movable to other sites.

With these major projects well underway, the planning process is continuing for several of our other buildings. You will hear more later in town meeting about studies needed to assess the aging Pollard Middle School and the positively ancient Emery Grover administration building.

While we and other town boards oversee all these plans, of course, Superintendent Gutekanst, his administrative team and all the principals and teachers and coaches and aides in the schools are focused on our kids.

Among this year's highlights:

Our high school golf team won the annual sportsmanship award from the MIAA - Massachusetts Interscholastic Athletic Association - and our swim coach Adam Cole was named swim coach of the year. We also initiated our new inclusive unified sports program with support from the Special Olympics. We've participated in several track meets and plan to expand the program next year.

Off the playing fields, a team of Pollard 8th graders won First Place in the National History Day State Championship for their Exhibit featuring World War II veterans and winner of the congressional medal of honor Desmond Doss. Four other high school students also won awards at the competition.

In social action, the high school's Habitat for Humanity Club helped build a home in Mattapan and in Taos, New Mexico.

And in December, after racist and anti-Semitic graffiti was found at the Pollard school, an impressive and well-spoken group of 7th and 8th graders organized a "teach in" for their peers.

Just last month, High Rock Principal Jessica Downey led students and families on an exchange trip to our sister school district, Daxing, in Beijing, China.

And finally, about 50 members of our community including parents, teachers and other professionals gathered in this hall TWO WEEKS ago in a project we are calling Portrait of a Needham graduate, to examine the skills and knowledge that will be required of our graduates in the future. With additional meetings planned later this spring and in the fall, the aim is to provide guidance for developing district priorities and goals in the years ahead.

We also began the challenging work of addressing the findings of an equity audit that superintendent Gutekanst commissioned.

Fifteen years ago, the students in the Needham Public Schools were 90% white; today we have enrolled in our schools over 22% students of color.

The schools are also becoming more diverse each year with over 50 languages spoken at home by students' families, and a wide variety of cultures, faith traditions, types of families, sexual and gender identities, races, ethnicities, learning styles, disabilities, and countries of origin represented. But the audit found that not everyone feels welcome or understood in the Needham Public Schools.

Part of this year's budget request is for professional development training to address those findings and for funding to support specific student programs, like the "Launching scholars program" at Pollard which aims to close achievement gaps in math. You can find the complete equity audit on the district's web site. The results of the audit were not the only major challenge the schools faced this past year.

We and the entire town community suffered a tragic loss in February when two Needham high juniors, Talia Newfield and Adrienne Garrido, were struck and killed while crossing Webster Street. The lost potential of these two impressive young women can never be replaced and we wish to extend again to their families our deepest sympathy. We take some solace in the way the community came together to support each other. And we again thank so many including not just our school staff and administrators but the police and fire departments, the public

health and youth services departments, the Needham Clergy Association, the PTCs at our schools as well as St. Joseph's School and the Walker School, Riverside Community Care, and local businesses for their assistance at this difficult time. In April, the school committee approved the establishment of a scholarship in Adrienne's name that has been generously funded by her family. As in life, the tragic and the joyous intertwine in ways no one can foresee. It is certainly a reminder to make the most of each day. And so on to the more mundane but still critically important details of our budget.

For fiscal 2019 we are proposing a roughly \$71 million budget which represents about a \$2.8 million or 4.03 percent increase over the current year. The rate of increase is the smallest in at least the past 10 years, but as you can read in finance committee chairman Dick Reilly's excellent letter in the front of the warrant, we have been conservative in our request because we are preparing for the cost of implementing full day kindergarten in fiscal 2020 without an override.

The town prudently has not spent some of our growing recurring revenues in this budget and last year's on recurring operating expenses. Instead they've been assigned to meet one-time costs or to reserve funds, so they will be available to help meet the estimated \$2 million added annual cost of running the full day K program when it starts the following year.

Here are the major components of this year's requested increase:

Contractual Salary Increases for all existing employees account for \$1.8 million, or over half of the total requested increase.

Special Education and Student Support Cost increases were less severe than in some prior years but increases in the number of special education students being served, special ed tuition, and other mandated costs total just over \$376,000—about \$175,000 of that is for out-of-district tuition.

Additional funds are needed to meet growing enrollment and maintain class sizes. While overall enrollment is projected to increase only slightly next year, we need to make sure that class sizes stay within our School Committee guidelines. The budget includes a net increase of 3 Full Time Equivalent teachers, mainly at the high school. We dearly love the class of 2018 and we will soon bid them a fond farewell at graduation. But they are also smaller than many of the classes coming up through the elementary and middle schools behind them, requiring some additional teachers at the high school in coming years.

The remainder of the increase is divided among smaller but no less critical areas, like adding a full time math coach at the elementary school level, supporting the new unified sports program I mentioned earlier, and starting to hire some permanent, building based substitute teachers.

Mr. Pressman noted that last year we convened a transportation study group made up of representatives from the schools, parents, and the finance committee to review our bus and van programs. The group uncovered several unmet needs that we will begin to address in this budget. The budget includes about \$30,000 to add after school late buses at the middle and high school levels for students who wish to participate in extracurricular activities or access homework help but still need a ride home. In our usual yellow bus service, the group found that to eliminate a persistent waiting list that can reach 40 or more students a year would require at least two new buses. We're

seeking an additional \$66,000 for one bus this year and hopefully will add the second bus next year.

For those who want to dig deeper into the details, please consult the 66-page budget request mailing you received prior to town meeting, which is also available in PDF form on the Needham schools website. You can also keep up with all the latest school news, and snow cancellation controversies, by following our superintendent on Twitter, on his blog or by signing up for email updates.

Mr. Pressman reiterated that it is a great honor to stand before you and advocate for the School budget. However none of this could happen without the talents and hard work of Dr. Gutekanst, assistant superintendent for finance Anne Gulati and many others in the schools. We also rely on the much appreciated cooperation and dedication of the Town Manager and her staff, the Select Board, possibly soon to be called, the Finance Committee, the Permanent Public Building Committee, and others.

Mr. Pressman thanked all of them for supporting the students, teachers and staff for helping create a school system that is widely recognized as one of the best in the state not just for academic or athletic excellence, but also for innovation, creativity, inclusivity and kindness.

Mr. Pressman thanked the Moderator and fellow Town Meeting Members and urged support of the Fiscal Year 2019 School Budget.

Mr. Peter J. Pingatore expressed concerned with the student/teacher class ratio. Mr. Pressman advised that the guidelines are posted. There are 20 – 24 students per class for the elementary schools. This is slightly higher. Mr. Pingatore noted that Needham is third highest in the State in teacher/student ratio.

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

Townwide Expenses

1. Casualty, Liability, Property & Self Insurance Program	\$626,790
2. Debt Service	\$14,904,503
3. Group Health Insurance, Employee Benefits Assessments & Administrative Costs	\$15,256,471
4. Needham Electric, Light & Gas Program	\$3,586,259
5. Retiree Insurance & Insurance Liability Fund	\$6,906,705
6. Retirement Assessments	\$7,934,482
7. Workers Compensation	\$679,253
8. Classification Performance & Settlements	\$527,090
9. Reserve Fund	\$1,859,891

Townwide Expense Total \$52,281,444

Board of Selectmen & Town Manager

10A Salary & Wages	\$875,526
10B Expenses	151,699
Total	\$1,027,225

Town Clerk & Board of Registrars

11A Salary & Wages	\$373,098
11B Expenses	\$60,035
Total	\$433,133

Town Counsel

12A Salary & Wages	\$75,422
12B Expenses	\$254,000
Total	\$329,442

Personnel Board

13A Salary & Wages	\$0
13B Expenses	\$0
Total	\$0

Finance Department

14A Salary & Wages	\$1,905,197
14B Expenses	\$949,492
14C Capital	\$75,000
Total	\$2,929,689

Finance Committee

15A Salary & Wages	\$37,448
15B Expenses	\$1,320
Total	\$38,768

Planning and Community Development

16A Salary & Wages	\$529,523
16B Expenses	\$31,900
Total	\$561,423

General Government and Land Use Total **\$5,319,680**

Police Department

17A Salary & Wages	\$6,350,537
17B Expenses	\$311,290
17C Capital	\$153,574
Total	\$6,815,401

Fire Department

18A Salary & Wages	\$7,763,983
18B Expenses	\$376,822
18C Capital	\$23,778
Total	\$8,164,583

Building Department

19A Salary & Wages	\$701,713
19B Expenses	\$55,040
Total	\$756,753

Public Safety Total **\$15,736,737**

Minuteman Regional High School

<u>Assessment</u>	
20 Assessment	\$914,236
TOTAL	\$914,236

Needham Public Schools

21 Needham Public School Budget	\$71,105,943
TOTAL	\$71,105,943
Education Total	\$72,020,179

Public Facilities Design & Construction

22A Salary & Wages	\$488,361
22B Expenses	\$19,495
Total	\$507,856

Department of Public Works

23A Salary & Wages	\$7,482,721
23B Expenses	\$4,537,940
23C Capital	\$29,993
23D Snow & Ice	\$416,232
Total	\$12,466,886

Public Facilities and Public Works Total \$12,974,742

Municipal Parking Program

24 Program Budget	\$106,382
Total	\$106,382

Health and Human Services Department

25A Salary & Wages	\$1,519,748
25B Expenses	\$341,986
Total	\$1,861,734

Commission on Disabilities

26A Salary & Wages	1,500
26B Expenses	550

Total **\$2,050**

Historical Commission

27A Salary & Wages	\$0
27B Expenses	1,050
Total	\$1,050

Total **\$1,050**

Needham Public Library

28A Salary & Wages	\$1,397,232
28B Expenses	\$358,677
Total	\$1,755,909

Park & Recreation Department

29A Salary & Wages	\$575,332
29B Expenses	\$84,600
Total	\$659,932

Memorial Park

30A Salary & Wages	\$0
30B Expenses	\$750
Total	\$750

TOTAL: COMMUNITY SERVICES \$4,387,807

DEPARTMENT BUDGET TOTAL \$110,439,145

TOTAL OPERATING BUDGET \$162,720,589

ARTICLE 17: APPROPRIATE THE FY2019 RTS 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 Solid Waste and Recycling Division of the Department of Public Works during fiscal year 2019, under the provisions of M.G.L. Chapter 44, Section 53F 1/2:

**RTS Enterprise
FY2019**

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
101A	Salary & Wages	\$757,996	10.0	\$796,656	10.0	\$801,914	10.0	
101B	Expenses	\$1,226,853		\$1,369,612		\$1,496,979		
101C	Operating Capital	\$96,250		\$91,500		\$91,500		
101D	Debt Service	\$149,784		\$150,000		\$150,000		
102	Reserve Fund	Transfers Only		\$25,000		\$25,000		
TOTAL		\$2,230,883	10.0	\$2,432,768	10.0	\$2,565,393	10.0	
FY2019 Budget Percentage Change from FY2018 Budget							5.5%	

and to meet this appropriation that \$940,000 be raised from RTS Enterprise Fund receipts, that \$1,520,000 be raised from the Tax Levy and transferred to the Enterprise Fund, and that \$105,393 be transferred from RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

Article Information: The Town of Needham provides residents with recycling and waste disposal services at the Town's Recycling Center and Transfer Station (RTS). The RTS is a residential drop-off facility with a pay-per-throw program. To use the RTS, residents must obtain a special sticker which is affixed to the windshield of the vehicle transporting recycling and/or trash into the RTS. Residents may purchase special bags for their non-recyclable trash disposal or may haul trash into the center and have it weighed before disposing, paying a fee. These fees combined cover some of the costs for operating the RTS. The RTS is one of the most utilized facilities within the Town - approximately 75% of Needham residents directly utilize the facility. The majority of the remaining 25% of Needham residents utilize the RTS through subscription hauler services. The RTS also provides disposal and recycling services for many Town departments along with material processing and snow dump services for the Department of Public Works. Additionally, the RTS provides a variety of other specialty recycling options for residents such as books, clothing, and many others.

FY2019 will be the fifth year with the funding model for the Recycling and Transfer Station Enterprise, which includes a significantly higher contribution from the General Fund to offset the loss of revenue collected through the annual sticker fee that was previously paid by residents. This payment, along with pay-per-throw bags and other rubbish disposal fees and miscellaneous revenue, provides the funds to support and operate the center. The General Fund contribution of \$1,520,000 for FY2019 is \$57,500 more than the current year. This is a trend that is anticipated to continue into the future, which is one of the primary reasons that there is a recommendation to dissolve the enterprise fund effective for FY2020, addressed under a separate warrant article for this Town Meeting.

The recommended operating budget for FY2019 is \$2,565,393 or \$132,625 (5.5%) more than the FY2018 budget. The \$5,258 (0.7%) change in salary and wages line reflects step and longevity increases for department personnel. The collective bargaining agreement with the NIPEA union expires on June 30, 2018. A successor agreement with the union had not been reached; any funding that may be required as a result of an agreement will be addressed at a subsequent town meeting. The RTS has ten full-time employees, of whom eight are members of the NIPEA union.

The \$127,367 (9.3%) increase in the expense line is driven by the costs for the disposal of solid waste and the “upside-down” change with the recycling market which now has the Town paying to have many recyclable items removed from Town rather than being paid for the items. Overall the cost in processing recyclables accounts for more than \$110,000 of the total increase. However, recycling is still less expense than outright disposal. Another increasing expense is with the maintenance and repair of equipment and the facility which is \$12,100 more for FY2019 over FY2018, an increase of 17.5%.

The operating capital line is level funded at \$91,500 for FY2019. The funds are proposed to be used to replace an open top trailer and roll-off containers. The open top trailer is used to haul trash to the waste to energy plant in Millbury. The roll-off containers are used by residents to drop off trash and recycling; these are part of an annual replacement schedule. Debt service is level funded at \$150,000, and supports the debt capacity requirements to continue the current RTS operations. The reserve fund is level dollar as well for FY2019.

The RTS also reimburses the General Fund for costs incurred and paid by the general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs.

MOVED: That the Town vote to raise and/or transfer and appropriate the following sums of money to operate the Solid Waste and Recycling Division of the Department of Public Works during fiscal year 2019, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**RTS Enterprise
FY2019**

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments	
		Expended	FTE	Current Budget	FTE	Recommended	FTE		
101A	Salary & Wages	\$757,996	10.0	\$796,656	10.0	\$801,914	10.0		
101B	Expenses	\$1,226,853		\$1,369,612		\$1,496,979			
101C	Operating Capital	\$96,250		\$91,500		\$91,500			
101D	Debt Service	\$149,784		\$150,000		\$150,000			
102	Reserve Fund	Transfers Only		\$25,000		\$25,000			
TOTAL		\$2,230,883	10.0	\$2,432,768	10.0	\$2,565,393	10.0		
FY2019 Budget Percentage Change from FY2018 Budget							5.5%		

and to meet this appropriation that \$940,000 be raised from RTS Enterprise Fund receipts, that \$1,520,000 be raised from the Tax Levy and transferred to the Enterprise Fund, and that \$105,393 be transferred from RTS Enterprise Fund Retained Earnings.

Mr. John A. Bulian, Selectman, addressed this proposal on behalf of the Board of Selectmen. He stated that the Board of Selectmen unanimously support this article.

Mr. Joshua W. Levy, member, recommended adoption of this proposal on behalf of the Finance Committee.

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

ARTICLE 18: APPROPRIATE THE FY2019 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 2019, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise

FY2019

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$997,868	12.0	\$958,976	11.0	\$961,327	11.0	
201B	Expenses	\$350,248		\$431,060		\$439,727		
201C	Capital Outlay	\$40,986		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,683,915		\$5,889,796		\$6,227,150		
201E	Debt Service	\$1,044,704		\$1,500,000		\$1,500,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,117,721	12.0	\$8,864,832	11.0	\$9,213,204	11.0	
FY2019 Budget Percentage Change from FY2018 Budget							3.9%	

and to meet this appropriation that \$8,458,454 be raised from Sewer Enterprise Fund receipts, that \$504,750 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund, and that \$250,000 be transferred from Sewer Enterprise Fund Retained Earnings; 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 144 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 over 144 miles of drains and 4,312 catch basins.

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	FY2019 Sewer Operations	FY2019 Drains Program	FY2019 Recommended Budget	FY2018 Sewer Operations	FY2018 Drains Program	Current FY2018 Sewer Budget
Salary & Wages	\$617,991	\$343,336	\$961,327	\$625,189	\$333,787	\$958,976
Expenses	\$278,313	\$161,414	\$439,727	\$273,098	\$157,962	\$431,060
Capital Outlay	\$50,000	\$0	\$50,000	\$50,000	\$0	\$50,000
MWRA Assessment	\$6,227,150	\$0	\$6,227,150	\$5,889,796	\$0	\$5,889,796
Debt Service	\$1,500,000	\$0	\$1,500,000	\$1,500,000	\$0	\$1,500,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,708,454	\$504,750	\$9,213,204	\$8,373,083	\$491,749	\$8,864,832
	FY2019 Sewer Operations \$ Change	FY2019 Drains Operations \$ Change	FY2019 Sewer Enterprise \$ Change	FY2019 Sewer Operations % Change	FY2019 Drains Operations % Change	FY2019 Sewer Enterprise % Change
Salary & Wages	-\$7,198	\$9,549	\$2,351	-1.2%	2.9%	0.2%
Expenses	\$5,215	\$3,452	\$8,667	1.9%	2.2%	2.0%
Capital Outlay	\$0	\$0	\$0	0.0%		0.0%
MWRA Assessment	\$337,354	\$0	\$337,354	5.7%		5.7%
Debt Service	\$0	\$0	\$0	0.0%		0.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	\$335,371	\$13,001	\$348,372	4.0%	2.6%	3.9%

The total operating budget of \$9,213,204 for FY2019 is \$348,372 more than the current FY2018 budget, an increase of 3.9%. This increase is primarily due to the increase in the MWRA assessment for the Town's sewerage and wastewater disposal. The \$6,227,150 preliminary assessment represents a 5.7% increase over FY2018. The increase in the MWRA sewer assessment accounts for approximately 97% of the total increase. The final assessment from the MWRA will be affected by 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 FY2019 sewer operations portion of the budget is \$335,371 higher, an increase of 4.0% over the current year. The MWRA assessment for FY2019 is \$337,354 more than the current appropriation, which is greater than the total increase for sewer operations. The total sewer operations increase is lower than the increase for just the MWRA assessment is due to the decrease in the salary and wages line. The FY2019 drains operations portion of the budget is \$13,001 more than the FY2018 allocation, a 2.6% increase over FY2018.

The total salary and wages line is \$961,327 for FY2019, an increase of \$2,351 (0.2%). The sewer division has 11 full-time employees all of whom are members of the NIPEA union. A successor agreement with the union has not been reached; any funding that may be required as a result of an agreement will be addressed at a subsequent town meeting.

The total expense line for FY2019 is \$439,727 which is \$8,667 or 2.0% more than the current year. The largest of the expense increases (\$7,000) is for the new stormwater management software that is necessary to meet the new Municipal Separate Storm Sewer System (MS4) permit requirements. There is a \$2,175 increase for the repair and maintenance of generators and facilities. The estimated cost for collecting and disposing of catch basin and street sweeping debris is \$2,998 higher than the current year. There is also a \$200 increase for certification and licenses fees. These increases were offset in part with budget decreases for energy (\$1,693), vehicle related expenses (\$1,013), and various supplies (\$1,000).

The operating capital line is level funded at \$50,000 for FY2019. This budget line pays for grinder replacements and allows the department to continue its annual \$25,000 allocation for sewer pump and small power equipment replacement. The plan for FY2019 is the replacement of one pump at the Great Plain Avenue Pump Station and replacement of a grinder at the Kendrick Street Pump Station. The sewer debt service budget line is also level dollar at \$1,500,000 for FY2019, which is in keeping with the overall sewer capital infrastructure-funding plan for long term investments. The reserve fund is level dollar for FY2019. The budget plan for FY2019 includes the use of \$250,000 from sewer retained earnings. The \$504,750 to be transferred from the tax levy is to pay for drains-related programs; this is an increase of \$13,001 from FY2018.

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 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 2019, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Sewer Enterprise
FY2019**

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$997,868	12.0	\$958,976	11.0	\$961,327	11.0	
201B	Expenses	\$350,248		\$431,060		\$439,727		
201C	Capital Outlay	\$40,986		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,683,915		\$5,889,796		\$6,227,150		
201E	Debt Service	\$1,044,704		\$1,500,000		\$1,500,000		
202	Reserve Fund Transfers Only			\$35,000		\$35,000		
TOTAL		\$8,117,721	12.0	\$8,864,832	11.0	\$9,213,204	11.0	
FY2019 Budget Percentage Change from FY2018 Budget							3.9%	

and to meet this appropriation that \$8,458,454 be raised from Sewer Enterprise Fund receipts, that \$504,750 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund, and that \$250,000 be transferred from Sewer Enterprise Fund Retained Earnings.

Mr. John A. Bulian, Selectman, addressed this proposal on behalf of the Board of Selectmen. He noted that the Board voted unanimously to recommend adoption of Article 18.

Mr. Joshua W. Levy, member, recommended adoption on behalf of the Finance Committee.

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

ARTICLE 19: APPROPRIATE THE FY2019 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 2019, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise
FY2019**

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,102,564	16.0	\$1,248,413	17.0	\$1,252,990	17.0	
301B	Expenses	\$1,087,838		\$1,107,888		\$1,137,563		
301C	Capital Outlay	\$2,875				\$20,000		
301D	MWRA Assessment	\$1,039,372		\$1,109,794		\$862,262		
301E	Debt Service	\$1,549,049		\$1,550,000		\$1,550,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,781,698	16.0	\$5,091,095	17.0	\$4,897,815	17.0	
FY2019 Budget Percentage Change from FY2018 Budget							-3.8%	

and to meet this appropriation that the sum of \$4,897,815 be raised from Water Enterprise Fund receipts; 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 which is able to produce up to 4.6 million gallons of water per day.. The current water withdrawal registration from the Department of Environmental Protection (DEP) allows approximately 2.63 million gallons of water per day to be pumped. The Charles River 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 14,545 installed meters.

The overall operating budget for FY2019 is \$4,897,815 or \$193,280 (3.8%) less than the FY2018 budget. The decrease is the result of a lower 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 FY2019 water assessment is based on CY2017 water use. The Town's use of MWRA water was down approximately 31% from the prior year. The preliminary water assessment for FY2019 is \$862,262 which is \$247,532 (22.3%) less than the appropriation for the current year. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	CY2015	CY2016	CY2017
Water Production*	1,256.8	1,217.3	1,166.4
Water Production from MWRA	304.1	327.1	225.9
Water Production from Town Wells	952.7	890.2	940.5
Percentage from MWRA	24.2%	26.9%	19.4%
*millions of gallons			
Water meters replaced	1,203	1,348	1,315
Percentage of the total number of water meters in place for that year	8.3%	9.3%	9.0%

The FY2019 salary and wage expense line is \$1,252,990, an increase of \$4,577 (0.4%) over the current budget. The water enterprise has 17 full-time employees of which 13 are unionized. Twelve employees are members of the NIPEA union and one employee is a member of the ITWA union. The collective bargaining agreement with the NIPEA and ITWA unions expires on June 30, 2018. Successor agreements with the bargaining groups have not been reached; any funding that may be required as a result of an agreement will be addressed at a subsequent town meeting.

