

**RECORD OF SPECIAL TOWN MEETING
Monday, October 28, 2019**

Pursuant to a Warrant issued by the Selectmen September 10, 2019 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 28, 2019, 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 214 voters, including 206 Town Meeting Members, were checked on the list as being present and 46 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. He announced that there are no opening ceremonies tonight in the interest of time. The