The water expense line of \$1,137,563 is \$29,675 higher than the FY2018 budget, or approximately 2.7% more. Approximately 83% of that increase (\$24,716) is for public works supplies which include drinking water treatment chemicals and water meters of various sizes. Professional and technical services increased by \$6,700 to pay for costs associated with the Dunster and Birds Hill water tank inspections and testing. The budget expense for gasoline and diesel fuel for vehicles and equipment is \$2,138 higher than the current year. There is a decrease in the budget for energy of \$3,579 (electricity is higher and natural gas is lower). The net change for all the other expense categories is a decrease of \$300.

There is a request for \$20,000 in operating capital for FY2019 – there was no budget for this category in FY2018. The planned expenses are the replacement of two filter valves (\$15,000) at the water treatment plant, and the replacement of a trailer to move equipment (\$5,000). Debt service is level funded at \$1,550,000, which is based on approved projects, and is in keeping with the overall water capital infrastructure-funding plan for long term investments. The water reserve fund is level dollar for FY2019.

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 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 2019, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise
FY2019**

Line #	Description	FY2017		FY2018		FY2019		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,102,564	16.0	\$1,248,413	17.0	\$1,252,990	17.0	
301B	Expenses	\$1,087,838		\$1,107,888		\$1,137,563		
301C	Capital Outlay	\$2,875				\$20,000		
301D	MWRA Assessment	\$1,039,372		\$1,109,794		\$862,262		
301E	Debt Service	\$1,549,049		\$1,550,000		\$1,550,000		
302	Reserve Fund Transfers Only			\$75,000		\$75,000		
TOTAL		\$4,781,698	16.0	\$5,091,095	17.0	\$4,897,815	17.0	
FY2019 Budget Percentage Change from FY2018 Budget							-3.8%	

and to meet this appropriation that the sum of \$4,897,815 be raised from Water Enterprise Fund receipts.

Mr. John A. Bulian, Selectman, recommended adoption of this proposal on behalf of the Board of Selectmen.

Mr. Joshua W. Levy, member, noted that the Finance Committee voted 7 – 0 to recommend adoption of Article 19.

In response to an inquiry from Mr. Mark J. Gluesing, Town Manager Kate Fitzpatrick concurred that this fund is high and that there is a plan for the retained earnings. Excess funds are proposed to be used under capital funding.

The Town has grandfathered rights to use water – this is called “registered water.” We also had a permit to use a slightly higher amount of water. It is the permit under the Water Management Act that restricted our use. We surrendered our permit and now we are not restricted and do not need a water ban.

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

ARTICLE 20: AMEND GENERAL BY-LAW - DEPARTMENT REVOLVING FUNDS

To see if the Town will vote to amend the General By-Laws by striking the words “Public Facilities Department “ under section 2.2.7.5.8 and inserting in place thereof “Department of Public Works”; or take any other action relative thereto.

Article Information: The purpose of this By-Law amendment is to reflect the organization change where the operations division of the Public Facilities Department was moved into the Department of Public Works.

MOVED: That the Town vote to amend the General By-Laws by striking the words “Public Facilities Department “ under section 2.2.7.5.8 and inserting in place thereof “Department of Public Works”.

Mr. John A. Bulian, Selectman, stated that the Board of Selectman unanimously supports this article.

Barry J. Coffman, member, Finance Committee, advised that the Finance Committee unanimously recommend adoption of Article 20.

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

ARTICLE 21: 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 2019 beginning on July 1, 2018 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	FY2019 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	Public Facilities Department	\$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

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 Board of Selectmen and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

MOVED: That the Town vote to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 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 53E1/2.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2019 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	Public Facilities Department	\$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

Mr. John A. Bulian, Selectman, stated that the Board of Selectman unanimously supports this article.

Barry J. Coffman, member, Finance Committee, explained that the revolving funds need to be voted on annually and they are appropriate.

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

ARTICLE 22: 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 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 in order 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 FY2019 Chapter 90 allocation for the Town is \$929,259. Unless circumstances require otherwise, the FY2019 Chapter 90 allocation will be directed to the design of the second phase of the downtown design improvement project

MOVED: That the Town 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 Massachusetts Department of Transportation.

Mr. Maurice P. Handel, Selectmen, addressed this proposal on behalf of the Board of Selectmen. He noted that the Board of Selectmen unanimously recommends adoption.

Mr. Thomas M. Jacobs, member, advised that the Finance Committee urges support of this article.

Mr. William R. Dermody expressed concern with the traffic and congestion at the railroad crossing on Great Plain Avenue.

Mr. Jacobs suggested the need for a crosswalk near the railroad crossing at Great Plain Avenue. Mr. Handel advised that this will be addressed but not under the next phase.

Ms. Lois Sockol suggested using some of the funds under this article and questioned who decides where this money is best used and how does the safety factor fit in.

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

ARTICLE 23: PERMITTED USES IN THE NEIGHBORHOOD BUSINESS DISTRICT

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

- (1) Amend Section 3.2.3 Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (p) to read as follows:

“(p) Apartment or multi-family dwelling use above the first floor provided the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2 and further provided that 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. This provision applies only to Neighborhood Business Districts any portion of which is located within 150 feet of the Route 128 boundary.”

- (2) Amend Section 4.4 Dimensional Requirements for Commercial Districts, by adding the following new Subsection at the end thereof:

“4.4.12 Dimensional Relief by Special Permit

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit for mixed use buildings allowed by special permit under Subsection 3.2.3.2 (p) in the Neighborhood Business District to:

- (a) increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; and
- (b) reduce the minimum side and/or rear setback adjoining a residential district to twenty (20) feet provided said strip is suitably landscaped in accordance with the specifications in Section 4.4.8.5.”

- (3) Amend Section 6 Special Regulations, by adding the following new Subsection at the end thereof:

“6.11 Affordable Housing

Any mixed-use building in the Neighborhood Business (NB) District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) At least twelve and one-half percent (12.5%) shall be affordable units. For purposes of calculating the number of affordable units required in a proposed development, any fractional unit of ½ or greater shall be deemed to constitute a whole unit.
- (b) To facilitate the objectives of this Section 6.11 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot for each one Affordable Unit over the number required in section 6.11(a) above. The additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district.
- (c) In a home-ownership project the affordable unit(s) shall be sold to households with incomes at or below eighty (80) percent of area median income.

In a rental project the affordable rental units must be provided to households with incomes at or below 80% of area median income. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.

- (d) 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 and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) 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.
- (g) 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.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under Section 5.1 shall be reduced to one space per unit.
- (i) The SPGA may authorize that an alternative method of compliance be used, in accordance with the following:

(1) Cash Payment: The SPGA may grant a special permit to provide affordable housing through a cash payment to the Needham Affordable Housing Trust Fund, in lieu of providing one or more of the affordable units required under this Section. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units. The cash payments shall also be in accordance with a schedule of affordable housing payments as outlined hereafter in §6.11(i)(2) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation

with the Needham Department of Planning and Community Development (DPCP);

(2) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units, the cash payment shall be made as a pro-rated percentage (%) of the Total Development Cost referenced in §6.11(i)(1), based on the total number units in the project and the following percentages: 10 units - 100%; 9 units- 90%; 8 units - 80%; 7 units - 70% and 6 units - 60%. The DPCD shall not sign off on Certificate(s) of Occupancy until the Petitioner pays 100% of the required cash in lieu payment."

Or take any other action relative thereto.

Article Explanation: This article would authorize by special permit apartment or multi-family dwelling use above the first floor in the Neighborhood Business District located at Central Avenue and Reservoir Street, provided the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district. Specifically, the provision would apply to Neighborhood Business Districts, any portion of which is located within 150 feet of the Route 128 boundary. Presently mixed use development which includes a housing component is not a permitted use within the Neighborhood Business District.

To encourage redevelopment of existing properties for mixed use development of an appropriate scale, density and design, the article offers flexibility as relates maximum floor area ratio, building height and minimum side and/or rear setback. This relief is provided in the Neighborhood Business District located at Central Avenue and Reservoir Street. Specifically, the amendment would allow the Planning Board, acting as a special permit granting authority under site plan review, to issue a special permit to increase the maximum permitted floor area ratio for a mixed use building up to 0.7 and the maximum permitted building height to three (3) stories and forty (40) feet. Currently in the aforementioned district, the maximum floor area ratio for a building or structure is capped at 0.50 and the maximum building height is capped at two and one-half (2.5) stories and thirty-five (35) feet. Additionally, the amendment would allow the Planning Board, acting as a special permit granting authority under site plan review, to reduce the minimum side and/or rear setback for a mixed use building adjoining a residential district to twenty (20) feet provided the required 20 foot buffer strip is suitably landscaped and not used for any other purpose. Currently in the aforementioned district, no building or structure for a use not allowed in a residential district is permitted within 50 feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the boundary line is to be suitably landscaped.

Affordable housing is also proposed to be accommodated in larger scale mixed-use developments under this amendment in the Neighborhood Business District located at Central Avenue and Reservoir Street. The proposed zoning requires affordable housing in larger mixed-use developments, i.e., with six or more dwelling units. At least one affordable unit is required for a development with six to ten units. For a development with eleven or more units, at least twelve and one-half percent (12.5%) must be affordable. To encourage the provision of an additional affordable unit above the required minimum, the proposed zoning allows for a density bonus of up to two units such that if the development includes an additional affordable unit, an additional market unit can be produced. Finally, the Planning Board may grant a special permit

to provide affordable housing through a cash payment to the Needham Affordable Housing Trust Fund, in lieu of providing one or more of the affordable units as noted above. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units.

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

- (1) Amend Section 3.2.3 Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (p) to read as follows:

“(p) Apartment or multi-family dwelling use above the first floor provided the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2 and further provided that 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. This provision applies only to Neighborhood Business Districts any portion of which is located within 150 feet of the Route 128 boundary.”

- (2) Amend Section 4.4 Dimensional Requirements for Commercial Districts, by adding the following new Subsection at the end thereof:

“4.4.12 Dimensional Relief by Special Permit

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit for mixed use buildings allowed by special permit under Subsection 3.2.3.2 (p) in the Neighborhood Business District to:

- (a) increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; and
- (b) reduce the minimum side and/or rear setback adjoining a residential district to twenty (20) feet provided said strip is suitably landscaped in accordance with the specifications in Section 4.4.8.5.”

- (3) Amend Section 6 Special Regulations, by adding the following new Subsection at the end thereof:

“6.11 Affordable Housing

Any mixed-use building in the Neighborhood Business (NB) District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) At least twelve and one-half percent (12.5%) shall be affordable units. For purposes of calculating the number of affordable units required in a proposed development, any fractional unit of ½ or greater shall be deemed to constitute a whole unit.

- (b) To facilitate the objectives of this Section 6.11 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot for each one Affordable Unit over the number required in section 6.11(a) above. The additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district.

- (c) In a home-ownership project the affordable unit(s) shall be sold to households with incomes at or below eighty (80) percent of area median income. In a rental project the affordable rental units must be provided to households with incomes at or below 80% of area median income. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.

- (d) 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 and energy efficiency to the development's market-rate units.

- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.

- (f) 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.

- (g) 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.

- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under Section 5.1 shall be reduced to one space per unit.

- (i) The SPGA may authorize that an alternative method of compliance be used, in accordance with the following:

- (1) Cash Payment: The SPGA may grant a special permit to provide affordable housing through a cash payment to the Needham Affordable Housing Trust

Fund, in lieu of providing one or more of the affordable units required under this Section. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units. The cash payments shall also be in accordance with a schedule of affordable housing payments as outlined hereafter in §6.11(i)(2) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation with the Needham Department of Planning and Community Development (DPCP);

(2) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units, the cash payment shall be made as a pro-rated percentage (%) of the Total Development Cost referenced in §6.11(i)(1), based on the total number units in the project and the following percentages: 10 units - 100%; 9 units - 90%; 8 units - 80%; 7 units - 70% and 6 units - 60%. The DPCD shall not sign off on Certificate(s) of Occupancy until the Petitioner pays 100% of the required cash in lieu payment."

The following article to amend was offered by Mr. Ted Owens: That the main motion under Article 23 is amended as follows:

- (a) In Article 23, by deleting in the first sentence of Section 6.11(b) the words "for each one Affordable Unit" so that the entire section shall now read as follows:
- (b) To facilitate the objectives of this Section 6.11 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot over the number required in section 6.11(a) above. The additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district."
- (c) In Article 23, by renumbering Section 6.11 as Section 6.12 wherever it appears throughout the article.

Mr. Paul S. Alpert, Member, addressed this article on behalf of the Planning Board. He explained that there are two uses in the Neighborhood Business District. The district is mostly businesses, but the owner's would like the second floor to become apartments similar to the Mixed Use neighborhoods. This would not be by "right", but by Special Permit. The second paragraph deals with the Special Permit process and the third paragraph deals with "Affordable Housing" which only applies if asking for six or more units. Mr. Alpert requested approval of this article on behalf of the Planning Board.

Mr. Matthew D. Borrelli, Selectmen, stated that the Board of Selectmen unanimously recommends adoption as amended.

Ms. Carol A. Fachetti, Member, advised that the Finance Committee would encourage more affordable housing and recommends adoption.

Mr. Owens motion to amend the main motion was presented and passed by majority vote declared by the Moderator on a voice vote.

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

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

- (1) Amend Section 3.2.3 Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (p) to read as follows:

"(p) Apartment or multi-family dwelling use above the first floor provided the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2 and further provided that 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. This provision applies only to Neighborhood Business Districts any portion of which is located within 150 feet of the Route 128 boundary."

- (2) Amend Section 4.4 Dimensional Requirements for Commercial Districts, by adding the following new Subsection at the end thereof:

"4.4.12 Dimensional Relief by Special Permit

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit for mixed use buildings allowed by special permit under Subsection 3.2.3.2 (p) in the Neighborhood Business District to:

- (a) increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; and
- (b) reduce the minimum side and/or rear setback adjoining a residential district to twenty (20) feet provided said strip is suitably landscaped in accordance with the specifications in Section 4.4.8.5."

- (3) Amend Section 6 Special Regulations, by adding the following new Subsection at the end thereof:

"6.12 Affordable Housing

Any mixed-use building in the Neighborhood Business (NB) District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) At least twelve and one-half percent (12.5%) shall be affordable units. For purposes of calculating the number of affordable units required in a proposed

development, any fractional unit of 1/2 or greater shall be deemed to constitute a whole unit.

- (b) To facilitate the objectives of this Section 6.12 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot over the number required in section 6.12(a) above. The additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district.
- (c) In a home-ownership project the affordable unit(s) shall be sold to households with incomes at or below eighty (80) percent of area median income. In a rental project the affordable rental units must be provided to households with incomes at or below 80% of area median income. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (d) 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 and energy efficiency to the development's market-rate units.
- (e) The +affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) 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.
- (g) 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.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under Section 5.1 shall be reduced to one space per unit.
- (i) The SPGA may authorize that an alternative method of compliance be used, in accordance with the following:

(1) Cash Payment: The SPGA may grant a special permit to provide affordable housing through a cash payment to the Needham Affordable Housing Trust Fund, in lieu of providing one or more of the affordable units required under this Section. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units. The cash payments shall also be in accordance with a schedule of affordable housing payments as outlined hereafter in §6.12(i)(2) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation with the Needham Department of Planning and Community Development (DPCP);

(2) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units, the cash payment shall be made as a pro-rated percentage (%) of the Total Development Cost referenced in §6.12(i)(1), based on the total number units in the project and the following percentages: 10 units - 100%; 9 units- 90%; 8 units - 80%; 7 units - 70% and 6 units - 60%. The DPCD shall not sign off on Certificate(s) of Occupancy until the Petitioner pays 100% of the required cash in lieu payment."

At 10:55 P.M. Mr. Gilbert W. Cox, Jr. moved that the Annual Town Meeting stand adjourned to Wednesday, May 9, 2018 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall. The motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and passed by voice vote declared by the Moderator.

Theodora K. Eaton, MMC
Town Clerk

A true copy
Attest:

ADJOURNED ANNUAL TOWN MEETING
Wednesday, May 9, 2018

Pursuant to adjournment of the Annual Town Meeting held May 7, 2018, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Wednesday May 9, 2018 at 7:30 P.M.

Check lists were used and 216 voters were checked on the list as being present, including 210 Town Meeting Members. 40 Town Meeting Members were absent.

With the cooperation of the Needham Interfaith Clergy Association, Reverend Jim Mitulski, Interim Senior Minister, First Congregations Church of Needham, UCC, gave the invocation.

The Temporary Moderator, Paul T. Milligan, declared a quorum to be present and requested the Town Clerk to so record.

The Moderator reminded Town Meeting Members to sit in the first 11 rows of the hall. He also noted that only Town Meeting Members are permitted to vote.

At this time discussion commenced under Article 24.

ARTICLE 24: AMEND ZONING BY-LAW – MAP CHANGE TO NEIGHBORHOOD BUSINESS DISTRICT

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

Place in the Neighborhood Business District a portion of land now zoned Industrial and lying between the Charles River, Reservoir Street, and 100-feet distant from the Central Avenue Layout.

Said land is bounded and described as follows:

Beginning at a point 100-foot distant from the Central Avenue Right of Way southerly layout line and at the intersection now or formally of the Single Residence B District, Industrial District, and Neighborhood Business District on the property line identified as Parcel II recorded at the Norfolk Registry of Deed Book 11216 page 659. Thence running along the northern property line of said Parcel II in the southeasterly direction for a distance of 56-feet more or less to a point of intersection with the rear lot corner of said parcel. Thence turning and running in a southwesterly direction along said rear property line of Parcel II, and of Parcel I described in said deed for a total of 262-feet more or less to a point of intersection of the Reservoir Street Right of Way easterly layout line. Thence turning and running in a northwesterly direction along the easterly Reservoir Street Right of Way line to a point of intersection of the now or formally zoned Neighborhood Business District and Industrial District and located 100-foot distant from the Central Avenue southerly layout line. Thence turning and running in a northeasterly direction along the now or formally intersecting line of the Industrial District and Neighborhood Business District and parallel to the Central Avenue southern layout line to the point of beginning.

Or take any other action relative thereto.

Article Information: This article describes the geographical area located between the Charles River, Reservoir Street and 100-feet distant from the Central Avenue Layout proposed to be changed from an Industrial District to a Neighborhood Business District. Portions of Parcels 9 and 10-01 on Assessors' Plan Number 80 (Panella's Market, 50 Central Avenue) that are currently zoned Industrial and located 100-feet distant from the Central Avenue Layout are affected by this rezoning. Currently the affected properties are located within two zoning districts, namely the Industrial District and the Neighborhood Business District. With this zoning map revision, the entirety of Parcels 9 and 10-01 as shown on Assessors' Plan Number 80 will be placed in the Neighborhood Business District.

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

Place in the Neighborhood Business District a portion of land now zoned Industrial and lying between the Charles River, Reservoir Street, and 100-feet distant from the Central Avenue Layout.

Said land is bounded and described as follows:

Beginning at a point 100-foot distant from the Central Avenue Right of Way southerly layout line and at the intersection now or formally of the Single Residence B District, Industrial District, and Neighborhood Business District on the property line identified as Parcel II recorded at the Norfolk Registry of Deed Book 11216 page 659. Thence running along the northern property line of said Parcel II in the southeasterly direction for a distance of 56-feet more or less to a point of intersection with the rear lot corner of said parcel. Thence turning and running in a southwesterly direction along said rear property line of Parcel II, and of Parcel I described in said deed for a total of 262-feet more or less to a point of intersection of the Reservoir Street Right of Way easterly layout line. Thence turning and running in a northwesterly direction along the easterly Reservoir Street Right of Way line to a point of intersection of the now or formally zoned Neighborhood Business District and Industrial District and located 100-foot distant from the Central Avenue southerly layout line. Thence turning and running in a northeasterly direction along the now or formally intersecting line of the Industrial District and Neighborhood Business District and parallel to the Central Avenue southern layout line to the point of beginning.

Mr. Paul S. Alpert, Member, addressed this proposal on behalf of the Planning Board. He explained that this article is a map change relating to the Neighborhood Business District under Article 23.

Mr. Matthew D. Borrelli, Selectman, advised that the Board of Selectmen supports this proposal and unanimously recommend adoption.

Ms. Carol A. Fachetti, member, advised that the Finance Committee unanimously recommends adoption of this article.

Mr. Peter Sergey Panov questioned if the passage of Article 25 with side and rear setbacks adjoining residential districts would also affect the Neighborhood Business District. The Moderator, Paul T. Milligan, reminded Mr. Peter Sergey Panov that discussion under Article 24 should be limited to the article currently before Town Meeting.

Mr. Alpert advised Emily Rose Cooper that adding a sliver of land could increase the size of the houses.

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

ARTICLE 25: AMEND ZONING BY-LAW – SIDE AND REAR SETBACKS ADJOINING RESIDENTIAL DISTRICTS

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

- (1) In Section 4.4.8, Side and Rear Setbacks Adjoining Residential Districts, by adding a new sentence at the end of Section 4.4.8.1 and Section 4.4.8.4, that reads "Notwithstanding the foregoing, the provisions of this section shall not be applicable with respect to the portion

of any residential district within the layout of Route 128/95.”

- (2) In Section 4.6.5, Side and Rear Setbacks Adjoining Residential Districts, by adding a new sentence at the end of said section that reads “Notwithstanding the foregoing, the provisions of this section shall not be applicable with respect to the portion of any residential district within the layout of Route 128/95.”

Or take any other action relative thereto.

Article Information: Sections 4.4.8 and 4.6.5 of the Zoning By-Law provide that when certain business zoning districts abut a residential district the first 50 feet of the business district adjoining the residential district is subject to limitations on what can be constructed within that 50 foot buffer. The purpose of the 50 foot buffer is to provide residential homeowners with certain protections from commercial activities by regulating building setback distance to the residential district zone line and by establishing suitable landscape screening standards to further protect residential abutters from adjacent commercial uses.

The reason for the proposed Warrant Article is that the Route 128/95 layout is still designated as a residential zoning district from which the 50 foot setback standard is to be met. This is a remnant from the time before Route 128/95 was constructed in the early 1950's. Since there clearly are no residences located within the Route 128/95 right of way, there are no residences to protect. Accordingly, the article eliminates from the 50 foot setback requirement the portion of any residential district located within the Route 128/95 layout. Without the proposed change, certain commercial areas located along Route 128/95 will continue to be subject to restrictions that limit development and diminish property values but serve no public purpose (i.e. there are no residences to protect). With the amendment the commercial properties along the layout will be subject only to the requirements of the districts they are located in.

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

- (1) In Section 4.4.8, Side and Rear Setbacks Adjoining Residential Districts, by adding a new sentence at the end of Section 4.4.8.1 and Section 4.4.8.4, that reads “Notwithstanding the foregoing, the provisions of this section shall not be applicable with respect to the portion of any residential district within the layout of Route 128/95.”
- (2) In Section 4.6.5, Side and Rear Setbacks Adjoining Residential Districts, by adding a new sentence at the end of said section that reads “Notwithstanding the foregoing, the provisions of this section shall not be applicable with respect to the portion of any residential district within the layout of Route 128/95.”

Mrs. Jeanne S. McKnight, member, addressed this proposal on behalf of the Planning Board. She advised that this article only abuts the layout of Route 128/95. She noted that the Planning Board unanimously supports this article.

Mr. Maurice Handel, member, advised that these zoning changes are never easy. This article only affects two areas on Route 128/95. The Board of Selectmen unanimously recommended adoption of Article 25.

Ms. Carol A. Fchetti, member, recommended adoption on behalf of the Finance Committee.

Ms. Lois Sockol suggested that this is still a residential town and would like to see the 50-foot buffer continue along Highland Avenue. Ms. M. Patricia Cruickshank rose to agree with Ms. Sockol.

A motion to amend or split so that the word “residential” is deleted was offered by Ms. Karen Shapiro.

A second motion to amend was offered by Mr. Joseph Leghorn under sub-paragraph 1 and 2, remove the period after “95” and add “those portions of lots abutting Highland Avenue”.

Mr. Maurice Handel, Selectmen, explained that it is a very poor practice to amend zoning articles on Town Meeting floor and it should be referred back to the Planning Board.

Mr. Peter J. Pingatore moved to refer Article 25 back to the Planning Board for further study and to return to the next Special Town Meeting or Spring Town Meeting.

Ms. Deborah S. Winnick rose in support of the motion to refer.

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 26: APPROPRIATE FOR ROSEMARY LAKE SEDIMENT REMOVAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,400,000 for Rosemary Lake Sediment Removal, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,550,000 be transferred from CPA Free Cash, \$340,000 be transferred from the FY2018 CPA General Reserve, and that \$510,000 be transferred from the Open Space Reserve; or take any other action relative thereto.

Article Information: The proposed sediment removal project continues the Town's compliance with Environmental Protection Agency (EPA) requirements to address the discharge of pollutants through stormwater into the Charles River and other water bodies. This requirement derives from a 1996 Memorandum of Understanding between the Town and the EPA as well as 2003 and 2016 national Pollutant Discharge Elimination System (NPDES) regulations. The Town has been completing projects along Rosemary Brook over the past several years, improving the quality of water that leads into Rosemary Lake. The next step is to remove the sediment from Rosemary Lake, all of which will lead to better water quality downstream, as Rosemary Brook continues through Needham Heights, eventually meeting the Wellesley water lands and then the Charles River.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$2,400,000 for Rosemary Lake Sediment Removal, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,550,000 be transferred from CPA Free Cash, \$340,000 be transferred from the FY2018 CPA General Reserve, and that \$510,000 be transferred from the Open Space Reserve.

Mr. Paul S. Alpert, member, presented this proposal on behalf of the Community Preservation Committee. Mr. Alpert

explained that the water now going into Rosemary Lake is clean but water from the lake that is discharged to other areas is full of pollutants. There is about 30,000 cubic yards of sediment.

Mr. Daniel. Matthews, Chair, advised that the Board of Selectmen unanimously concurs with this article. Basically the plan is to dredge out the center of the lake.

Ms. Louise L. Miller, member, advised that the Finance Committee recommends adoption of Article 26 and believes this is the right time to dredge the lake.

Ellen Fine, non- Town Meeting Member, rose to express her concern about the future. She suggested that there should be an amendment to require homes across from the lake not use heavy pesticides.

Unanimous consent was given to allow Mr. Richard R. Merson, Director of Public Works and non-resident, to address Town Meeting. In response to an inquiry from Mr. Paul A. Siegenthaler, Mr. Merson advised that the material will be loaded onto trucks and carried out of town. This process will take approximately nine months.

In response to several inquiries, Mr. Paul S. Alpert advised that upon completion of this process, the lake will be deeper but the size will not change. Also public hearings were held and notices to abutters given.

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

Article 27 was adopted by unanimous consent on Monday, May 7, 2018.

ARTICLE 28: APPROPRIATE FOR EMERY GROVER FEASIBILITY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$70,000 for a feasibility study 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 said sum be transferred from CPA Free Cash; or take any other action relative thereto.

Article Information: Numerous Facilities Master Plans have indicated that the Emery Grover School Administration Building is in need of additional office and storage space, as well as extensive repair and modernization. The needed scope of renovation includes reorganizing office and meeting spaces, making the building fully ADA accessible, removing remaining asbestos and lead paint, and replacing deteriorating systems, including: windows, HVAC, electrical and plumbing. These renovations would allow for a more efficient use of space, as well as full utilization of all four floors and full handicapped accessibility. A feasibility study was conducted in August 2013 by DesignLAB Architects, which identified several options: renovation of the existing building, the purchase/renovation of commercial property, and new construction on an alternate Town-owned parcel. This request is to conduct a "refresh" of the original study, to focus on a project to renovate/reconstruct the Emery Grover Building at the Highland Avenue location. The study will include an updated project budget and schedule, address temporary relocation requirements, and identify any building code changes that will be

needed to accommodate the projected use. In addition, the study will include the assessment of swing space options including timelines and project budget for the swing space.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$70,000 for a feasibility study 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 said sum be transferred from CPA Free Cash.

Mr. Robert J. Dermody, member, addressed this proposal on behalf of the Community Preservation Committee. He explained that the Emery Grover Building is in dire need of repair. The plan is to bring the building up to code.

Mr. Daniel P. Matthews, Chair, advised that the Board of Selectmen unanimously recommend adoption of this article. The building is severely out of compliance.

Mr. Barry J. Coffman, Member, explained that the restoration of an historic building makes CPC funds appropriate. He stated that the Finance Committee unanimously recommends adoption.

In response to an inquiry from Mr. Gerald C. Rovner, Mr. Dermody stated that alternative will be considered.

Mr. Irwin Silverstein was advised that demolition is possible with an historic building.

Mr. Paul A. Siegenthaler expressed concern that demolition of an historic building is not the purpose of the Community Preservation Act. Mr. Siegenthaler moved to refer this article back to the Community Preservation Committee and the School Committee to look at other options and report to the next Town Meeting.

The motion to refer was presented, but the Moderator was in doubt as to the voice vote. The motion was presented again and the Moderator was still in doubt. The following Town Meeting Members were sworn to the faithful performance of their duties: Erik J. Bailey, Deborah S. Winnick, Marjorie M. Margolis, Thomas M. Harkins, Paula R. Callanan, and Jane B. Murphy. The motion was again present and carried by a count of hands. The hand count was Yes 139 - No 63.

Article 29 was adopted by unanimous consent on Monday, May 7, 2018.

ARTICLE 30: APPROPRIATE FOR MEMORIAL PARK BUILDING CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,250,000 for construction of the Memorial Park Fieldhouse, including any 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 that \$500,000 be transferred from CPA Receipts, \$1,032,000 be transferred from Free Cash, \$1,800,000, be transferred from the Athletic Facility Improvement Fund, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,918,000 under Massachusetts General Law 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 Law 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: Winter Street Architects performed a feasibility study on the Memorial Park Building in 2016, and, after design funds were approved at the May 2017 Annual Town Meeting, Winter Street continued to move forward with design development. The design is for a new two-story building which will be fully accessible, and constructed in accordance with the modern building code. The building will enhance programs held at the park, and promote synergy among the other nearby Town facilities. The building will be a service point for High School athletics and other community activities, while keeping the focus on the site and its history. The first floor will have spaces for Needham High School home teams to meet, and a separate room for visiting teams. These rooms have been designed in a flexible manner so that they can be used for other community activities. The facility will include a concession room, restrooms for park users, and a small number of restrooms for team use. Storage will be available for the DPW Parks and Forestry Division, as well as for groups using the fields at Memorial Park. The second floor will have meeting space for the Trustees and other community groups, as well as a room for larger meetings.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$6,250,000 for construction of the Memorial Park Fieldhouse, including any 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 that \$500,000 be transferred from CPA Receipts, \$1,032,000 be transferred from Free Cash, \$1,800,000, be transferred from the Athletic Facility Improvement Fund, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,918,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mr. Peter J. Pingatore, member, addressed this proposal on behalf of the Community Preservation Committee. He explained that this building is more functional for recreational use. This is an investment in our town, schools, and families and is creating a campus area.

Mr. James G. Healy, Trustee, requested support of this article on behalf of the Memorial Park Trustees. He explained that the current building is in disrepair. New construction was the preferred method. We received funding in 2016 and money for the design in 2017. The Trustees held public hearings and provided tours of the building. They appeared before many boards. The new field house will be used by many groups, organizations, sports clubs, and Arts in the Park to name a few. He urged support on behalf of the Memorial Park Trustees

Mr. Matthew D. Borrelli, Selectman, stated that the Memorial Park building was built in 1955 as garage space. Now is the time to appropriate for a new field house to be used by many groups and organizations. The use of the building will not change. Access and maintenance will be under the town and the town

manages the use of this building based on the board's policy. The Board of Selectmen unanimously recommends adoption of this article.

Mr. John P. Connelly, member, advised that the Finance Committee voted unanimously to recommend adoption for construction of a new Memorial Park building. According to Mr. Connelly, this is long overdue.

Mr. Philip R. Murray moved to refer Article 30 back to the Community Preservation Committee and report back to the next Annual Town Meeting or sooner.

Mr. Murray explained that he brought forward this motion to refer to allow time to make a determination of needs with the hope that this will help to make an informed decision. Doug Fox stated that he is on the Needham Football Board and his group uses this building along with over 200 families. Mary Keane-Hazzard rose in support of Article 30.

Mr. William J. Topham, Trustee, rose in opposition to this proposal. He noted that the building does not need to be torn down. It is a warehouse with some meeting space. He suggested that there is plenty of space in town for meetings.

Kimberly Knickle-Tierney asked if it was possible to combine this building with the Emery Grover for an administration building.

Julie E. Stevens stated that she is a member of the Football Club and rose in support of this proposal.

Mr. William R. Dermody stood in opposition of the motion to refer and urged support of this article. Mr. Leghorn suggested the need to think about alternative methods.

M. Patricia Cruickshank expressed concern with the use of the Memorial Park building. She suggested the bulk use of this building is for storage and she is not sure this is the building we need. Operating costs are going up.

Mr. Richard A. Zimbone rose in support of the motion to refer. He expressed concern with the \$550 per square foot costs and questioned the operating costs, funding, and staffing. In response to this inquiry, Mr. Borrelli explained that the approximate \$63,000 operating costs will come out of the Operating Budget and existing staff will be used to maintain and operate the building. The first floor will be very utilitarian.

A motion to move the previous question was offered by Mr. Ford H. Peckham. The motion was presented and carried by voice vote.

The motion to refer was presented but failed to pass on a voice vote declared by the Moderator.

ACTION: The main motion was presented, but the Moderator was in doubt. The motion was again presented and carried by two-thirds vote on a hand count. The hand count was Yes 155 – No 42.

After a brief break, the Moderator acknowledged the presence of our State Representative, Denise C. Garlick, and thanked her for her attendance at our Town Meeting. Discussion commenced under Article 31.

ARTICLE 31: 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 FY2019 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 \$1,025,153
 C. Community Housing Reserve \$289,000
 D. Historic Resources Reserve \$0
 E. Open Space Reserve \$289,000

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 FY2019 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 \$1,025,153
 C. Community Housing Reserve \$289,000
 D. Historic Resources Reserve \$0
 E. Open Space Reserve \$289,000

Mr. Gary C. Crossen, member, addressed this proposal on behalf of the Community Preservation Committee. He explained that this proposal usually appropriates 11% of the anticipated projected receipts from the 2% surcharge on local real estate property.

Mr. Maurice Handel, Selectmen, explained that in 2004 the voter approved the Community Preservation Act which allows a 2% surcharge on real estate property. The state also provides some CPA funding. The Board of Selectmen unanimously recommend adoption of this proposal.

Mr. Thomas M. Jacob, Member, recommended unanimous support on behalf of the Finance Committee.

In response to an inquiry from Mr. David C. Harris regarding the length of time before the 2% surcharge is reduced, Mr. Daniel P. Matthews explained that the 2% surcharge plus 10% from the State basically directs funds to do things that we would do anyway. It is not a bad deal.

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

ARTICLE 32: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$4,651,789 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
Community Services	Library Furniture Replacement	\$43,970	
Community Services	Non-Public Safety Data Center Servers and Storage Units	\$180,000	
DPW	Energy Efficiency Upgrade Improvements	\$71,000	
DPW	Hillcrest Radio Repeater Building Replacement	\$136,000	
DPW	Specialty Equipment - Large Mower	\$76,500	
DPW	Streetlight Conversion to LED	\$685,000	
DPW	Traffic Improvements	\$50,000	

Group	Description	Recommended	Amendment
General Government	Town Multi-Function Printer Devices	\$35,000	
General Government	Town Offices Replacement Furniture	\$25,000	
Multiple	Fleet Replacement Program	\$981,442	
Public Safety	Fire Engine E2 Replacement	\$840,163	
Public Safety	Personal Protective Equipment	\$43,424	
Public Safety	Police Use-Of-Force Training Simulator	\$47,000	
Public Safety	Public Safety Data Center Servers and Storage Units	\$30,000	
Public Safety	Public Safety Mobile Devices	\$35,000	
Public Schools	Pollard Blue & Green Gym Upgrades	\$540,000	
Public Schools	Pollard Phased Improvements Feasibility Study	\$65,000	
Public Schools	School Furniture & Equipment	\$60,500	
Public Schools	School Phone System Replacement	\$319,000	
Public Schools	School Photocopier Replacement	\$84,190	
Public Schools	School Technology Replacement	\$303,600	
		\$4,651,789	

Article Information:

Library Furniture Replacement

The renovated library has been open to the public for more than eleven years, and, due to heavy use, the furniture is beginning to show wear and tear. Both public and staff computer chairs are slowly breaking and the covering on the arms is splitting. Some of the mesh on the Community Room stackable chairs is unraveling, the backs are separating from the frames, and food has been caught in the mesh and proven difficult to remove. The forty-two cloth public arm chairs are also showing wear from heavy use, particularly on the arms. The thirty-eight leather public arm chairs are also beginning to show wear.

Non-Public Safety Data Center Servers and Storage Units

This funding is for the replacement of hardware within the three Town of Needham data centers. Phase 1 of the project, which is taking place in the current fiscal year (FY2018), includes the replacement of four servers, two storage units, and four switches. Phase 2 of the project will be the replacement of six servers, two storage units, and four switches. Data Center 1 is housed at the Town Hall, Data Center 2 is housed at the Public Services Administration Building, and Data Center 3 is housed at the Center at the Heights. Data Center 1 is the primary data center where Town Departments access files and programs, the Internet, and network and Internet security takes place. The six servers at Town Hall are physical servers; however three of them maintain and support upwards of 50 virtual servers with corresponding data maintained on the storage units. The other three are for specific software functions. The servers, storage unit, and switches at the Public Services Administration Building act as fail safe in case of the Town Hall's network and infrastructure going offline. The server and storage at the Center at the Heights is where backup data is housed and from there certain segments of the data are migrated off site. All replacements would be comparable to the current devices being used. Maintaining this hardware at a level that will support the needs of the Town Departments is critical to the Town's business continuity strategy. As equipment gets older it becomes more difficult to maintain the same level of quality and performance as when initially installed, and this directly affects the day-to-day operations of the Town. Unless circumstances require otherwise, FY2019 funding will be for Data Center 1 and Data Center 2 hardware replacement.

Energy Efficiency Upgrade Improvements

An energy efficiency study was conducted for ten municipal buildings in 2011. The results of this study illustrate that if the Town makes an initial investment in selected and recommended energy upgrades, the cost of these upgrades will pay for themselves within ten years. Unless circumstances require otherwise, FY2019 funding will be allocated to installing a bi-lighting system in the hallways at the Pollard Middle School, retro-commissioning the HVAC system at the Eliot School, and installing a bi-lighting system in the hallways at the High Rock School.

Hillcrest Radio Repeater Building Replacement

This funding will support the replacement of the failing building at the base of the Birds Hill Water Tower on Hillcrest Road. The building houses radio equipment and related support components used by the following departments: Fire, Police, DPW, School Transportation, and

Emergency Management. The new building will house some existing equipment, some new equipment, and a back-up generator. The current building, which was built with cement blocks, is deteriorating and has several water leaks in both the walls and the roof. There has also been damage to the building and its contents from animals. Additionally, the steel entrance door exhibits rust and rot. The current building size is 8'X10' and the proposed replacement building would be 8'X12', placing the back-up power generator in a separate room, as well as allowing modest room for future expansion. The building plays a critical role in the Town's public safety communication network.

Specialty Equipment

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
344	Parks & Forestry	2011	Large-Scale Mower	\$76,500

Streetlight Conversion to LED

This funding will allow the Town to convert its network of streetlights to Light Emitting Diodes (LED). The Department conducted a Streetlight Pilot Program in the spring of 2017, testing existing streetlights against LED streetlights. The existing lights are High Pressure Sodium (HPS) lights, which were considered the most energy efficient lighting types for their purpose in the early 2000s. Currently, LEDs are considered the more energy efficient lighting type. Of the three LED streetlight models piloted, two received higher average ratings than the existing HPS streetlights by the Town residents who completed the online survey. The Metropolitan Area Planning Council (MAPC) conducted an estimate for the conversion of all of the Town's existing Cobra head streetlights, determining that there are 2,521 existing streetlights that need to be converted. The Town's energy savings would be approximately 393,296 kWh annually. LED lights will be warranted for ten years, and the only costs for maintenance to the Town will be labor to address any issues, pole transfers, new lights, and the cost of knockdowns. Other Massachusetts towns and cities with comparable streetlight inventories that have participated in the MAPC LED conversion program have secured maintenance contracts valued at an average of \$0.53 per streetlight per year, while Needham currently pays \$14.24 per streetlight per year for its existing streetlight maintenance contract. Though not all Town-owned streetlights are eligible for LED conversion under the MAPC program, total maintenance savings for those that are eligible for conversion could exceed \$30,000 per year.

Traffic Improvements

This funding would support projects that are recommended by the DPW and the Traffic Management Advisory Committee (TMAC). These recommendations include items such as permanent speed monitoring devices, traffic calming measures, and school zone enhancements. The proposed funding will support one or two construction-related requests per year, such as 500 feet of roadway granite curb installation, two school zone installations, two average traffic calming installations, several radar sign installations or sign and/or pavement markings. Unless circumstances require otherwise, FY2019 funding is proposed for the installation of granite curbing on Paul Revere Road and Brookline Street.

Town Multi-Function Printer Devices

This funding will allow for the replacement of multi-function printers throughout the four primary Town locations (Town Hall, Public Services Administration Building, Public Safety, and Center at the Heights) that are obsolete or as part of a planned schedule replacement. In all there are nine of these devices between the buildings with only three of the devices not purchased during a capital project. Though several of these devices are currently over six years old, with one over eight, only one has reached 50% of the anticipated life cycles for each model according to the manufacturer estimated cycles per year. Based on the current usage, the expected life of these devices is between ten and twelve years. However the manufacturer of these devices does not guarantee the availability of parts or consumables past seven years. The cycle for replacement of these multi-function printers is therefore seven years.

Town Office Furniture Replacement

The renovated Town Hall opened in October, 2011, and the Public Services Administration Building opened in February, 2010. Furniture in heavy use is in need of replacement. Furniture scheduled to be replaced in FY2019 includes the Selectmen's Chambers conference table and chairs, and furniture in poor and fair condition at the Public Services Administration Building.

General Fund Fleet Program – General Purpose Vehicles

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
1	Administration	Passenger Vehicle SUV	2011	Passenger Vehicle Compact SUV	\$33,616
702	Building Maintenance	Work Truck Class 2 Pick Up	2001	Work Truck Class 2 Pick Up	\$45,765
44	Engineering	Passenger Vehicle SUV	2011	Passenger Vehicle Compact SUV	\$33,616
46	Engineering	Passenger Vehicle SUV	2011	Passenger Vehicle Compact SUV	\$33,616
4	Fleet	Work Truck Class 3 Pick Up	2006	Work Truck Class 3 Flat Bed	\$82,671

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
65	Parks	Work Truck Class 3 Pick up	2015*	Work Truck Class 3 Pick up	\$66,037
301	Parks	Utility Van	2009	Utility Van	\$34,069
4	Schools	Passenger Van	2011	Passenger Van	\$48,776
5	Schools	Passenger Van	2011	Passenger Van	\$48,776
Total					\$426,942

* Although the vehicle is fairly new, it has been an ongoing maintenance problem and has proven unreliable.

Truck Classification

Class 1 = Smallest Pick-up Trucks 6,000 lbs.

Class 2 = Full Size or 1/2 Ton Pick-up Trucks 6K to 10K lbs. (ex Ford F150 and F250)

Class 3 = Heavy Duty Pick-up Trucks 10K to 14K lbs. (ex Ford F350)

Class 4 = Medium Size Work Trucks 14K to 16K lbs. (ex Ford F450)

Class 5 = Medium Job Trucks 16K to 19.5K lbs. (ex Ford F550)

Class 6 = Medium to Large Trucks 19.5K to 26K (ex Ford F650)

Class 7 = Heavy Duty Trucks 26K to 33K (ex Ford F750) Requires Class B Commercial

Class 8 = Largest Heavy Duty Trucks 33K lbs. or more (ex 18-wheeler)

General Fund Fleet Replacement – Specialized Equipment

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
55	Highway	Work Truck Class 5 Dump Truck	2011	Work Truck Class 5 Hook Lift Dump Truck	\$142,495
181	Highway	Street Sweeper#	2012	Street Sweeper Vacuum	\$264,101
183	Parks	Large Trailer Leaf Picker	2007	Large Trailer Leaf Picker	\$25,722
Total					\$432,318

The vehicle will be retained as a backup vehicle.

General Fund Fleet Replacement – Snow & Ice Equipment

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
76	Highway	Skid Steer Loader	2006	Skid Steer Loader	\$122,182

Personal Protective Equipment

This funding is part of an annual program begun in FY2018 to replace Personal Protective Equipment ("PPE" or "bunker gear") for 20% of all firefighting personnel on an annual basis. This is to ensure the life span of the equipment does not exceed the ten year guideline. Ensembles issued prior to the recent purchase of a second set of PPE are approaching this time frame. Bunker gear includes boots, firefighting pants and coat. Firefighting personnel regularly work in toxic environments caused by spills, chemical releases and the products of combustion. Numerous studies have found the number of carcinogens and other toxins associated with the fire ground to be extremely high. Further, the toxicity of these carcinogens appears to be much greater and more concentrated today, due to the widespread use of synthetic and petroleum based building materials and furnishings found in modern construction. These unhealthy contaminants, chemicals, toxins and carcinogens adhere to firefighters' bunker gear, thus creating a lingering exposure concern for not only the firefighters, but to members of the public they serve, as they respond to calls for service. Current safety practices dictate that firefighters be issued two sets of PPE, so that once contaminated the equipment can be washed in extractors and dried in dryers designed specifically for that purpose. Maintaining a second set of PPE allows for contaminated equipment to be washed and dried properly, while allowing personnel to remain available to respond to calls.

Use of Force Training Simulator

This funding will support the acquisition of an interactive Use-Of-Force training simulator, which will provide a platform for realistic, stress-induced training. The system provides scenarios that enhance marksmanship skills and improve decision-making for the appropriate selection of force to be used. The simulator provides trainees with the ability to practice posture, verbalization, soft hand skills, impact weapons, chemical spray and lethal force. The system also provides a means for officers to practice de-escalation skills. Each trainee's scenario and reaction can be analyzed and then reviewed for training purposes. The system is portable and can be easily customized to meet the needs of the Department. The benefit of having an effective, realistic training program is to enhance public safety as well as reduce liability risks

Public Safety Data Servers

This request consists of two elements used by Public Safety. The first element, Digital Video Recorder, is used internally and externally by the Needham Police Department. There are multiple cameras within the Needham Police Department from the front entrance to the jail cells and throughout the multiple hallways and areas. There are also several cameras on the external structure of the Public Safety Building as well as Town Hall that are managed through the Digital Video Recording hardware from the Police Department. These devices are used for safety and security of the officers and any other individuals who may find themselves within the Needham Police Department. The second element of the project request is the replacement of Public Safety CAD hardware installed during the FY2015 upgrade of the Public Safety CAD software. The software piece of the Public Safety CAD project was funded by a capital request while the hardware piece of the Public Safety CAD project, as well as the Digital Video Recorder equipment, was funded using State 911 Grant Funds. However during CY2015 the State put a hold on all future funding of the 911 Grants.

Public Safety Mobile Devices

This funding will replace laptops and tablets that are used in the Needham Police and Fire Department Vehicles. The hardware is used to access multiple applications during daily operations. The hardware communicates with the Public Safety CAD software as well as State and Federal databases. The devices themselves are hardened military specification hardware manufactured for above normal use in more intensive environments than normal off the shelf hardware.

Pollard Blue and Green Gym Updates

The Pollard gyms were identified in the feasibility study conducted in 2011 as in need of upgrade, and have been identified by the Director of Athletics as in need of improvement. These improvements consist of replacing the present rubber flooring with another material that is more appropriate for basketball use, upgrading lighting, and installing mats along the side of the gym for safety. Lighting upgrades were completed under the Energy Efficient Upgrades request in FY2016. In FY2019, this funding will allow the Town to replace the flooring in the Blue and Green Gyms. The present rubber flooring is not ideal for basketball use and this building is used frequently by both school and community basketball groups due to its size. The rubber flooring will be replaced by a new type of flooring that would have the same bounce as wood flooring required for basketball usage, but does not have the ADA/MAAB accessible issues that wood flooring presents. Additionally, work will be done to improve the functionality and safety of both gyms. In the Blue Gym, the siding will be removed and replaced. The Blue Gym will also be painted to brighten the area. Backboards and winch mechanisms on the basketball hoops will be replaced and winch mechanisms will be installed on hoops that do not currently have them. Padding will also be installed behind all backboards. In the Green Gym, two sections of pull out seating, approximately 15'x15' each, will be installed in order to accommodate classes.

Pollard Phased Improvements Feasibility Study

This is a project to study the feasibility of phasing identified improvements at the Pollard School over multiple years, for the purpose of best addressing the needs of that facility in the most timely and economically feasible manner possible. Additionally, the study will evaluate the current condition of the Pollard modular classrooms and develop recommendations (as needed) for extending their useful life until such time as they can be replaced with permanent construction.

School Copier Replacement

In May of 2003, Town Meeting authorized \$60,000 in first year funding to establish a replacement cycle for school photocopiers. 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, teaching packets, etc. Currently the School Department owns 47 copy machines. The FY2019 request replaces six copy machines. Copier replacement is planned on a cycle analysis, 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. A seven-year maximum is assumed for most machines, 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. This analysis assumes that copiers are re-deployed around the District as needed, to match copier use with equipment capacity.

School Furniture & Equipment

This request continues the replacement cycle for school furniture in poor and fair condition at the Schools. Furniture at the Pollard Middle School is 25-30+ years old and in a state of disrepair after decades of heavy use. In FY2005 Town Meeting approved funding of \$20,500 to begin the replacement of furniture in poor condition. By FY2015, all furniture in 'poor' condition was replaced in the schools. In FY2019 \$30,500 is proposed for the resurfacing of cabinets in three Pollard science classrooms and installation of new counters in four Pollard science classrooms, and \$30,000 is proposed for the purchase of classroom furniture for Needham High School.

School Phone System Replacement

The telephone system currently in use by the School Department consists of eight separate phone systems of varying ages from five to over 15 year old (estimated.) The systems employ manufacturer discontinued equipment, are unstable and are in constant need of repair. The phone systems in three buildings - Hillside, Mitchell and Emery Grover - have occasionally failed, leaving the buildings with no phone access. All

systems require frequent repairs, which can only be performed by a contract technician via a technical service maintenance appointment. The existing system, in addition to being old and unstable, runs on antiquated PBX technology that uses traditional Verizon POTS (copper) lines for external calls and Centrex to connect internally within a network of Town departments. This type of system supports a limited number of concurrent external connections per building and a limited number of concurrent Centrex connections per building; when concurrent lines are maximized within a building, users receive a busy signal until a line becomes available. Accessibility of the current voicemail system also is a concern particularly for teachers who transition to different classrooms and locations throughout the day; their voicemail is only available from their "home" location. This request would replace the antiquated PBX system with a new phone system that would combine all of the buildings into a unified IP-based phone system. The new system would utilize the Town's fiber network and pooled SIP trunks to reduce overall cost while maintaining a secure, robust and reliable phone system. It would allow for tiered user licenses that are customized to roles and responsibilities. The School Department will assume responsibility for managing the new technology-based system from the Public Works/Building Maintenance Division.

School Technology Replacement

This request is for funding to replace School Department technology, including computers, printers, IWBs, servers, laptop carts, and specialized instructional labs. The request reflects the decision in FY2017 to move Digital Learning Devices (DLDs) and staff laptops to the operating budget, as well the new classroom technology standard. In FY2017, funding for devices with a lifespan of fewer than five years was shifted to the operating budget. These devices included Digital Learning Devices (DLDs) such as iPads and Chromebooks, and laptops. The FY2019 submitted request is for \$303,600 and consists of computer hardware (computer labs, desktops, TV studio, interactive white boards, and video displays) in the amount of \$190,600 and infrastructure (servers, network hardware, and wireless infrastructure and access points) in the amount of \$113,000.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$4,651,789 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	Amendment
Community Services	Library Furniture Replacement	\$43,970	
Community Services	Non-Public Safety Data Center Servers and Storage Units	\$180,000	
DPW	Energy Efficiency Upgrade Improvements	\$71,000	
DPW	Hillcrest Radio Repeater Building Replacement	\$136,000	
DPW	Specialty Equipment - Large Mower	\$76,500	
DPW	Streetlight Conversion to LED	\$685,000	
DPW	Traffic Improvements	\$50,000	
General Government	Town Multi-Function Printer Devices	\$35,000	
General Government	Town Offices Replacement Furniture	\$25,000	
Multiple	Fleet Replacement Program	\$981,442	
Public Safety	Fire Engine E2 Replacement	\$840,163	
Public Safety	Personal Protective Equipment	\$43,424	
Public Safety	Police Use-Of-Force Training Simulator	\$47,000	
Public Safety	Public Safety Data Center Servers and Storage Units	\$30,000	
Public Safety	Public Safety Mobile Devices	\$35,000	
Public Schools	Pollard Blue & Green Gym Upgrades	\$540,000	
Public Schools	Pollard Phased Improvements Feasibility Study	\$65,000	
Public Schools	School Furniture & Equipment	\$60,500	
Public Schools	School Phone System Replacement	\$319,000	
Public Schools	School Photocopier Replacement	\$84,190	

Group	Description	Recommended	Amendment
Public Schools	School Technology Replacement	\$303,600	
		\$4,651,789	

Mr. Daniel P. Matthews, Chair, addressed this proposal on behalf of the Board of Selectmen. He stated that the Board of Selectmen unanimously request approval of this proposal.

Mr. Richard M. Reilly, Chair, presented the breakdown of the various items in the general fund cash capital. He stated that the Finance Committee unanimously recommends approval.

In response to an inquiry from Mr. Kenneth Scott Muldoon, Mr. Reilly explained that the procedure for best prices on vehicle purchase is the use of the competitive bid process.

Mr. Matthews notes that traffic improvements will include school areas. Mr. William R. Dermody also expressed concern with the much needed traffic improvements on Great Plain Avenue near the railroad crossing.

ACTION: The motion was presented and carried unanimously by voice vote

ARTICLE 33: APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$55,000 for athletic facility improvements design for turf field replacement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Athletic Facility Improvement Fund; or take any other action relative thereto.

Article Information: This request is for the design of the removal of the existing turf carpet, re-grading, and installation of new artificial field turf at DeFazio and Memorial Park.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$55,000 for athletic facility improvements design for turf field replacement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Athletic Facility Improvement Fund.

Mr. Matthew D. Borrelli, Selectman, addressed this proposal on behalf of the Board of Selectmen. He stated that the Board of Selectmen unanimously recommends adoption of this proposal.

Mr. Richard J. Lunetta, Member, stated that this proposal calls for the replacement of synthetic turf at both Memorial and DeFazio parks. The Finance Committee unanimously recommends approval of this proposal.

Town Meeting Member Susan W. Abbott and Ellen Fine, non-Town Meeting Member, expressed concerns with the health and safety of organic versus artificial fields.

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

ARTICLE 34: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,773,500 for improvements and repairs to

the Town's infrastructure including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts, including costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,523,500 be transferred from Free Cash and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$250,000 under Massachusetts General Law 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 Law 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 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. Each program is detailed below.

Street Resurfacing

This Program is essential to maintaining the structural and surface integrity of the Town's approximately 279 lane miles of accepted streets. The Town targets 17 lane miles per year to achieve a desired life cycle of 15 to 20 years. 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. Applying this repair strategy in a timely manner will extend the useful life of the roadway for up to 15 years. Installing a monolithic asphalt berm curb better defines the edge of road, improves drainage and protects the shoulder from erosion. The Town targets roads with a Pavement Condition Index (PCI) of below 70 for resurfacing or specialized treatment. The Town targets a PCI of 60 or below for repair/renovation. The Town's goal is to maintain its roadway network at an average PCI rating of 75. Target funding for street resurfacing in FY2019 is \$820,000.

Traffic Signal & Intersection Improvements

This Program will fund traffic signal improvements, intersection improvements, and new traffic signal installations where none

currently exist. In FY2019, DPW will evaluate intersection prioritization for future projects.

Sidewalk Program

This Program funds improvements to the network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvements, including the installation of handicapped ramps. Sidewalk improvements must comply with Federal and State laws and construction standards. The target funding for FY2019 is \$500,000.

Storm Drain Capacity Improvements

This Program provides funding to improve roadway drainage capacity. The Town's Stormwater Master Plan identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Since the issuance of the Stormwater Master Plan numerous multi-unit developments have been built or planned in the Town of Needham. 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. Due to extensive drainage repairs that were required on Greendale Avenue, funds for FY2018 were diverted to that project. Unless circumstances dictate otherwise, FY2019 funding of \$103,500 is planned for engineering and design for Ardmore Road and Hunnewell Street.

Storm Drain System Repairs

This Program provides funding to repair failing storm drainage infrastructure within Town easements that have been discovered through investigation work. These projects will include the replacement of existing culverts that have deteriorated over time and are restricting flow. This work will eliminate flooding and capacity issues in the immediate vicinity. Unless circumstances dictate otherwise, FY2019 funding in the amount of \$100,000 is targeted for engineering and design for 470 South Street.

Brooks and Culverts – Repair and Maintenance

It is the intention of the DPW to address the issue of poorly draining brooks, streams, waterways, and culverts throughout the Town that have been severely damaged by heavy rains/storms in the past. 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 useable abutting property and flooded basements. The Environmental Protection Agency (EPA) is currently finalizing stronger requirements for stormwater and permitting under the NPDES permit. Unless circumstances require otherwise, FY2019 funding in the amount of \$250,000 is planned for construction in Meredith Circle.

Roadway Reconstruction

The Town evaluates the sight distance, drainage, handicap ramps, sidewalks, subsurface utilities, public utility poles and overhead utilities of all roads. The physical condition of roads to be considered for full reconstruction includes shape, foundation and traffic volume. This is a multi-year process requiring surveying, designing, utility evaluation and construction. Some of the roads that may be targeted for full reconstruction in the future include: Marked Tree Road, Nehoiden Street, Kingsbury Street, sections of Central Avenue, and Webster Street from Dedham Avenue to South Street. No funding is allocated to the Roadway Reconstruction category in FY2019.

Bridge Repairs

Surrounded on three sides by the Charles River, the Town jointly maintains a number of bridges with neighboring communities. The Massachusetts Bridge Inspection Program has identified a number of bridges that have some level of deficiency and has recommended repairs. This Program is essential to improve the structural and/or surface integrity of all bridges throughout Needham. No funding is proposed for this category in FY2019.

Guardrail

Many of the Town's guardrails are noncompliant and the DPW is preparing a plan to systematically upgrade existing guardrails to make them both compliant and aesthetically pleasing. No funding is proposed for this category in FY2019.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,773,500 for improvements and repairs to the Town's infrastructure including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts, including costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,523,500 be transferred from Free Cash and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$250,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mr. Maurice Handel, Selectman, noted that the Board of Selectmen unanimously recommends adoption of this proposal.

Ms. Louise L. Miller, member, stated that the Finance Committee also unanimously recommends adoption of this proposal.

In response to an inquiry from Mr. Gerald C. Rovner regarding sidewalk repair on Central Avenue, Mr. Handel indicated that there will be some repair in that area, but the majority of sidewalk repairs is part of the school project.

Ms. Jeanne S. McKnight suggested that the town pursue the possibility of accessing betterment taxes to properties that could be linked to some of these repairs.

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

At 11:05 P.M. Mr. Gilbert W. Cox, Jr. moved that the Annual Town Meeting stand adjourned to Monday, May 14, 2018 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall and it was so voted unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
Attest:

**ADJOURNED ANNUAL TOWN MEETING
Monday, May 14, 2018**

Pursuant to adjournment of the Annual Town Meeting held May 9, 2018 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Monday, May 14, 2018, at 7:30 P.M.

Check lists were used and 218 voters were checked on the list as being present, including 212 Town Meeting Members. 38 Town Meeting Members were absent.

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

With the cooperation of the Needham Interfaith Clergy Association, Pastor Ryan Marshall, Highrock Metrowest Church, gave the invocation.

Unanimous consent was given to suspend the proceedings for the nineteenth Annual Richard Patton Melick Foundation awards. Mr. Thomas M. Harkins, President of the Richard Patton Melick Foundation, Inc., explained that Richard P. Melick was the former Moderator in the Town of Needham for 35 years and this foundation was established in 1997 to recognize extraordinary leaders in the Town of Needham. Mr. Harkins presented certificates of appreciation to Richard B. Moody and Susan Welby for serving 25 years as Town Meeting Members.

Mr. Thomas M. Harkins introduced Alison S. Borrelli, Director, to present the first award to Kathryn D'Addesio. Kathy has lived, worked and volunteered in Needham all her life. Retiring in 2007 from 37 years in the Needham Public Schools, she went from part-time volunteer to a full-time volunteer. Kathy began her volunteer career on the Adult and Continuing Education Advisory Board as director for 10 years and chair for 3 years. She was asked to be the first teacher liaison to the Needham Education Foundation and then continued as a board member for 9 years. Kathy, as co-chair of the Spelling Bee event, coined the phrase, "Boards Up" and continues to serve as one of the judges.

In 2008 Kathy joined the board of the Library Foundation of Needham. This position was a perfect fit for her because as a teacher she strove to instill the love of reading to all her students. Supporting the library by building its endowment was not only work but a true pleasure for Kathy. Along with a key member of the Library Foundation she was supportive in the development of the "Little Free Libraries" now seen around town.

As a member of the Exchange Club, she has been vice chair of the Sunshine Special – a mystery luncheon offered to seniors each fall, a co-chair of the Holiday Children's Project and she assists with its Fourth of July activities. She is a director of the Needham History Center & Museum chairing three successful silent auctions and most recently worked to plan this year's Pansy Day Festival. Through her leadership and creativity the event has been expanded to include more family-friendly activities.

Kathy is known to be a loyal and generous friend with abundant creativity, a strong work ethic and a keen eye for detail. To put it in her own words "I so enjoy volunteering because it affords me the opportunity to give back to the Needham community that has been so generous to me over my lifetime."

Mr. Thomas M. Harkins, President, introduced Board Member Paula R. Callanan to present the second Melick award to Suzanne Nissen.

Paula R. Callanan noted that Suzanne has been a Needham resident for 22 years. She grew up in Sudbury and received her Master's in Social Work from Boston University. After working in social work for 18 years, she opted for a more flexible life to immerse herself into her community through volunteer activities and become a realtor.

Suzanne is the Cradles to Crayons Community Coordinator – this year being its 10th year. The event is held at Needham High School with 150 volunteers. She organizes and runs the annual "Needham Gives Back" event where they sort, inspect and pack essentials. These are gently used clothes, books and toys for needy kids.

Suzanne was the Eliot School PTC President and Community Service Coordinator. She started a food pantry program for 3rd graders and each year the school collects carloads of cereal and the kids learn about giving to families in need.

Other activities that Suzanne has participated in are many: She is active with the "Welcome New Members" committee at temple. She is part of the 100 Women of Needham group, dedicated to charitable causes, 5 years as Chair of the Beth Israel Deaconess Needham's Patient and Family Advisory Council. She has also volunteered for 5 years with Tenacity, a program that tutors high risk kids from Boston Public Schools; is part of CASA, court appointed special advocate for kids involved in abuse and neglect, ensuring safe and permanent homes. Suzanne is a mentor and ski instructor with Youth Enrichment Services of Greater Boston, a coordinator for the American Cancer Society "We Can Weekend" for cancer patients and their families, and Jewish Family and Children's Services of Greater Boston where she tutors for new immigrants learning to speak English.

At 7:45 P.M. Mr. Daniel P. Matthews moved that the Annual Town Meeting stand adjourned until such time as the Special Town Meeting called for this evening at 7:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

**RECORD OF SPECIAL TOWN MEETING
Monday, May 14, 2018**

Pursuant to a Warrant issued by the Selectmen April 11, 2018 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall, on Monday, May 14, 2018, at 7:30 o'clock in the afternoon.

Check lists were used and 218 voters were checked on the list as being present, including 212 Town Meeting Members. 38 Town Meeting Members were absent.

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

The Call to the Meeting and Officers Return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator requested and received unanimous consent to apply the same rules enacted for the Annual Town Meeting for the Special Town Meeting.

101B	Expenses	\$1,369,612	\$1,401,612
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The Moderator announced that the proponents no longer have an interest in Articles 12 and 13 and requested unanimous consent to withdraw these articles. Town Meeting indicated that there were no objections to the withdrawal of Articles 12 and 13 and it was unanimously voted to withdraw Articles 12 and 13.

The Moderator announced that there are no changes in the affirmative motions.

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 then proceeded to call each article in the Warrant by number commencing with Article No. 1. No Town Meeting Member responded with “question” or “debate” to Articles 4, 9, and 11. The Moderator then called each of the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was so voted unanimously and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 4: AMEND THE FY2018 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 RTS Enterprise Fund Budget adopted under Article 16 of the May 2017 Annual Town Meeting, and subsequently amended under Article 3 of the October 2, 2017 Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

said sum to be raised from RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

Article Information: This article seeks to amend the current fiscal year operating budget by \$32,000 for the Recycling Center and Transfer Station due to the higher cost of processing recyclables. There have been some significant changes in the recycling industry over past year that have had a negative impact on the RTS, both from a revenue and expense perspective. The market rates for corrugated cardboard, mixed paper, commingle containers, and single stream recycling have all become more expensive and/or generate less revenue. There have been several drivers which have made recycling more expensive, most notable is the regulatory change by China to reduce the amount of recyclables coming from outside of the country. China has been one of the largest importers of many types of recyclable materials. With China’s actions to require higher quality materials, recyclers in the US and many other countries have an excess supply of materials with limited immediate options. Consequently, the value of the recycling materials has declined, and the cost to the Town has increased. However, even though recycling expenses have increased, recycling is still less costly than disposal.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2018 RTS Enterprise Fund Budget adopted under Article 16 of the May 2017 Annual Town Meeting, and subsequently amended under Article 3 of the October 2, 2017 Special 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
101B	Expenses	\$1,369,612	\$1,401,612

said sum to be raised from RTS Enterprise Fund Retained Earnings.

ACTION: So voted by unanimous consent.

Line Item	Appropriation	Changing From	Changing To
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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:

Project	Town Meeting	Article	Authorized	Rescind
Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$59,139
Total				\$59,139

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, and/or favorable bids.

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:

Project	Town Meeting	Article	Authorized	Rescind
Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$59,139
Total				\$59,139

ACTION: So voted by unanimous consent.

ARTICLE 11: SET THE ANNUAL DEPARTMENT REVOLVING SPENDING LIMIT

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 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	FY2019 Spending Limit
Aging Services Programs	Health and Human Services Department	\$90,000

Article Information: The purpose of this article is to set the FY2019 spending limit for the proposed new Aging Services Programs revolving fund (the subject matter in the previous article).

MOVED: That the Town vote to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 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.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2019 Spending Limit
Aging Services Programs	Health and Human Services Department	\$90,000

ACTION: So voted by unanimous consent.

ARTICLE 1: APPROPRIATE FOR PROJECT MANAGEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$203,300 for the purpose of funding project management for various Town building construction projects, said sum 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 Town Manager's recommended budget for FY2019 included the addition of a full-time project manager for the Public Facilities Department based on the number and complexity of design and construction projects in the planning stages and underway. After discussion, the Finance Committee recommended that two years of funding for this position be provided in a warrant article as a temporary measure to meet current demands.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$203,300 for the purpose of funding project management for various Town building construction projects, said sum to be spent under the direction of the Town Manager and raised from the Tax Levy.

Ms. Marianne B. Cooley, Chair, addressed this proposal on behalf of the Board of Selectmen. According to Ms. Cooley, this appropriation is for a project manager for the Public Facilities Department for a two-year period. After the two years, the funding will be eliminated. The Board of Selectmen recommended adoption of this article.

Mr. Richard J. Lunetta, member, addressed this proposal on behalf of the Finance Committee. The Finance Committee unanimously recommended adoption of this article.

Mr. Steven M. Rosenstock noted that the Town did not have a construction department but rather had volunteers and hired temporary project managers. The Town should look at outsourcing.

Mr. George F. Kent, Chairman of the Permanent Public Building Committee, advised that the Construction Department is overworked at this time and having full time project managers saves the Town many dollars over hiring outside workers.

After a lengthy discussion, Mr. Gerald C. Rovner moved the previous question. The motion which requires a two-thirds vote was presented and clearly passed by a voice vote declared by the Moderator.

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

ARTICLE 2: APPROPRIATE FOR BUILDING MAINTENANCE STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding a building maintenance study, said sum 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: Last fall Town Meeting appropriated \$50,000 to the Public Facilities expense budget to hire an outside consultant to review the Town's maintenance program for its public buildings. The Town was not able to secure a company to complete the work within the set time period and the allocated funding amount. This article will provide \$100,000 (the \$50,000 that was appropriated to the operating budget will not be spent and will be returned) and allows flexibility in timing (not restricted to one fiscal year) for the work to be done, reviewed, and presented. An outside assessment of the Town's practices and assumptions will assist the Town in planning and maintaining capital investment in its buildings to help ensure that expected life cycles and best practices are met.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding a building maintenance study, said sum to be spent under the direction of the Town Manager and raised from the Tax Levy.

Ms. Marianne B. Cooley, Chair, addressed this proposal on behalf of the Board of Selectmen. The Board of Selectmen unanimously supports this article.

Mr. Richard M. Reilly, Chairman, advised that the Finance Committee wanted to make sure the Town is using the best practices in planning and maintaining capital investments. The Finance Committee unanimously supports this proposal.

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

ARTICLE 3: APPROPRIATE FOR PEDESTRIAN SAFETY INITIATIVE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding a pedestrian safety audit and improvements, said sum 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: This article will fund a pedestrian safety audit. A consultant will be hired to evaluate areas of concern that have been identified by the public and by Town officials, and to review existing infrastructure in high traffic pedestrian areas, business districts, and schools. The intent of the audit is to develop a list of projects in priority order for funding consideration, and will be used to help the Town access State funds for pedestrian safety improvements. Funding in this article may also be used for identified measures that can be implemented in the short term.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding a pedestrian safety audit and improvements, said sum to be spent under the direction of the Town Manager and raised from the Tax Levy.

Ms. Marianne B. Cooley, Chair, addressed this proposal on behalf of the Board of Selectmen. The Board of Selectmen unanimously recommended adoption of this article.

Mr. Barry J. Coffman, member, recommended adoption on behalf of the Finance Committee.

In response to an inquiry from Mr. Philip Edward Brandish, Ms. Cooley noted that the safety of cyclists will be addressed in high traffic areas.

In response to an inquiry from Mr. Peter J. Pingatore, Ms. Cooley advised that the Board of Selectmen will receive the traffic safety audit and will involve the Traffic Management Advisory Committee.

Catherine E. Kurkjian suggested that parents need to emphasize to their children that you cannot just step off the curb. You need to look both ways and pedestrians need to be cautious.

ACTION: The main motion was presented and carried unanimously on a voice vote.

Article 4 was voted by unanimous consent earlier this evening (Monday May 14, 2018).

ARTICLE 5: APPROPRIATE FOR MITCHELL SCHOOL LOCKER REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$70,000 for the purchase and installation of replacement lockers at the Mitchell School, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$51,450 be transferred from Article 20 of the November 2013 Special Town Meeting, and that \$18,550 be transferred from Article 37 of the 2014 Annual Town Meeting; or take any other action relative thereto.

Article Information: The current lockers at the Mitchell School are in need of repair. They are not appropriately sized for the school age population at the Mitchell and are broken. This request is to replace the existing lockers with lockers that are better suited for elementary school children. The Mitchell School is not scheduled to be renovated for at least ten years and this appropriation would help to improve the appearance and functionality of the school. This project will allow each student to have his or her own locker.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$70,000 for the purchase and installation of replacement lockers at the Mitchell School, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$51,450 be transferred from Article 20 of the November 2013 Special Town Meeting, and that \$18,550 be transferred from Article 37 of the 2014 Annual Town Meeting.

Ms. Marianne B. Cooley, Chair, advised that the Mitchell School lockers are broken and in complete disrepair. She recommended adoption of this article on behalf of the Board of Selectmen.

Mr. Aaron M. Pressman, Chairman, presented this proposal on behalf of the School Committee. He advised that the Mitchell School needs functioning lockers since the school will not be replaced for ten years.

Mr. Barry J. Coffman, member, recommended adoption of this article on behalf of the Finance Committee.

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

ARTICLE 6: APPROPRIATE FOR MITCHELL SCHOOL MODULAR CLASSROOMS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$210,000 for engineering and design for modular classrooms at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager and raised from the Tax Levy; or take any other action relative thereto.

Article Information: To prepare for the anticipated implementation of full-day kindergarten in September 2019, the Needham Public Schools commissioned a space study to determine how best to implement the new program, given the District's existing inventory of classroom spaces. Based on the results of that study, the School Committee recommends that two additional modular classrooms be erected at the Mitchell Elementary School. The modular classrooms would supplement the School's 22 existing classroom spaces to provide the 24 classroom spaces deemed necessary in the first year of full-day kindergarten.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$210,000 for engineering and design for modular classrooms at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager and raised from the Tax Levy.

Ms. Marianne B. Cooley, Chair, recommended adoption of this article on behalf of the Board of Selectmen.

Mr. Aaron M. Pressman, Chairman, presented this proposal on behalf of the School Committee. He advised that the Mitchell School needs two modular classrooms necessary in the first year of full-day kindergarten beginning in September 2019.

Mr. John P. Connelly, Member, advised that the Finance Committee voted unanimously to adopt this article on behalf of the Finance Committee.

Ms. Holly Anne Clarke rose in support of this article. She suggested that the Town is building a new elementary school and perhaps it needs to look at redistricting.

In response to Ms. Clarke's inquiries, Mr. Pressman explained that the modular classrooms are not connected to the school building and the Sunita Williams School is the maximum size allowed to build.

In response to an inquiry from Catherine E. Kurkjian, Mr. Pressman explained that the town is required to go through the design process and out to bid on new buildings and renovations. He also noted that there was no new elementary school (Sunita) in process and no all-day kindergarten.

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

ARTICLE 7: APPROPRIATE FOR HIGH SCHOOL EXPANSION CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$431,000 for the reconstruction and expansion of Needham High School, including costs incidental or

related thereto, to be spent under the direction of the Permanent Public Building Committee and 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 October 2, 2017 Special Town Meeting appropriated \$13,188,000 for the reconstruction and expansion of Needham High School. Due to unanticipated increases in the cost of materials and labor, the project needs an additional \$431,000 to complete the scope of work. This request would provide the additional funds needed to complete the project scope.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$431,000 for the reconstruction and expansion of Needham High School, including costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

Ms. Marianne B. Cooley, Chair, advised that this is a request for supplemental funds for the reconstruction and expansion of Needham High School. The Board of Selectmen unanimously recommends adoption of this proposal.

Mr. Aaron M. Pressman, Chairman, recommended adoption of this article on behalf of the School Committee.

Mr. George F. Kent, Chairman, Permanent Public Building Committee, stated that this project had a very tight timeline and a very tight budget.

Mr. Richard M. Reilly, Chair, advised that the original project came in higher than anticipated. The Finance Committee unanimously recommended adoption of Article 7.

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

ARTICLE 8: AUTHORIZATION FOR ACQUISITION OF REAL PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to purchase on behalf of the Town the real property known as 43 Lincoln Street (Assessors Map 47, Lot 46); or take any other action relative thereto.

Article Information: This article requests Town Meeting approval for purchase of the house and land at 43 Lincoln Street at a maximum price of \$1,475,000. This purchase will complete a series of land acquisitions in connection with the proposed construction of a new Police and Fire Public Safety Facility at School and Chestnut Streets, and give the Town ownership of the entire block bordered by School Street, Chestnut Street, Lincoln Street, and the Chestnut/Lincoln Parking Lot.

This subject was previously before Town Meeting in October, 2017 as Article 7, which after discussion was referred back to the Board of Selectmen for further study.

Since October, the Board of Selectmen has engaged in further review and evaluation, public discussion and input, consultation with Town boards and committees, negotiations, and progress with the design and planning for the Public Safety project. The Board of Selectmen now presents this renewed request for approval of the purchase.

The recommended purchase price is substantially the same as presented in October (which at that time was \$1,495,000). As part of the review process, the Board has confirmed that under current zoning and ZBA decisions affecting comparable properties, the property can be reconstructed to a three unit condominium. The Selectmen obtained a new independent appraisal that determined a fair market value of \$1.3 million for the property. The Selectmen recommend payment of the negotiated purchase price above the \$1.3 million amount as a necessary premium for what in this context is a one-of-a kind parcel.

Over the past several years, the Town has acquired other properties in this area in order to increase and improve municipal parking, and to allow for the expansion and reconstruction of the Public Safety Building. This final acquisition will both improve the design of the project and also avoid the need to eliminate parking currently dedicated for public use.

Town ownership of the property will improve vehicle circulation, operations, and perimeter security for the new facility, and overall parking in the downtown. The architectural and construction plan for the Public Safety building utilizes construction phasing that will allow contained use of the current Police and Fire stations until the Fire portion of the new station is complete, achieving significant savings.

Without the purchase of 43 Lincoln Street, the new building will be very close to the property line, with a net vehicular clearance of less than 15 feet. This impacts perimeter security, internal traffic circulation, and police vehicle access. Changing the design to materially increase the building distance from a privately-owned 43 Lincoln Street to address these issues would require earlier demolition of the current Fire station and increase the overall project cost by more than the entire 43 Lincoln Street purchase price.

Acquisition of 43 Lincoln Street will provide necessary parking for the Public Safety facility and mitigate impact on exiting parking management issues in the area between Downtown and Needham Junction.

Peak overall parking demand already exceeds capacity throughout this zone, and is increasing. The lack of commuter rail parking in Downtown at present and insufficient commuter rail parking at the Junction contributes further to these parking issues. Businesses in the downtown must rely on permit parking for employees for this reason, and the permit parking system helps manage demand for spaces available to the general public.

The new public safety station requires more parking to accommodate Police and Fire employees and visitors than is currently available on the site. Without 43 Lincoln Street, the best option would be to utilize a portion of the Chestnut/Lincoln parking lot for public safety parking, resulting in a loss of 34 permit parking spaces. If the Town acquires 43 Lincoln Street, it will be possible to provide a net increase of 30 spaces in the public safety area, without any change to the Chestnut/Lincoln lot, thus continuing the 34 permit parking spaces and other public uses of the Chestnut/Lincoln lot as at present.

Town Meeting approval is required for the purchase; however, no appropriation is required, as the purchase would be paid from mitigation payments negotiated during the approval process for apartment housing in Needham Crossing now known as The

Kendrick. Those funds, totaling \$2,250,000, are earmarked for public safety equipment and facilities, and infiltration and inflow removal. This use is consistent with that agreement and using mitigation funds for this purpose reduces the total cost of the Public Safety project to the taxpayers.

The purchase will also allow the Town to achieve savings in the cost of the project by increasing available laydown and swing space, using the house as a construction office, and eliminating the need for a retaining wall and other elements that would be needed if 43 Lincoln Street remains in private ownership. These savings are estimated at \$573,000, which exceeds the negotiated purchase premium.

The proposed purchase is a carefully considered recommendation to complete a multi-year land acquisition process. It will benefit the Town, lower costs within the Public Safety project, help address parking needs in the Downtown and Junction areas, and provide flexibility to the Town with long-term land use planning going forward.

MOVED: That the Town vote to authorize the Board of Selectmen to purchase on behalf of the Town the real property known as 43 Lincoln Street (Assessors Map 47, Lot 46).

Mr. Matthew D. Borrelli, Selectman, addressed this proposal on behalf of the Board of Selectmen. He explained that it has been the goal of the Board to purchase this property for several years. This acquisition will improve the design of the Public Safety Building and avoid the need to reduce parking for public use.

Mr. John P. Connelly, member, addressed this proposal on behalf of the Finance Committee. He explained that there was a majority vote of the Finance Committee authorizing the Board of Selectmen to purchase 43 Lincoln Street.

After a brief discussion, Temporary Moderator Paul T. Milligan called for a 10-minute recess.

The Moderator called the meeting back to order. He acknowledged the presence of our State Representative Denise C. Garlick and thanked her for attending our Town Meeting sessions.

Mr. Milligan announced the attendance for this evening. Town Meeting Members Present - 212 Absent - 38.

Discussion continued under Article 8:

In response to an inquiry from Mr. David Ecsedy, Mr. Borrelli explained that there are two reasons why the Town does not want to take this property by eminent domain. The seller did not want to sell the property so we didn't want to low ball the price. It would also be hard to argue the appraisal of \$1.2 million.

Mr. Mark A. Oberle stated that he was originally opposed, but is now in favor of this purchase.

Ms. Elizabeth Jane Grimes also rose in support of this proposal indicating that the Town needs this parcel.

ACTION: The main motion which requires a two-thirds vote was presented and passed by a two-thirds vote declared by the Moderator on a voice vote.

Article 9 was adopted by unanimous consent earlier this evening (May 14, 2018).

ARTICLE 10: AMEND GENERAL BY-LAW – DEPARTMENT REVOLVING FUNDS

To see if the Town will vote to amend the Town's General By-Laws by adding the following new section:

2.2.5.11 Aging Services Programs Revolving Fund

Fund Name There shall be a separate fund called the Aging Services Programs Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The Town Accountant shall establish the Aging Services Programs Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the related fee based programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Aging Services Programs Revolving Fund for costs related to educational, entertainment, and programmatic activities offered through the Department.

Fiscal Years The Aging Services Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

or take any other action relative thereto.

Article Information: With passage of the Municipal Modernization Act, the Town must adopt a local by-law to establish revolving fund accounts typically established on an annual basis by Town Meeting. This by-law amendment establishes and authorizes a departmental revolving fund for use by Health and Human Service Department Aging Services division in connection with programs and activities that generate fees, charges for services, or other receipts to support all or some of the expenses of those programs and activities. The revolving funds will be governed by Massachusetts General Laws Chapter 44, Section 53E½. Town Meeting will vote on the spending limit associated with the revolving fund annually. The purpose of this revolving fund is to support a range of programs offered for Needham's seniors at the Center at the Heights. The programs cover an array of subjects and fall into categories including educational, entertainment, exercise, nutrition, mental health and wellness, and social. Participants are charged a modest fee which covers the cost of the instructors' time and any required materials or supplies for the program.

MOVED: That the Town vote to amend the Town's General By-Laws by adding the following new section:

2.2.5.11 Aging Services Programs Revolving Fund

Fund Name There shall be a separate fund called the Aging Services Programs Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The Town Accountant shall establish the Aging Services Programs Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the related fee based programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Aging Services Programs Revolving Fund for costs related to educational, entertainment, and programmatic activities offered through the Department.

Fiscal Years The Aging Services Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

Mr. Matthew D. Borrelli, Selectman, recommended adoption on behalf of the Board of Selectmen.

Ms. Louise L. Miller, Member, recommended adoption on behalf of the Finance Committee. She explained that this proposal will straighten out accounting procedures.

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

Article 11 was voted by unanimous consent earlier this evening (Monday, May 14, 2018).

ARTICLE 12: AMEND ZONING BY-LAW – DIMENSIONAL AND USE REGULATIONS IN THE LOWER CHESTNUT STREET OVERLAY DISTRICT

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

- (a) Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) Multi-Family Dwelling development with dwelling units on the ground floor.”
- (b) By replacing Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, so that the entire section shall read now as follows:

“The following lot area, frontage, and setback requirements shall apply to development in the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet. For buildings with a residential component, the Planning Board may grant a Special Permit to waive the minimum lot area requirement by finding that the proposed density creates a beneficial living environment for residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of the Lower Chestnut Street Overlay District than strict compliance with these standards.
- (b) Minimum Lot Frontage: 50 feet. For Non-Multi-Family Dwelling-Only Developments, a minimum of 75 percent (75%) of the frontage of the lot facing a public way shall contain a building or buildings, the first floor façade of which is set back between zero (0) and ten (10) feet from the lot line. The Planning Board may grant a Special Permit to waive the foregoing frontage requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development. The Planning Board may grant a Special Permit to waive the foregoing front setback requirement by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.

- (d) Maximum Front Setback. 150 feet from the front property line. The Planning Board may grant a Special Permit to waive the foregoing front setback requirement by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (e) Minimum Side and Rear Setback for Non-Multi-Family Dwelling-Only Developments:
- (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.
 - (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.
 - (3) The Planning Board may grant a Special Permit to waive the foregoing setback requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support

pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.

(f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:

- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
- (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.

The Planning Board may grant a Special Permit to waive the foregoing setback requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.”

(c) By replacing Section 3.9.4.2, Building Height Requirements, so that the entire section shall read now as follows:

“Buildings in the Lower Chestnut Street Overlay District shall be a minimum of two (2) stories. The maximum building height in the Lower Chestnut Street Overlay District shall be four stories and forty-eight (48) feet as of right. The Planning Board may grant a Special Permit to allow a maximum building height of six (6) stories and eighty (80) feet by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of the Lower Chestnut Street Overlay District.

Buildings in the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”

(d) By replacing Section 3.9.4.3, Building Bulk and Other Requirements, so that the entire section shall now read as follows:

“The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be as set forth below:

- (1) For two-story buildings, the maximum floor area ratio shall be 0.7
- (2) For three-story buildings, the maximum floor area ratio shall be 1.0.
- (3) For four-story buildings, the maximum floor area ratio shall be 1.5.

(4) For buildings five stories and above, the maximum floor area ratio shall be 2.0.”

(e) Amend Section 3.9.5, Off-Street Parking, by:

Adding a new subsection (a)(3), which shall read as follows:

“(a)(3) For dwelling units in a Multi-Family Dwelling-only development, the minimum number of off-street parking spaces shall be one space per bedroom.”; and

By replacing Section 3.9.5(b), so that the entire subsection shall now read as follows:

“In addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”

(f) By replacing Section 3.9.6, Affordable Housing, so that the entire section shall now read as follows:

“Mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.”

(g) By adding a new Section 3.9.9, Drive Aisle Requirements, which shall read as follows:

“Notwithstanding the provisions of Section 5.1.3(i), within the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”

(h) By adding a new Section 3.9.10, Transparency and Entrances, which shall read as follows:

“Commercial uses in the Lower Chestnut Street Overlay District must meet the requirements set forth in this Section 3.9.10. The Planning Board may grant a Special Permit to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of the Lower Chestnut Street Overlay District than strict compliance with the following requirements.

- (1) There shall be at least one entrance every fifty (50) feet of building frontage facing a public way.

- (2) A minimum of sixty percent (60%) of the street-facing building height above the façade between two (2) feet and eight (8) feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
- (3) Display windows used to satisfy these requirements shall be changed and maintained to create an active window display; any illumination of the display shall be internal to the building.”

Or take any other action relative thereto.

Article Information: *The Planning Board seeks to rezone the Lower Chestnut Street Overlay District. The Planning Board's intention is to modify the zoning in this district in a way that will encourage re-development of Lower Chestnut Street, between Great Plain Avenue and the railroad tracks, into a pedestrian friendly New England village with multi-use development. Multi-use would include retail, restaurants, offices and residential buildings.*

Specifically, this proposal seeks to expand the use in the Lower Chestnut Street Overlay District to allow multi-family dwelling units by special permit. It also establishes waivers to dimensional requirements. The Lot Area, Frontage and Setback Requirements would change by allowing the Planning Board to waive minimum lot area, minimum front setback, minimum lot frontage, and maximum front setbacks. In addition, this article allows for multi-family dwelling buildings only a 5 foot setback on lots abutting residential districts and the MBTA right-of-way. This article also proposes to increase the current foundational height requirements to an as-of-right 4 stories and 48 feet in height. It further allows the Planning Board to grant a special permit for height of up to 6 stories and 80 feet. This article allows for an increased FAR depending on the number of stories as-of-right instead of by special permit. Lastly, this article allows for multi-family dwelling only to have a minimum of one off-street parking space requirement per bedroom by right.

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

- (a) Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) Multi-Family Dwelling development with dwelling units on the ground floor.”
- (b) By replacing Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, so that the entire section shall read now as follows:

“The following lot area, frontage, and setback requirements shall apply to development in the Lower

Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet. For buildings with a residential component, the Planning Board may grant a Special Permit to waive the minimum lot area requirement by finding that the proposed density creates a beneficial living

environment for residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of the Lower Chestnut Street Overlay District than strict compliance with these standards.

- (b) Minimum Lot Frontage: 50 feet. For Non-Multi-Family Dwelling-Only Developments, a minimum of 75 percent (75%) of the frontage of the lot facing a public way shall contain a building or buildings, the first floor façade of which is set back between zero (0) and ten (10) feet from the lot line. The Planning Board may grant a Special Permit to waive the foregoing frontage requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development. The Planning Board may grant a Special Permit to waive the foregoing front setback requirement by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (d) Maximum Front Setback. 150 feet from the front property line. The Planning Board may grant a Special Permit to waive the foregoing front setback requirement by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (e) Minimum Side and Rear Setback for Non-Multi-Family Dwelling-Only Developments:
 - (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the

- fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.
- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.
- (3) The Planning Board may grant a Special Permit to waive the foregoing setback requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.
- (f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:
- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
- (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.
- The Planning Board may grant a Special Permit to waive the foregoing setback requirements by finding that the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Lower Chestnut Street Overlay District.”
- (c) By replacing Section 3.9.4.2, Building Height Requirements, so that the entire section shall read now as follows:
- “Buildings in the Lower Chestnut Street Overlay District shall be a minimum of two (2) stories. The maximum building height in the Lower Chestnut Street Overlay District shall be four stories and forty-eight (48) feet as of right. The Planning Board may grant a Special Permit to allow a maximum building height of six (6) stories and eighty (80) feet by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of the Lower Chestnut Street Overlay District.
- Buildings in the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”
- (d) By replacing Section 3.9.4.3, Building Bulk and Other Requirements, so that the entire section shall now read as follows:
- “The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be as set forth below:
- (1) For two-story buildings, the maximum floor area ratio shall be 0.7
- (2) For three-story buildings, the maximum floor area ratio shall be 1.0.
- (3) For four-story buildings, the maximum floor area ratio shall be 1.5.
- (4) For buildings five stories and above, the maximum floor area ratio shall be 2.0.”
- (e) Amend Section 3.9.5, Off-Street Parking, by:
- Adding a new subsection (a) (3), which shall read as follows:
- “(a)(3) For dwelling units in a Multi-Family Dwelling-only development, the minimum number of off-street parking spaces shall be one space per bedroom.”; and
- By replacing Section 3.9.5(b), so that the entire subsection shall now read as follows:
- “In addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”
- (f) By replacing Section 3.9.6, Affordable Housing, so that the entire section shall now read as follows:
- “Mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing

units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.”
- (g) By adding a new Section 3.9.9, Drive Aisle Requirements, which shall read as follows:
- “Notwithstanding the provisions of Section 5.1.3(i), within the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”
- (h) By adding a new Section 3.9.10, Transparency and Entrances, which shall read as follows:

“Commercial uses in the Lower Chestnut Street Overlay District must meet the requirements set forth in this Section 3.9.10. The Planning Board may grant a Special Permit to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of the Lower Chestnut Street Overlay District than strict compliance with the following requirements.

- (1) There shall be at least one entrance every fifty (50) feet of building frontage facing a public way.
- (2) A minimum of sixty percent (60%) of the street-facing building height above the façade between two (2) feet and eight (8) feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
- (3) Display windows used to satisfy these requirements shall be changed and maintained to create an active window display; any illumination of the display shall be internal to the building.”

Article 12 was withdrawn earlier this evening by unanimous consent (May 14, 2018).

ARTICLE 13: AMEND ZONING BY-LAW – MAP CHANGE TO LOWER CHESTNUT STREET OVERLAY DISTRICT

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

Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located directly to the south and the west of Parcel 6 as shown on Needham Assessor's

Map No. 45 known as 433 Chestnut Street and bounded and described as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 1 on a plan entitled “RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)...” dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most northeasterly corner of Parcel 1 opposite station 473+05.40 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; SOUTHWESTERLY

by a curve to the right having a radius of 2900.93 feet and a length of 875.40 feet to a point, said course being in part by land now or formerly of Castanea Dentata, LLC, thence turning and running; N 55° 58' 21" W 83.00 feet to a point, thence turning and running; NORTHEASTERLY by a curve to the left having a radius of 2817.93 feet and a length of 850.35 feet a point, said course being by the existing northwesterly boundary of the Massachusetts Bay Transportation Authority, thence turning and running; S 73° 15' 44" E 83.00 feet to the point of beginning. Containing 71,619 square feet more or less, or 1.644 acres, more or less.

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled “RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)...” dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve to the left having a radius of 2900.93 feet and a length of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve to the left having a radius of 2900.13 feet and a length of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less, or 1.232 acres, more or less.

Or take any other action relative thereto.

Article Information: This article describes the geographical area located directly to the south and the west of 433 Chestnut Street proposed to be placed in the Lower Chestnut Street Overlay District. Portions of both parcel 051-084 and the MBTA right-of-way shown on Assessors' Plan Number 45 are affected by this rezoning. The subject land is owned by the Massachusetts Bay Transportation Authority and is located within the Single Residence B zoning district. A total area of 2.876 acres, more or less, would be affected by this map revision.

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

Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located directly to the south and the west of Parcel 6 as shown on Needham Assessor's Map No. 45 known as 433 Chestnut Street and bounded and described as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 1 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most northeasterly corner of Parcel 1 opposite station 473+05.40 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; SOUTHWESTERLY by a curve to the right having a radius of 2900.93 feet and a length of 875.40 feet to a point, said course being in part by land now or formerly of Castanea Dentata, LLC, thence turning and running; N 55° 58' 21" W 83.00 feet to a point, thence turning and running; NORTHEASTERLY by a curve to the left having a radius of 2817.93 feet and a length of 850.35 feet a point, said course being by the existing northwesterly boundary of the Massachusetts Bay Transportation Authority, thence turning and running; S 73° 15' 44" E 83.00 feet to the point of beginning. Containing 71,619 square feet more or less, or 1.644 acres, more or less.

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve to the left having a radius of 2900.93.

Article 13 was withdrawn earlier this evening by unanimous consent (May 14, 2018).

At 9:35 P.M. Mr. Daniel P. Matthews on behalf of the Board of Selectmen moved to dissolve the Special Town Meeting with the following Resolutions:

THE FOLLOWING RESOLUTION

Was offered

In memory of

David John Sexton

WHEREAS: David Sexton was born and raised in Brookline, Massachusetts. He graduated from Cathedral High School in Boston, received a Bachelor's Degree from Stonehill College, and a Master's Degree from the Rutgers University Stonier School of Banking.

He served his country in the U.S. Army from 1962 to 1968; and

WHEREAS: David was married to Gloria Ann Gamel for 50 years. In 1968 they moved from West Roxbury to Needham, first living on North Hill Avenue, then moving to their family home on Stratford Road, where they raised their five children David Jr., Julie, Donna, Matthew, and Michael; and

WHEREAS: David began his career at Liberty Mutual Insurance as a computer programmer. He went on to work at Honeywell Corporation, Fidelity Investments, Coopers and Lybrand, and State Street Corporation. At State Street, David rose to the position of Chief Information Officer, and served for over 20 years. He helped to transform State Street from a traditional regional bank into a global investment and securities processing company; and

WHEREAS: David was a competitive athlete who excelled as a pitcher in baseball, and tried out as a walk-on for the Red Sox. A talented golfer, David was a member and officer of the Needham Golf Club, winning many club championships in Needham and beyond; and

WHEREAS: David served as a Town Meeting Member from 1977 through 1981.

NOW THEREFORE, be it resolved by this body that the May 14, 2018 Special Town Meeting be dissolved in honor of the civic and community contributions of David John Sexton to the Town of Needham.

ACTION: at 9:35 PM the Resolution was presented and carried unanimously by voice vote.

THE FOLLOWING RESOLUTION

Was offered

In memory of

Lynn Deutsch Stern

WHEREAS: Lynne Deutsch Stern was born in the Bronx and raised in Queens, New York. She graduated from Bayside High School, received a Bachelor's Degree In English from Queens College and a Master's Degree in English Education from Hofstra

WHEREAS: In 1968 Lynne married Mike Stern, her husband of 49 years. In 1976, the Sterns moved from New York to settle in their family home on Hoover Road in Needham, where they raised their two children Karen and Amy, both graduates of Needham High School; and

WHEREAS: Lynne was an Associate Professor of English at Wentworth Institute, and also taught English at Mount Ida College and Pine Manor College; and

WHEREAS: Lynne was a voracious reader who volunteered at

the Needham Community Council and the Needham Free Public Library, serving as Chairman of the Sunday afternoon programs for 20 years. She was also an advocate for peace through her work with Needham Peaceworks; and

WHEREAS: Lynne served as a Town Meeting Member representing Precinct J from 1986 to 1997 and from 2003 to 2007.

NOW THEREFORE, be it resolved by this body that the May 14, 2018 Special Town Meeting be dissolved in honor of the civic and community contributions of Lynne Stern to the Town of Needham.

ACTION: at 9:35 PM the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

The Moderator called the Annual Town Meeting back into session at 9:35 P. M., declared a quorum to be present, and requested the Town Clerk to so record. He recognized Needham's State Representative Denise C. Garlick and thanked her for making a special effort to attend Town Meeting. Discussion commenced under Article 35 upon the dissolution of the Special Town Meeting called for Monday, May 14, 2018 at 7:30 P. M.

Discussion commenced under Article 35.

ARTICLE 35: APPROPRIATE FOR PUBLIC WORKS STORAGE FACILITY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$7,615,000 for design and construction of the Public Works Storage Facility, including 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 that \$1,382,000 be transferred from Free Cash, that \$944,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$1,786,000 be transferred from Water Enterprise Fund Retained Earnings, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$3,503,000 under Massachusetts General Law 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 Law 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 recently completed DPW relocation feasibility study determined that all of the vehicle storage required

to fulfill DPW operations programming needs cannot fit on the existing site (470/484 Dedham Avenue). The existing site has been approved by the Board of Selectmen as the preferred site for the ultimate reconstruction of the facility. Weston & Sampson evaluated many options and locations, recommending that a storage facility be constructed in a remote location. After reviewing recommendations with the PPBC and Board of Selectmen, Weston & Sampson has recommended that the facility be located near the RTS on Central Avenue. The storage facility will address the needs of a modernized DPW facility and organization, including providing shelter for Town equipment which will increase its service life. The feasibility process included the development of a comprehensive vehicle and equipment list, including towed, ride-on, and small portable equipment along with classified storage type (i.e. garaged vs. covered), and presented equipment storage scenarios. This request will fund both the design and construction of the facility.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$7,615,000 for design and construction of the Public Works Storage Facility, including 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 that \$1,382,000 be transferred from Free Cash, that \$944,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$1,786,000 be transferred from Water Enterprise Fund Retained Earnings, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$3,503,000 under Massachusetts General Law 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 Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mr. Matthew D. Borrelli, Selectman, addressed this proposal. He explained that this facility cannot fit on the existing site located at the 470/484 Dedham Avenue. The Board of Selectmen approved the proposed site located on the east side of the Transfer Station on Central Avenue. The Board of Selectmen unanimously recommends adoption of the proposal.

Mr. John P. Connelly, member, advised that the Finance Committee voted unanimously to recommend Article 35. It is a necessary and worthwhile proposal.

In response to an inquiry from Mr. David Dirks, Mr. Borrelli explained that square footage costs were up because of ledge at the site.

After several inquiries, Mr. Borrelli noted that the useful life of the facility is forty years. There are no additional plans for the property at the Transfer Station. The entire Department of Public Works cannot fit at the Dedham Avenue location.

ACTION: The main motion, which requires a two-thirds vote, was presented and passed by two-thirds vote declared by the Moderator on a voice vote.

ARTICLE 36: APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$345,360 for RTS 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 RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
RTS	Fleet Replacement - Specialized Equipment	\$245,360	
RTS	Big Belly Trash Cans	\$100,000	
		\$345,360	

Article Information:Smart Technology Trash Cans

The Town has been investigating long term strategies for reducing public litter. Over the past year, the DPW has met with vendors to review a Town-wide deployment of waste management receptacles. These receptacles have two compartments, one for recycling and one for trash, with solar powered compactors, and technology that provides an alert when the receptacles are full. The Town is pursuing a pilot program to deploy these receptacles at recreational facilities around Town. This deployment will include 12 trash and recycling receptacles. Eleven receptacles will be solar powered compactors and one will be a solar powered non-compactable receptacle. The solar powered compactors will be deployed in areas of high trash volume and the non-compactable receptacle will be deployed in an area that is not prone to substantial trash generation. The receptacles will be purchased by the Town and their impact on reducing overflowing trash and minimizing odors will be monitored. There is a potential in the future to either purchase or lease additional receptacles.

RTS Enterprise Fund Fleet Replacement – Specialized Vehicles

Unit #	Division	Current Vehicle Type	Vehicle Year	New Vehicle Type	Amount
143	RTS	Front End Loader	2010	Front End Loader	\$245,360

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$345,360 for RTS 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 RTS Enterprise Fund Retained Earnings.

Group	Description	Recommended	Amendment
RTS	Fleet Replacement - Specialized Equipment	\$245,360	
RTS	Big Belly Trash Cans	\$100,000	
		\$345,360	

Mr. John A. Bulian, Selectman, addressed this proposal on behalf of the Board of Selectmen. He noted that the Board of Selectmen recommends adoption of Article 36.

Mr. Kenneth J. Lavery, Member, recommended adoption of this proposal on behalf of the Finance Committee.

In response to an inquiry from Ms. Lois Sockol, Mr. Bulian does not believe there will be an increase in personnel, but a more efficient use of personnel.

Mr. Paul A. Siegenthaler rose in favor of any equipment to add to the beautification of our parks. Mr. Bulian noted that this hopes to be the start of a program to reduce trash in Needham.

Ms. Lisa Cherbuliez stated that she works for Big Belly. She noted that the contamination rate is high and there will be some cleaning and maintenance to be factored in.

After a brief discussion, a motion to move the previous question was offered by Mr. William R. Dermody. The motion was presented and passed by the required two-thirds vote declared by the Moderator on a voice vote.

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

Article 37 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

Article 38 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

Article 39 was adopted by unanimous consent earlier this evening (Monday, May 7, 2018).

At 11:00 P.M. Mr. Gilbert W. Cox, Jr. moved that the Annual Town Meeting stand adjourned to Wednesday, May 16, 2018 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall and it was so voted unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

ADJOURNED ANNUAL TOWN MEETING
Wednesday, May 16, 2018

Pursuant to adjournment of the Annual Town Meeting held May 14, 2018, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Wednesday May 16, 2018 at 7:30 P.M.

Check lists were used and 208 voters were checked on the list as being present, including 204 Town Meeting Members. 46 Town Meeting Members were absent.

With the cooperation of the Needham Interfaith Clergy Association, Reverend Nicholas Morris-Kliment, Pastor, Christ Episcopal Church, gave the invocation.

Discussion commenced under Article 40.

ARTICLE 40: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$63,378 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 transferred from Free Cash; 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 Field Complex. The replacement of the synthetic turf fields at Memorial Park and DeFazio Park Field Complex is estimated to be \$2.5 million in FY2020. The requested appropriation continues the method of benchmarking to Park and Recreation administrative fee receipts from the most recent completed fiscal year (FY2017), The balance in the fund as of March 30, 2018 was \$4,380,174.

MOVED: That the Town vote to raise, and/or transfer and appropriate the sum of \$63,378 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 transferred from Free Cash.

Mr. Matthew D. Borrelli, Selectman, addressed this proposal and requested approval on behalf of the Board of Selectmen.

Mr. Richard M. Reilly, Chairman, stated that this is an appropriate fund and the Finance Committee unanimously recommends adoption of Article 40.

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

ARTICLE 41: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$141,413 to the Capital 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 transferred from Free Cash; or take any other action relative thereto.

Article Explanation: 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 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital item(s) at times when ordinary funding sources are limited or not available. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The recommended appropriation of is equal to the amount that the Town received from the sale of surplus equipment during FY2017. This was one of the sources identified to be contributed to the fund. The balance in the fund as of March 30, 2018 was \$742,357.

MOVED: That the Town vote to raise, and/or transfer and appropriate the sum of \$141,413 to the Capital 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 transferred from Free Cash.

Mr. Daniel P. Matthews, Chairman, addressed this proposal and requested approval on behalf of the Board of Selectmen.

Mr. Richard M. Reilly, Chairman, Finance Committee, advised that this is a rainy day fund. The Finance Committee unanimously recommends adoption of this article.

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

ARTICLE 42: APPROPRIATE TO CAPITAL FACILITY FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,817,000 to the Capital Facility 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 \$431,000 be raised from the Tax Levy, and that \$1,386,000 be transferred from Free Cash; 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 2007 Annual Town Meeting under Article 10 approved the creation of the Capital Facility Fund, as part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation, or reconstruction relating to the structural integrity, building

envelope, or MEP (mechanical, electrical, plumbing) systems of then-existing capital facilities. The October 2, 2017 Special Town Meeting appropriated \$1,817,000 as a funding source for the reconstruction and expansion of Needham High School. The School Committee, Finance Committee and Board of Selectmen stated at that time their intent to restore the funding as soon as practicable. The balance in the fund as of March 30, 2018 was \$26,749.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,817,000 to the Capital Facility 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 \$431,000 be raised from the Tax Levy, and that \$1,386,000 be transferred from Free Cash.

Mr. Daniel P. Matthews, Chairman, explained that this article is basically the reserve fund used for capital facilities. The Board of Selectmen unanimously request approval of this article.

Mr. Richard M. Reilly, Chairman, advised that appropriations to this fund are \$150,000 under target. The Finance Committee unanimously recommends approval of this article.

Mr. Ronald W. Ruth echoed the Finance Committee Chairman that some target levels need to be revisited.

Mr. Richard A. Zimbone offered the following motion to amend: To delete the appropriation from the tax levy and change the total appropriation to \$1,386,000, same as the amount transferred from Free Cash. Mr. Zimbone explained that unless there is a compelling need, he would like to see the appropriation come from Free Cash and not from the tax levy. Mr. Reilly spoke in opposition to the motion to amend. He explained that the Town is replacing these funds as promised from last year.

In response to an inquiry from Mr. Paul S. Alpert, Mr. Reilly explained that any amounts not approved at Town Meeting go back to Free Cash.

The motion to amend was presented, but failed to pass on a voice vote.

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

ARTICLE 43: AMEND ZONING BY-LAW – MARIJUANA ESTABLISHMENTS

Whereas Needham being a town in which the majority of voters voted in the negative on question 4 on the 2016 state election ballot, entitled "Legalization, Regulation, and Taxation of Marijuana" the Planning Board offers the following amendment. To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

(1) In Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

"Marijuana Establishment: Any type of "marijuana establishment" as defined in G.L. c.94G, Section 1, including marijuana cultivators (including craft marijuana cultivator cooperatives), independent testing laboratories, marijuana product manufacturers, marijuana retailers (including delivery-only retailers and social consumption operation retailers whether as a primary use or mixed or accessory use), or any other type of licensed marijuana-related business (excluding Medical Marijuana Treatment Centers as defined below)."

- (2) In Section 3.1, Basic Requirements, Subsection 3.1.2, Prohibited Uses, by inserting at the end of the first paragraph a new sentence, which shall read as follows:

“Use of any premises in any district as a Marijuana Establishment is hereby prohibited.”

- (3) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “Medical Marijuana Treatment Center” a new entry, which shall read as follows:

“Use	<u>RRC</u>	<u>SRB</u> <u>SRA</u>	<u>GR</u>	<u>A-1.2</u> &3	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Marijuana Establishment	N	N	N	N	N	N	N”

- (4) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

“Use	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Marijuana Establishment	N	N	N	N	N”

Or take any other action relative thereto.

Article Information: The issues around the legalization of marijuana in Massachusetts, first medicinal in 2013, followed by recreational in 2016, continue to require municipal action in order to appropriately regulate this new use at the local level. Currently, the Needham Zoning By-Law permits a Medical Marijuana Treatment Center in the Mixed Use-128 District and in the Industrial-1 District where marijuana may be grown, processed or sold and an Off-Site Medical Marijuana Dispensary in the Highland Commercial-128 District where marijuana may be sold but not grown or processed. At the present time there is one Medical Marijuana Treatment Center in Needham, located at 29 Franklin Street, where medicinal marijuana is sold. Recreational marijuana establishments in Needham are currently prohibited under a zoning moratorium adopted at the May 2017 Annual Town Meeting, which is set to expire on December 31, 2018. The Massachusetts Cannabis Control Commission (CCC) has finalized its regulations, which provide that the CCC will begin accepting applications for recreational (adult use) marijuana establishments on April 1, 2018. Since Needham adopted its moratorium before the CCC was to begin licensing non-medical marijuana establishments, no recreational establishments may be permitted in Needham during the moratorium and such establishments would be prohibited under the Needham Zoning Bylaw as of January 29, 2018 if this amendment takes effect.

On November 8, 2016, Massachusetts voters approved Question 4 legalizing the recreational use of marijuana (Chapter 334 of the Acts of 2016), but in Needham, the vote on Question 4 was 8,203 in favor and 9,964 against. On July 28, 2017 the Massachusetts State Legislature approved “An Act to Ensure Safe Access to Marijuana” which allowed municipalities that voted against Question 4 to prohibit marijuana establishments by adopting a by-law or by-laws for such purposes. Articles 43 and 44 are proposed to carry out and codify the action taken by the voters of the Town of Needham on Question 4 by prohibiting all types of recreational marijuana establishments in all districts of the Town, including cultivation, testing, product manufacturing, retail and any other type of recreational marijuana-related business in Needham. The amendment serves just to prohibit recreational marijuana establishments from locating in Needham and will not affect any other aspects of the recent legalization of recreational and medicinal marijuana. Personal possession and use by adults of marijuana, growing a limited number of plants at home for personal use, and the ability of licensed and regulated Medical Marijuana Treatment Centers and Off-Site Medical Marijuana Dispensaries to locate in Needham would all be unaffected by these changes.

Whereas Needham being a town in which the majority of voters voted in the negative on question 4 on the 2016 state election ballot, entitled “Legalization, Regulation, and Taxation of Marijuana” the Planning Board offers the following amendment.

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

- (1) In Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Marijuana Establishment: Any type of “marijuana establishment” as defined in G.L. c.94G, Section 1, including marijuana cultivators (including craft marijuana cultivator cooperatives), independent testing laboratories, marijuana product manufacturers, marijuana retailers (including delivery-only retailers and social consumption operation retailers whether as a primary use or mixed or accessory use), or any other type of licensed marijuana-related business (excluding Medical Marijuana Treatment Centers as defined below).”
- (2) In Section 3.1, Basic Requirements, Subsection 3.1.2, Prohibited Uses, by inserting at the end of the first paragraph a new sentence, which shall read as follows:

“Use of any premises in any district as a Marijuana Establishment is hereby prohibited.”

(3) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “Medical Marijuana Treatment Center” a new entry, which shall read as follows:

“Use	<u>RRC</u>	<u>SRB</u> <u>SRA</u>	<u>GR</u>	<u>A-1.2</u> &3	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Marijuana Establishment	N	N	N	N	N	N	N”

(4) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

“Use	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Marijuana Establishment	N	N	N	N	N.”

On behalf of Mr. Daniel P. Matthews, Chairman, Board of Selectmen, the Moderator sought unanimous consent that the order of consideration such that Article 44 be considered before Article 43. Unanimous Consent was denied so the motion was open for discussion. Mr. Matthews noted that the general thought regarding these articles is you can vote the zoning article or the by-law articles or both. Some towns have voted only the by-law. The Board of Selectmen feels this order would be more helpful.

Mr. Joshua W. Levy spoke in opposition of this motion.

After a brief discussion, Mr. Matthews’ motion to change the order of consideration of Articles 43 and 44 was presented and carried by majority vote on a voice vote declared by the Moderator.

Article 43: It was voted that Article 43 will come before Town Meeting after the vote on Article 44.

ARTICLE 44: AMEND GENERAL BY-LAW/MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Town’s General Bylaws by adding a new Section 3.10, Marijuana Establishments, as follows:

“**Section 3.10 Marijuana Establishments** All types of “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Needham. Exempt from the provisions of this prohibition are medical marijuana treatment centers operated under a medical use marijuana license in accordance with the provisions of G.L. c. 94I,” or take any action relative thereto.

Article Information: Included in this warrant under Article 43 is a proposal to amend the Zoning By-Law to prohibit the location of marijuana establishments in any zoning district in the Town of Needham. Chapter 55 of the Acts of 2017, An Act to Ensure Safe Access to Marijuana, is ambiguous as to whether a by-law prohibiting marijuana establishments in the Town must be zoning or general in nature. As such, Town Counsel has recommended that the Town adopt both a general and zoning by-law to enact such a prohibition.

MOVED: That the Town vote to amend the Town’s General Bylaws by adding a new Section 3.10, Marijuana Establishments, as follows:

“**Section 3.10 Marijuana Establishments** All types of “marijuana establishments” as defined in G.L. c.94G, §1,

including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Needham. Exempt from the provisions of this prohibition are medical marijuana treatment centers operated under a medical use marijuana license in accordance with the provisions of G.L. c. 94I.

Under article 44, Mr. Matthews moves to discuss the subject matter of Articles 43 and 44 together but vote on separately. The motion was presented and carried by majority vote declared by the Moderator on a voice vote.

Mr. Paul S. Alpert rose in favor of the motion, but noted that there is a significant difference in Articles 43 and 44. Article 43 is a zoning by-law amendment which requires a two-thirds vote for passage. Article 44 is a general by-law amendment which requires a majority vote for passage. He requested that a motion to move the previous question be related to the individual article.

Mr. Matthews reviewed Article 44 on behalf of the Board of Selectmen. He advised that the legalization of medical Marijuana was approved by the voters of Massachusetts in 2013 followed by the recreation use of marijuana in 2016. The Needham vote on Question 4 was 8,203 in favor and 9,964 against. The Massachusetts State Legislature approved “An Act to Ensure Safe Access to Marijuana” which allowed municipalities that voted against Question 4 to prohibit marijuana establishments by adopting a by-law or by-laws for such purposes. Needham has the right to ban recreational marijuana. The Board of Selectmen’s recommendation is to ban recreational marijuana at this time and see how the State regulates this new law.

Ms. Elizabeth Jane Grimes, member, addressed this proposal on behalf of the Planning Board. She stated that the Planning Board is asking Town Meeting to vote to prohibit recreational marijuana establishments in Needham. She reiterated that Needham voted against this law in November 2016. Needham has a medical marijuana establishment in Needham. However there is no area zoned for recreational marijuana establishments and the Planning Board is trying to prohibit recreational marijuana. Ninety towns in Massachusetts have voted against recreational marijuana. We want to study how other towns regulate this use. We need to slow down. The Planning Board asks your support on these proposals.

Mr. Stephen K. Epstein, member, advised that the Board of Health has two concerns – impaired driving and the effects on adolescents and youth. The adolescent brain does not think like an adult.

Mr. Joshua W. Levy, member, addressed this article on behalf of the Finance Committee. He advised that the Finance Committee voted 5 – 1 under Article 43 and 8 – 1 under Article 44 to oppose both articles.

Ms. Lois Sockol spoke in favor of articles 43 and 44 and keeping our kids safer. She noted that in Colorado there was 30% more traffic in emergency rooms mostly of young people from use of marijuana, 62% more traffic deaths related to marijuana, and portions of the brain are negatively affected from marijuana.

Ms. Karen Shapiro rose in support of Articles 44 and 43. She noted that we, as Town Meeting Members, are here to represent our Town and Needham voted against recreational marijuana.

Upon request of Mr. Ford H. Peckham, unanimous consent was given to allow John Schlittler, Police Chief of Needham and non-resident, to address Town Meeting. Chief Schlittler advised that he is the father of three children and very concerned with this issue. He advised that he would hate to see the great work we are doing to keep our kids and residents safe go downhill. This would be another negative for the Town.

Ms. Michelle Herman, a non-Town Meeting Member, spoke in opposition of these articles. She stated that while she is new to Needham, she suggested that Needham should regulate and legalize recreational marijuana.

Mr. Jeffrey D. Heller suggested the Finance Committee did a good job and questioned why the town doesn't have some regulations for recreation marijuana as it does for medical marijuana.

A motion to refer the subject matter of Article 43 back to the Planning Board for future action and return, if possible, to the next Special Town Meeting was offered by Mr. Jeffrey D. Heller.

Mr. Irwin Silverstein rose in support of Articles 44 and 43 and commended the remarks of Mrs. Sockol, Dr. Epstein and the Police Chief.

In response to an inquiry from Mr. Gerald C. Rovner, Mr. Matthews advised that the Attorney General will only recognize the existing ban until June 2019.

Ellen Fine, non-Town Meeting Member, spoke in opposition of Articles 44 and 43.

Mr. Artie R. Crocker spoke in opposition of Article 44 and 43 and in favor of the motion to refer Article 43.

Elizabeth Nicole Kaponya noted that more than half of the cities and towns in Massachusetts have banned recreational marijuana.

Karen R. Shannon rose in support of both Article 43 and 44 suggesting that Town Meeting should vote the will of the voters.

Mr. Steven M. Rosenstock suggested there are real concerns about Needham being first on the block. The U. S. Government still considers marijuana an illegal drug. He spoke in favor of passage of the General By-Law under Article 44.

Mr. Joseph J. Leghorn suggested Town Meeting could refer Article 43 (the Zoning By-Law amendment) and pass Article 44 (the General By-Law amendment) since the zoning by-law amendment requires a two-thirds vote to pass and rescind and the general by-law amendments only requires a majority vote on both.

Speaking in opposition to Articles 43 and 44 were Erik J. Bailey and Michael A. Diener.

After a brief break, the Moderator recognized our State Representative Denise C. Garlick and thanked her for attending our Town Meeting.

The following two motions to amend were offered by R. Cynthia Landau:

The main motion under Article 44 be amended by inserting the following words at the end of the article: The provisions of this by-law shall expire on April 30, 2023.

The main motion under Article 43 be amended by inserting the following words at the end of the article: The provisions of this by-law shall expire on April 30, 2023.

After a lengthy discussion, Mr. Kurt M. Mullen offered a motion to move the previous question on all pending motions. The motion was presented but the Moderator was in doubt. The following Town Meeting Members were sworn in as tellers: Erik J. Bailey, Paula R. Callanan, Jane B. Murphy, Deborah S. Winnick, Thomas M. Harkins, and Marjorie M. Margolis. Town Meeting Members Nina Silverstein and Richard A. Zimbone were sworn in as tellers to replace Erik J. Bailey and Deborah S. Winnick who addressed these articles. The motion which requires a two-thirds vote to pass was presented. The hand count was Yes 146 - No 53. The motion carried by a count of hands.

ACTION UNDER ARTICLE 44: Ms. Landau's motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt. The motion was presented for a third time and carried by a count of hands. The hand count was Yes 96 – No 99. The motion failed to pass by a count of hands.

ACTION: The Main motion under Article 44 which requires a majority vote 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 121 – No 73.

ARTICLE 43: AMEND ZONING BY-LAW – MARIJUANA ESTABLISHMENTS

Whereas Needham being a town in which the majority of voters voted in the negative on question 4 on the 2016 state election ballot, entitled “Legalization, Regulation, and Taxation of Marijuana” the Planning Board offers the following amendment. To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

- (1) In Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Marijuana Establishment: Any type of “marijuana establishment” as defined in G.L. c.94G, Section 1, including marijuana cultivators (including craft marijuana cultivator cooperatives), independent testing laboratories, marijuana product manufacturers, marijuana retailers (including delivery-only retailers and social consumption operation retailers whether as a primary use or mixed or accessory use), or any other type of licensed marijuana-related business (excluding Medical Marijuana Treatment Centers as defined below).”

- (2) In Section 3.1, Basic Requirements, Subsection 3.1.2, Prohibited Uses, by inserting at the end of the first paragraph a new sentence, which shall read as follows:

“Use of any premises in any district as a Marijuana Establishment is hereby prohibited.”

- (3) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “Medical Marijuana Treatment Center” a new entry, which shall read as follows:

“Use	<u>RRC</u>	<u>SRB</u> <u>SRA</u>	<u>GR</u>	<u>A-1,2</u> <u>&3</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Marijuana Establishment	N	N	N	N	N	N	N”

- (4) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

“Use	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Marijuana Establishment	N	N	N	N	N”

Or take any other action relative thereto.

Article Information: The issues around the legalization of marijuana in Massachusetts, first medicinal in 2013, followed by recreational in 2016, continue to require municipal action in order to appropriately regulate this new use at the local level. Currently, the Needham Zoning By-Law permits a Medical Marijuana Treatment Center in the Mixed Use-128 District and in the Industrial-1 District where marijuana may be grown, processed or sold and an Off-Site Medical Marijuana Dispensary in the Highland Commercial-128 District where marijuana may be sold but not grown or processed. At the present time there is one Medical Marijuana Treatment Center in Needham, located at 29 Franklin Street, where medicinal marijuana is sold. Recreational marijuana establishments in Needham are currently prohibited under a zoning moratorium adopted at the May 2017 Annual Town Meeting, which is set to expire on December 31, 2018. The Massachusetts Cannabis Control Commission (CCC) has finalized its regulations, which provide that the CCC will begin accepting applications for recreational (adult use) marijuana establishments on April 1, 2018. Since Needham adopted its moratorium before the CCC was to begin licensing non-medical marijuana establishments, no recreational establishments may be permitted in Needham during the moratorium and such establishments would be prohibited under the Needham Zoning Bylaw as of January 29, 2018 if this amendment takes effect.

On November 8, 2016, Massachusetts voters approved Question 4 legalizing the recreational use of marijuana (Chapter 334 of the Acts of 2016), but in Needham, the vote on Question 4 was 8,203 in favor and 9,964 against. On July 28, 2017 the Massachusetts State Legislature approved “An Act to Ensure Safe Access to Marijuana” which allowed municipalities that voted against Question 4 to prohibit marijuana establishments by adopting a by-law or by-laws for such purposes. Articles 43 and 44 are proposed to carry out and codify the action taken by the voters of the Town of Needham on Question 4 by prohibiting all types of recreational marijuana establishments in all districts of the Town, including cultivation, testing, product manufacturing, retail and any other type of recreational marijuana-related business in Needham. The amendment serves just to prohibit recreational marijuana establishments from locating in Needham and will not affect any other aspects of the recent legalization of recreational and medicinal marijuana. Personal possession and use by adults of marijuana, growing a limited number of plants at home for personal use, and the ability of licensed and regulated Medical Marijuana Treatment Centers and Off-Site Medical Marijuana Dispensaries to locate in Needham would all be unaffected by these changes.

Whereas Needham being a town in which the majority of voters voted in the negative on question 4 on the 2016 State

Election ballot, entitled “Legalization, Regulation, and Taxation of Marijuana” the Planning Board offers the following amendment.

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

- (1) In Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Marijuana Establishment: Any type of “marijuana establishment” as defined in G.L. c.94G, Section 1, including marijuana cultivators (including craft marijuana cultivator cooperatives), independent testing laboratories, marijuana product manufacturers, marijuana retailers (including delivery-only retailers and social consumption operation retailers whether as a primary use or mixed or accessory use), or any other type of licensed marijuana-related business (excluding Medical Marijuana Treatment Centers as defined below).”

- (2) In Section 3.1, Basic Requirements, Subsection 3.1.2, Prohibited Uses, by inserting at the end of the first paragraph a new sentence, which shall read as follows:

“Use of any premises in any district as a Marijuana Establishment is hereby prohibited.”

- (3) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “Medical Marijuana Treatment Center” a new entry, which shall read as follows:

“Use	<u>RRC</u>	<u>SRB</u> <u>SRA</u>	<u>GR</u>	<u>A-1.2</u> &3	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Marijuana Establishment	N	N	N	N	N	N	N”

- (4) In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

“Use	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Marijuana Establishment	N	N	N	N	N.”

ACTION UNDER ARTICLE 43:

Mr. Heller’s motion to refer which requires a majority vote for passage was presented, but it failed to pass by majority vote on a voice vote declared by the Moderator.

Ms. R. Cynthia Landau’s motion to amend which requires a majority vote for passage was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt. The motion was presented for a third time and carried by a count of hands. The hand count was Yes 107 – No 88.

ACTION : The Main motion under Article 43 which requires a two-thirds vote for passage was presented but failed to pass by a count of hands. The hand count was Yes 103 – No 97.

Article 45 was adopted by unanimous consent on Monday, May 7, 2018.

ARTICLE 46: AMEND GENERAL BY-LAW /PUBLIC CONSTRUCTION

To see if the Town will vote to amend the General By-Laws by deleting section 2.6.1 and inserting in place thereof the following:

“2.6.1 Building Design and Construction Department There is hereby established a Building Design and Construction Department under the authority of the Town Manager. The Department shall be responsible for managing the design

(including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town. These projects will be under the jurisdiction of the Permanent Public Building Committee as provided below, for which the Building Design and Construction Department will provide support.”

And by deleting Section 2.6.2 and inserting in place thereof the following:

“2.6.2 Permanent Public Building Committee There shall be a Permanent Public Building Committee (hereinafter “Committee”) responsible for overseeing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town.”

And by deleting Section 2.6.2.2 and inserting in place thereof the following:

“2.6.2.2 Each of the members appointed by the Appointing Authority shall be a registered voter of the Town of Needham. No member appointed by the Appointing Authority shall be a paid employee of the Town, or serve as an elected official, or elected member of another standing Town board, committee or commission, except Town Meeting, or serve as an appointed member of another standing Town board, committee, or commission directly involved in the design, permitting, and/or financing of public buildings.”

And by deleting Section 2.6.2.18 and inserting in place thereof the following:

“2.6.2.18 Except as the laws of the Commonwealth may otherwise require, the Chair of the Committee, or his or her designated representative, shall, upon the termination of the Project Committee: (1) provide the User Agency and the Department of Public Works – Building Maintenance Division (hereinafter “BMD”) with a complete and final set of drawings and specifications of the finished structure, as-built drawings, Operations and Maintenance Manuals, all other contract documents, and shall provide to the User Agency and BMD all papers guaranteeing the building or any feature thereof (hereinafter “warrantees”), attic stock materials used therein, or work done thereon, and (2) post a digital copy of remaining records and reports on the Town server for the purpose of maintaining detailed records, including any inventory indicating what papers, materials and records were deposited with the User Agency and BMD. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the user Agency and BMD may destroy that portion of the material provided to the User Agency and BMD determined to have no substantial value.”

And by deleting Section 2.6.19, or take any other action relative thereto.

Article Information: The purpose of this amendment is to update language to recognize the transfer of the building maintenance function to the Department of Public Works, to acknowledge that the role of the PPBC and Department includes both design and construction, to widen the pool of candidates to be considered for membership on the PPBC, and to be consistent with modern practices. The name of the Department that previously included both design and construction and building maintenance has been the “Public Facilities Department.” Now that the building maintenance function is a division of the Department of Public Works, the article would change the name of the remaining department to “Building Design and Construction Department.” The existing By-Law restricts appointed members of standing committees from serving as members of the PPBC. The proposed revision would allow those appointed to standing committees that are not involved in the design, permitting or financing of public buildings to serve on the PPBC. The proposed amendment also reflects current administrative practices, such as archiving digital versions of construction documents rather than in paper at the Public Library.

MOVED: That the Town vote to amend the General By-Laws by deleting section 2.6.1 and inserting in place thereof the following:

“2.6.1 Building Design and Construction Department There is hereby established a Building Design and Construction

Department under the authority of the Town Manager. The Department shall be responsible for managing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town. These projects will be under the jurisdiction of the Permanent Public Building Committee as provided below, for which the Building Design and Construction Department will provide support.”

And by deleting Section 2.6.2 and inserting in place thereof the following:

“2.6.2 Permanent Public Building Committee There shall be a Permanent Public Building Committee (hereinafter “Committee”) responsible for overseeing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town.”

And by deleting Section 2.6.2.2 and inserting in place thereof the following:

“2.6.2.2 Each of the members appointed by the Appointing Authority shall be a registered voter of the Town of Needham. No member appointed by the Appointing Authority shall be a paid employee of the Town, or serve as an elected official, or elected member of another standing Town board, committee or commission, except Town Meeting, or serve as an appointed member of another standing Town board, committee, or commission directly involved in the design, permitting, and/or financing of public buildings.”

And by deleting Section 2.6.2.18 and inserting in place thereof the following:

“2.6.2.18 Except as the laws of the Commonwealth may otherwise require, the Chair of the Committee, or his or her designated representative, shall, upon the termination of the Project Committee: (1) provide the User Agency and the Department of Public Works – Building Maintenance Division (hereinafter “BMD”) with a complete and final set of drawings and specifications of the finished structure, as-built drawings, Operations and Maintenance Manuals, all other contract documents, and shall provide to the User Agency and BMD all papers guaranteeing the building or any feature thereof (hereinafter “warrantees”), attic stock materials used therein, or work done thereon, and (2) post a digital copy of remaining records and reports on the Town server for the purpose of maintaining detailed records, including any inventory indicating what papers, materials and records were deposited with the User Agency and BMD. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the user Agency and BMD may destroy that portion of the material provided to the User Agency and BMD determined to have no substantial value.”

And by deleting Section 2.6.19.

Mr. Daniel P. Matthews, Chairman, sought approval of Article 46 on behalf of the Board of Selectmen.

The following motion to amend was offered by Mr. Daniel P. Matthews: That the main motion under Article 46 be amended by deleting the proposed section 2.6.2.18 and inserting in place thereof the following:

“2.6.2.18 Except as the laws of the Commonwealth may otherwise require, the Chairperson of the Committee, or his or her designated representative, shall, upon the termination of the Project Committee: (1) provide the User Agency and the Department of Public Works – Building Maintenance Division (hereinafter “BMD”) with a complete and final set of drawings and specifications of the finished structure, as-built drawings, Operations and Maintenance Manuals, all other contract documents, and attic stock materials used therein, and shall provide to the User Agency and BMD all papers guaranteeing the building or any feature thereof (“warrantees”) for work done thereon, and (2) post a digital copy of remaining records and reports on the town server for the purpose of maintaining detailed records, including any inventory indicating what papers, materials and records were deposited with the User Agency and BMD. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the user Agency and BMD may destroy that portion of the material relinquished to the User Agency and BMD determined to have no substantial value, the balance of such materials being deposited in the Public Administration Collection.”

And by deleting in the final sentence of the motion the section heading “2.6.19” and inserting in place thereof the section heading 2.6.2.19.”

Mr. John P. Connelly, member, advised that the Finance Committee voted unanimously to support this proposal.

Mr. Matthews’s motion to amend was presented and carried by unanimous vote on a voice vote declared by the Moderator.

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

VOTED: That the Town vote to amend the General By-Laws by deleting section 2.6.1 and inserting in place thereof the following:

“2.6.1 Building Design and Construction Department There is hereby established a Building Design and Construction Department under the authority of the Town Manager. The Department shall be responsible for managing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town. These projects will be under the jurisdiction of the Permanent Public Building Committee as provided below, for which the Building Design and Construction Department will provide support.”

And by deleting Section 2.6.2 and inserting in place thereof the following:

“2.6.2 Permanent Public Building Committee There shall be a Permanent Public Building Committee (hereinafter “Committee”) responsible for overseeing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town.”

And by deleting Section 2.6.2.2 and inserting in place thereof the following:

“2.6.2.2 Each of the members appointed by the Appointing Authority shall be a registered voter of the Town of Needham. No member appointed by the Appointing Authority shall be a paid

employee of the Town, or serve as an elected official, or elected member of another standing Town board, committee or commission, except Town Meeting, or serve as an appointed member of another standing Town board, committee, or commission directly involved in the design, permitting, and/or financing of public buildings.”

And by deleting Section 2.6.2.18 and inserting in place thereof the following:

“2.6.2.18 Except as the laws of the Commonwealth may otherwise require, the Chairperson of the Committee, or his or her designated representative, shall, upon the termination of the Project Committee: (1) provide the User Agency and the Department of Public Works – Building Maintenance Division (hereinafter “BMD”) with a complete and final set of drawings and specifications of the finished structure, as-built drawings, Operations and Maintenance Manuals, all other contract documents, and attic stock materials used therein, and shall provide to the User Agency and BMD all papers guaranteeing the building or any feature thereof (“warrantees”) for work done thereon, and (2) post a digital copy of remaining records and reports on the town server for the purpose of maintaining detailed records, including any inventory indicating what papers, materials and records were deposited with the User Agency and BMD. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the user Agency and BMD may destroy that portion of the material relinquished to the User Agency and BMD determined to have no substantial value, the balance of such materials being deposited in the Public Administration Collection.”

And by deleting in the final sentence of the motion the section heading “2.6.19” and inserting in place thereof the section heading 2.6.2.19.”

ARTICLE 47: AMEND GENERAL BY-LAW /CONTRACT PROCEDURES

To see if the Town will vote to amend the General By-Laws by deleting in Section 2.1.3 the sum \$25,000 and inserting in place thereof the sum “\$50,000,” and by deleting the words “for Curriculum” after the words “Online Subscription Services,” and by inserting at end of the Section the phrase “Appraisal Services for Revaluation 5,” and by alphabetizing the list of contract types, or take any other action relative thereto.

Article Information: The purpose of this article is to amend the Town’s By-Laws to reflect recent changes made to municipal finance under the Municipal Modernization Act and to allow greater flexibility in procuring online subscription services (software as a service). MGL Chapter 30B section 4 was amended by changing the maximum dollar amount for which written quotes may be solicited from \$25,000 to \$50,000. The amendment to section 2.1.3 of the Town’s By-laws would require Town Counsel’s approval of the form of the contract in amount of \$50,000 or more. The Act changed the frequency with which DOR must certify that local property assessments reflect fair cash valuation from every three years to every five years. The certification is a condition of approving the municipality’s property classifications for purposes of allocating responsibility for the local tax levy. In order to better ensure that an outside company which may assist the Town with its property valuation duties for taxation is under contract for the full certification cycle, the Town’s By-Laws would be amended to allow contracts for Appraisal Services for Revaluation to be for up to five years.

Without the addition of this type of contract, the Town is limited to three years. The amendment to strike “for Curriculum” from the contract length will enable the Town to enter into contracts greater than three years for online subscription services beyond those used for education. There are an increasing number of companies and organizations that are changing their service models to be subscription based, and in order to obtain better terms and conditions, and be more efficient, the ability to enter into agreements for non-curriculum subscription services for longer periods is needed. The final change would allow the Town Clerk to alphabetize the list of contracts in the Town’s By-Laws.

MOVED: That the Town vote to amend the General By-Laws by deleting in Section 2.1.3 the sum \$25,000 and inserting in place thereof the sum “\$50,000,” and by deleting the words “for Curriculum” after the words “Online Subscription Services,” and by inserting at end of the Section the phrase “Appraisal Services for Revaluation 5,” and by alphabetizing the list of contract types.

Mr. Daniel P. Matthews, Chairman, addressed this proposal on behalf of the Board of Selectmen. He explained that these are relatively moderate changes to make life easier and ease the workload.

Mr. Barry J. Coffman, Vice Chairman, stated that this modernizes current practices. The Finance Committee unanimously recommends approval.

ACTION: The main motion was presented and carried unanimously on a voice vote.

ARTICLE 48: AMEND GENERAL BY-LAW /VACCINATION REQUIREMENT

To see if the Town will vote to amend the General By-Laws by inserting a new Section 3.7.9, Vaccination Requirement, as follows:

“3.7.9 Vaccination Requirement Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian’s certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be granted by the Board of Health only upon presentation of a licensed Massachusetts veterinarian’s certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons as provided in MGL Chapter 140 s.145B.

- 3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.
- 3.7.9.2 Unvaccinated pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.
- 3.7.9.3 Whoever violates this section shall be punished by a fine of not more than one hundred dollars per animal,

or by a non-criminal penalty of fifty dollars per animal.”

Or take any other action relative thereto.

Article Information: MGL Chapter 140 Section 145B requires owners of dogs, cats, and ferrets to be vaccinated against rabies. Owners who do not qualify for an exemption who fail to have a pet vaccinated shall be punished by a fine of not more than \$100. The purpose of this proposed amendment to the General By-Laws is to authorize the Town to fine such violators in compliance with the revised State statute.

MOVED: That the Town vote to amend the General By-Laws by inserting a new Section 3.7.9, Vaccination Requirement, as follows:

“3.7.9 Vaccination Requirement Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian’s certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be granted by the Board of Health only upon presentation of a licensed Massachusetts veterinarian’s certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons as provided in MGL Chapter 140 s.145B.

- 3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.
- 3.7.9.2 Unvaccinated pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.
- 3.7.9.3 Whoever violates this section shall be punished by a fine of not more than one hundred dollars per animal, or by a non-criminal penalty of fifty dollars per animal.”

Mr. Maurice Handel, Selectman, offered the following motion to amend: That the main motion under Article 48 be amended by deleting in Section 3.7.9.2 the word “Unvaccinated” and by deleting in Section 3.7.9.3 the word “animal” the first time it appears and inserting in place thereof the word “offense” and by deleting the phrase “or by a non-criminal penalty of fifty dollars per animal.” Mr. Handel noted that this amendment makes two technical corrections. The Board of Selectmen unanimously recommends adoption of both the motion to amend and the main motion.

Mr. Kenneth J. Lavery, Member, addressed this proposal on behalf of the Finance Committee.

Mr. James Allen Scott expressed concern with the online payment method of collection and wondered if a portion of this fine could be put toward improving the online payment process. The Moderator indicated that this was not within the four corners of the article.

Mr. Handel's motion to amend was presented and passed by unanimous vote on a voice vote declared by the Moderator.

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

VOTED: That the Town vote to amend the General By-Laws by inserting a new Section 3.7.9, Vaccination Requirement, as follows:

“3.7.9 Vaccination Requirement Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian's certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be granted by the Board of Health only upon presentation of a licensed Massachusetts veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons as provided in MGL Chapter 140 s.145B.

- 3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.
- 3.7.9.2 Pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.
- 3.7.9.3 Whoever violates this section shall be punished by a fine of not more than one hundred dollars per offense.”

ARTICLE 49: REVOKE M.G.L. C. 44 SECTION 53F ½ - RTS ENTERPRISE FUND

To see if the Town of Needham will revoke the provisions of Chapter 44 Section 53F1/2 of the Massachusetts General Laws, ceasing the Solid Waste and Recycling services as an enterprise fund effective fiscal year 2020; or take any other action relative thereto.

Article Information: The Assistant Town Manager/Director of Finance, after consultation with a working group of citizens, has recommended that RTS operations be consolidated into the General Fund in FY2020. There have been growing service demands on the operations of the RTS over the years that do not generate revenue. The continuation of the pay-per-throw program and the elimination of the sticker fee are important components of the Town goal of encouraging greater recycling. The RTS Enterprise Fund has had a growing dependence on the General Fund in order to cover the cost of operations – a trend unlikely to reverse. It is also apparent that enterprise receipts are insufficient to fully fund even the basic infrastructure improvements that have been identified at the facility. The transition is proposed for FY202 in order to allow a smoother transition from Enterprise Fund to General Fund.

MOVED: That the Town of Needham will revoke the provisions of Chapter 44 Section 53F1/2 of the Massachusetts General Laws, ceasing the Solid Waste and Recycling services as an enterprise fund effective fiscal year 2020.

Mr. John A. Bulian, Selectman, addressed this proposal and unanimously recommended adoption on behalf of the Board of Selectmen. He noted that this proposal is to change the current accounting practice.

Ms. Louise L. Miller, member, recommended adoption on behalf of the Finance Committee. She explained that the RTS Enterprise Fund was created twenty years ago to be used solely for the RTS and it is no longer profitable.

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

ARTICLE 50: HOME RULE PETITION/AMEND TOWN CHARTER

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;

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of same, as follows:

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by Chapter 114 of the Acts of 2015 be amended as follows:

1. By striking out the terms “selectmen” and “board of selectmen” wherever they appear and inserting in place thereof the term “select board”.
2. In Section 7. Town Meeting Members at Large, by striking out the word “chairmen” and inserting in place thereof the word “chair” and further amend the section by inserting at the end of the second paragraph of said Section 7 the following sentence: “The designation as a town meeting member at large under clause (e) of the first paragraph of this section shall apply to the chair of the elected board as of the tenth day following the annual town election.”
3. By striking out Section 16 of the Charter and inserting in place thereof the following section:

“Section 16. Select Board. There shall be a select board for the town consisting of 5 members elected at each annual town election for terms of 3 years. The select board is the entity historically known as the board of selectmen, and possesses all the duties, authorities, and legal rights and responsibilities of the Town of Needham's board of selectmen. The select board shall continue to have and exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth or by vote of the town, except as otherwise provided herein. For the purposes of the charter and the by-laws of the town, the term “selectmen” or “board of selectmen” shall mean select board.

Members of the select board may be addressed as “select board member,” or “board member,” “selectwoman,” or “selectman.”

The select board shall have the general authority to execute the civil defense laws within the town and to make any declaration of emergency required by law.”

4. In Section 19, Other Elected Officers, by striking out the words “3 members of the board of health for a term of 3 years” and inserting in place thereof the words “5 members of the board of health for a term of 3 years.”

SECTION 2. At the annual town election in 2019 the two additional positions on the board of health shall be placed on the ballot. The candidate receiving the most votes shall be elected for a term of 3 years. The candidate receiving the second most votes will be elected for a term of 2 years. Thereafter each position shall be for a term of 3 years.

SECTION 3. This act shall take effect upon its passage.”

Or take any other action relative thereto.

Article Information: There are three facets of this proposed home rule petition: to clarify the designation of Town Meeting Members at large, to transition to gender-neutral language, and to expand the Board of Health from three members to five members. The designation of Town Meeting Member at Large applies to the chair of an elected board other than the Commissioners of Trust Funds. Because the Town election is held prior to the Annual Town Meeting, and the various boards and committees have different traditions as to when they elect a new chair, the proposed language would clarify that the designation as Town Meeting Member at Large will apply to the chair of the elected board as of the tenth day following the election.

The Board of Selectmen adopted a goal to review the Town By-Law and Charter to determine whether there is a need to update the language to eliminate reference to a single gender. The Board held a hearing on the subject of changing the name of the Board from “Board of Selectmen” to “Select Board,” and feedback was overwhelmingly positive. The proposed home rule petition would make that change. Finally, the Board of Health has requested an expansion of its membership from three (3) elected members to five (5) elected members. Such an expansion would help Board of Health members plan, discuss, and work collaboratively, augment the available training and professional experience level, and provide more resources and expertise with which to accomplish the Board’s mission.

MOVED: That the Town 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:

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of same, as follows:

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by Chapter 114 of the Acts of 2015 be amended as follows:

1. By striking out the terms “selectmen” and “board of selectmen” wherever they appear and inserting in place

thereof the term “select board”.

2. In Section 7. Town Meeting Members at Large, by striking out the word “chairmen” and inserting in place thereof the word “chair” and further amend the section by inserting at the end of the second paragraph of said Section 7 the following sentence: “The designation as a town meeting member at large under clause (e) of the first paragraph of this section shall apply to the chair of the elected board as of the tenth day following the annual town election.”
3. By striking out Section 16 of the Charter and inserting in place thereof the following section:

“Section 16. Select Board. There shall be a select board for the town consisting of 5 members elected at each annual town election for terms of 3 years. The select board is the entity historically known as the board of selectmen, and possesses all the duties, authorities, and legal rights and responsibilities of the Town of Needham’s board of selectmen. The select board shall continue to have and exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth or by vote of the town, except as otherwise provided herein. For the purposes of the charter and the by-laws of the town, the term “selectmen” or “board of selectmen” shall mean select board.

Members of the select board may be addressed as “select board member,” or “board member,” “selectwoman,” or “selectman.”

The select board shall have the general authority to execute the civil defense laws within the town and to make any declaration of emergency required by law.”

4. In Section 19, Other Elected Officers, by striking out the words “3 members of the board of health for a term of 3 years” and inserting in place thereof the words “5 members of the board of health for a term of 3 years.”

SECTION 2. At the annual town election in 2019 the two additional positions on the board of health shall be placed on the ballot. The candidate receiving the most votes shall be elected for a term of 3 years. The candidate receiving the second most votes will be elected for a term of 2 years. Thereafter each position shall be for a term of 3 years.

SECTION 3. This act shall take effect upon its passage.

Ms. Marianne B. Cooley, Selectman, addressed this proposal on behalf of the Board of Selectmen. She explained that there are two sections to this Home Rule Petition to amend the Town Charter. She explained that the first section changes the term “selectmen” and “board of selectmen” to the term “select board” wherever they appear in the Town Charter. Also in Section 7 change the word “chairman” to the word “chair”, and add wording at the end so that the designation as a Town Meeting Member-At-Large shall apply to the chair of the elected board as of the tenth day following the annual town election. And finally, in Section 19, increase the number of elected members of the board of health from three members to five members. The Board of Selectmen unanimously recommends adoption of this article.

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

Clean Water Act: The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

ARTICLE 51: AMEND GENERAL BY-LAW /STORMWATER

Construction Site: Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

To see if the Town will vote to amend the General By-Laws by inserting a new Article 7 as follows:

Development: The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Board of Appeals, or Conservation Commission.

“ARTICLE 7

STORMWATER

Illicit Connection: A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4);
- (b) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections;
- (c) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996;
- (d) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (e) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff;
- (f) To promote infiltration and the recharge of groundwater;
- (g) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff, and;
- (h) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

Illicit Discharge: Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface: Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

MOU: Memorandum of Understanding issued to the Town of Needham by the EPA in June 1996.

MS4 (Municipal Separate Storm Sewer System): The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

New Construction – Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot requiring Planning Board or Board of Appeals approval.

Alteration: Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, earthmoving, paving, and modification of existing vegetation.

Non-point Source Pollution: Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Best Management Practices (BMPs): Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

Non-stormwater Discharge: A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan: A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political

subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan: The plan that accompanies an application for a Building Permit.

Point Source: Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant: Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Recharge: The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Runoff: The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System: A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program: A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6 inch, 8 inch and 10 inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater: Water originating from rainfall, and snow/ice melt runoff.

Stormwater Management: The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Watershed Management Plan: The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

SECTION 7.3 ADMINISTRATION

7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Rules and Regulations to effectuate the purposes of this By-Law, after conducting a public hearing to receive Public comment.

7.3.2 The Department of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations.

7.3.3 The Department of Public Works shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 All persons required to obtain a Building Permit for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building (such as a separate Garage) shall be subject to the requirements of this Bylaw. All persons required to obtain Planning Board approval for a Site Plan or a Subdivision and/or a Board of Appeals Decision for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building (such as a separate Garage) are also subject to the requirements of this Bylaw.

7.4.2 All applications requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval whether the issuance of a Building Permit is required or not shall include the Stormwater Management and Erosion Control provisions in the applications to the respective boards for their review and approval prior to the issuance of a Building Permit, or any development activity. The Department of Public Works shall participate in the review process and make recommendations to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission as needed.

7.4.3 The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within one (1) week of the receipt of such change or modification. In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit or development activity, the respective Board or Commission's approval shall be obtained prior to any change or modification. The Director of Public Works, Planning Board, Zoning Board of Appeals, and/or Conservation Commission shall amend their original approvals and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 Illicit Discharges No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 Illicit Connections No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 Obstruction of Municipal Storm Drain System No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions The following Non-Stormwater Discharges are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Department of Public Works may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

7.7.1.1 Any activity requiring a Building Permit for new construction, addition greater than 25% of the existing building

footprint, in-ground pool, or out building shall be subject to the requirements of this Bylaw.

7.7.1.2 A Stormwater Management and Erosion Control plan shall be required prior to undertaking any alteration of land that requires a Building Permit, Planning Board Decision, Zoning Board of Appeals Decision, and/or Conservation Commission Permit or Order.

7.7.2 Exempt Activities The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 The Stormwater Management and Erosion Control plan shall include provisions for a siltation/sedimentation barrier, stormwater recharge, stormwater runoff quality controls, and other structural and non-structural Best Management Practices to increase groundwater recharge and remove pollutants from stormwater. The Plan shall show an infiltration system with a minimum combined volumetric capacity of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces).

7.7.3.3 As one option to satisfy Sections 7.7.3.1 and 7.7.3.2, for residential and commercial development with 4,000 square feet of impervious area or less, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure.

7.7.3.4 If drywells cannot be installed due to unsuitable soil type as identified on the town's Watershed Management Plan or due to shallow depth to groundwater, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.5 An Operation and Maintenance Plan (O&M Plan) shall be submitted to the Director of Public Works for approval with the application for a Building Permit, Planning Board application,

Board of Appeals application, or Conservation Commission application pursuant to this bylaw.. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner.

7.7.3.6 Except as provided for in Section 7.7.3.3, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the ss-built Plot Plan at the completion of a project.

7.7.4 Design Criteria All Development shall satisfy the following design criteria:

- (a) Compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Compliance with the NPDES MS4 Permit Number M041237 approved September 2003, as amended.
- (c) Compliance with the MOU issued to the Town by the EPA in June 1996 as amended through January 2001.
- (d) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (e) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection By-Law.
- (f) When any proposed discharge may have an impact upon streams, wetlands and/or storm sewers, the Director of Public Works may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Department of Public Works shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;
- (b) perform monitoring, analyses, and reporting;
- (c) cease and desist unlawful discharges, practices, or operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision.

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.”

7.11 EFFECTIVE DATE

This Stormwater By-Law shall be effective on October 1, 2018.”

Or take any other action relative thereto.

Article Information: In June 1996, the Town of Needham entered into a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) agreeing to undertake a cleanup of its stormwater discharges into the Charles River. In May 2000, the Town agreed to incorporate the comments from the EPA and its consultant, the Center for Watershed Protection, into its Stormwater Management Plan. The Center for Watershed Protection recommended that all building permits receive approval from the DPW to ensure proper handling of stormwater and that the Town adopt stormwater regulations, similar to DEP Stormwater Regulations, to improve water quality throughout the Town.

In July 2003, the Environmental Protection Agency (EPA) finalized its National Pollutant Discharge Elimination System (NPDES) Phase II regulations for stormwater. The regulations required municipalities with separate storm sewer systems (MS4s) to improve stormwater quality within all urbanized areas to the Maximum Extent Practicable (MEP). It also required municipalities to obtain a permit from the EPA (administered in conjunction with the MA DEP) to allow stormwater discharges into the “Waters of the Commonwealth.” The 2003 regulations specified that a bylaw or other regulatory mechanism be adopted by the Town to provide the authority to enforce the 2003 regulations. For the initial five (5) year permit period, the Town elected to utilize existing regulatory mechanisms that had already been established and routinely exercised.

In 2016, the EPA revised the NPDES Phase II regulations for stormwater. The new 2016 regulations require municipalities to undertake substantial efforts to further clean stormwater prior to its discharge into wetlands, streams, ponds, and other resource areas by meeting certain Water Quality Standards (WQS) and Total Maximum Daily Loads (TMDLs). One of the requirements in the 2016 regulations mandates that municipalities create a Stormwater By-Law that, at a minimum, addresses the following areas of concern (termed “minimum control measures”): Illicit Discharge, Detection and Elimination, Construction/Erosion and Sediment Control, and Post-Construction Stormwater Management.

The Illicit Discharge, Detection and Elimination minimum control measure involves searching, documenting and removing sanitary sewer connections to the Town’s stormwater drainage system. This is an ongoing monitoring program of investigation through the use of closed circuit television cameras and stormwater sampling to detect, document and remove sanitary sewage from the stormwater discharging into resource areas in Needham.

The Construction/Erosion and Sediment Control minimum control measure involves the creation of a set of requirements to ensure that construction sites resulting in an area equal to or greater than one acre of land disturbance are well-maintained and are kept in a neat and clean manner. It also involves requirements designed to prevent, minimize or eliminate sediments from leaving the construction area, and stipulates minimum inspection criteria and documentation standards.

The Post-Construction Stormwater Management minimum control measure involves the creation of a set of requirements to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites equal to or greater than one acre of land disturbance.

The 2016 NPDES Regulations also identified Needham as one of the communities required to meet phosphorus and pathogen TMDLs within 20 years of the regulation’s effective date (July 1, 2018). The requirement mandates that the Town reduce its phosphorus load by forty-five percent (45%). A Phosphorus Control Plan is required to be submitted in three phases over a fifteen year period with the first phase due within five years of the effective date. The Department of Public Works and its consultant have determined that the 20 year control plan and implementation period is not “practicable” and have instead proposed a 40 year implementation plan based on the current rate of building permit applications meeting certain construction criteria. In order to implement the plan, drywells will need to be included in plans for certain building permit applications.

The proposed Phosphorus Control Plan will allow the Town to reduce its phosphorus discharges at the pace of development, and will substantially reduce the cost of implementation. The drywell method selected will also reduce pathogens and will have the consequential effect of substantially reducing the volume of stormwater entering the Town’s drainage system, thereby reducing flooding on Town streets.

Article 51 was withdrawn earlier on May 7, 2018.

ARTICLE 52: AMEND GENERAL BY-LAW / NON-CRIMINAL DISPOSITION

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

1. Inserting in Section 8.2.2.4 a new subsection “U” as follows:
 - “U. Vaccination Requirements (Section 3.7.9)
Enforcement Agent: Animal Control Officer
Fine Schedule: \$50 per offense.”
2. Inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:
 - “ **8.2.2.9 Stormwater Regulation (Article 7)**
Enforcement Agent: Director of Public Works, Town Engineer
Fine Schedule
First Offense - \$0
Second Offense – failure to cure offense within 15 days’ of notice of first offense - \$50 - each day being a separate offense.
Subsequent Offences – failure to cure within 15 days’ notice of second offense - \$100 - each day being a separate offense.”

Or take any other action relative thereto.

Article Information: This article will amend the non-criminal disposition schedule to include animal vaccinations and stormwater regulations in the event that Town Meeting approves the General By-Law revisions contained in articles 48 and 51 of this warrant.

MOVED: That the Town vote to amend the General By-Laws by:

1. Inserting in Section 8.2.2.4 a new subsection “U” as follows:
 - “U. Vaccination Requirements (Section 3.7.9)
Enforcement Agent: Animal Control Officer
Fine Schedule: \$50 per offense.”
2. Inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:
 - “ **8.2.2.9 Stormwater Regulation (Article 7)**
Enforcement Agent: Director of Public Works, Town Engineer
Fine Schedule
First Offense - \$0
Second Offense – failure to cure offense within 15 days’ of notice of first offense - \$50 - each day being a separate offense.
Subsequent Offences – failure to cure within 15 days’ notice of second offense - \$100 - each day being a separate offense.”

Mr. Handel offered the following motion to amend: that the main motion under Article 52 be amended by deleting section 2.

Mr. Maurice Handel, Selectman, addressed this article on behalf of the Board of Selectmen. He explained that this section is being deleted because the Stormwater regulation under Article 7 was withdrawn.

Mr. Richard J. Lunetta, member, unanimously recommended adoption on behalf of the Finance Committee.

The motion to amend was presented and carried unanimously by voice vote.

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

VOTED: That the Town vote to amend the General By-Laws by:

- 1. Inserting in Section 8.2.2.4 a new subsection “U” as follows:

“U. Vaccination Requirements (Section 3.7.9)
 Enforcement Agent: Animal Control Officer
 Fine Schedule: \$50 per offense.”

ARTICLE 53: 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 Selectmen, 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.

Under Article 53 the following resolution was offered by Mr. David J. Escalante:

**A RESOLUTION
MAY 14, 2018**

WHEREAS Town Meeting Members typically waive the reading of the Warrant in its entirety, and

WHEREAS Town Meeting allots time for proponents of Articles and Town Boards to present their opinion on a given article that is under consideration,

BE IT RESOLVED, that the 2018 Needham Town Meeting requests that proponents and Boards cease using their allotted presentation time to simply read to the assembled Town Meeting the “Article Information:” that is printed in the Warrant.

Mr. Escalante suggested that proponents and boards could make better use of their time.

Mr. Daniel P. Matthews, Chairman, Board of Selectmen, advised that boards try to make remarks short and succinct and suggested that they will try to do a better job in the future.

Mr. Escalante’s resolution was presented, but it failed to pass on a voice vote declared by the Moderator.

The moderator declared Article 53 disposed of.

The Moderator then thanked Pat Thornton and the custodial staff, the Building Monitor Chandler Perkinson, Marshals Steven Jacques and William McCarthy, pages Lily Pendergast and Kim Parsons. He thanked the Finance Committee and all the volunteers for their hard work during the year. He thanked the Finance Committee’s Executive Secretary, Louise Mizgerd and Kenneth J. Lavery who is retiring from his position on the Finance Committee. He thanked our State Representative, Denise C. Garlick, for attending our Town Meetings. He also thanked the Town Manager, town employees and School employees, the Town Clerk and her staff, and all Town Meeting Members.

At 11:45 P.M. Mr. Daniel P. Matthews on behalf of the Board of Selectmen moved to dissolve the Annual Town Meeting in memory of Betsy Ann Tedoldi with the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of Betsy Ann Tedoldi

WHEREAS: Betsy Ann (McCurran) Tedoldi was born in Xenia, Ohio, graduated from Xenia High School, and then moved to Waban, Massachusetts with her parents. She attended Lasell College and Bryant and Stratton Business College, and also studied early childhood, receiving an O.F.C. certificate; and

WHEREAS: In 1956, Betsy married William “Bill” Tedoldi, her husband of 61 years. They resided in Needham, first on Mark Lee Road and then on High Street, where they raised their four children: James, Michael, Susan and Mary Kate, all of whom are graduates of Needham High School. Betsy and Bill were the proud grandparents of eight grandchildren and two great-grandchildren; and

WHEREAS: Betsy, widely known as “Mrs. T”, was a pre-school teacher from 1967 to 1978. She operated a gourmet cheese and coffee shop on Chestnut Street called “Cheese Etc.” from 1979 to 1989, and served as a legislative aide to State Representative Ellen Canavan from 1987 to 1989. In 1978, Betsy obtained her Real Estate Broker’s License, and was a successful and well respected real estate agent for more than twenty years; and

WHEREAS: Betsy was an avid knitter, and a dedicated member of a gourmet club and book club. She was a member of the Needham Business Association, serving as

president from 1985 to 1987, and was a founder of the famous “NBA Souper Bowl”; and

WHEREAS: Betsy served on the Community Center Study Committee, was a member of the Council on Aging for twenty years, serving as chairman for three of those years, and was a Town Meeting Member from 1987 – 2010.

NOW THEREFORE, be it resolved by this body that the 2018 Annual Town Meeting be dissolved in honor of the civic and community contributions of Betsy Tedoldi to the Town of Needham.

ACTION: At 11:45 P.M. the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

Daniel P. Matthews, Chair
John A. Bulian, Vice Chair
Maurice P. Handel, Clerk
Matthew D. Borrelli, Member
Marianne B. Cooley, Member
Selectmen of Needham

2018 Annual Town Meeting

THE FOLLOWING RESOLUTION

was offered

In memory of Betsy Ann Tedoldi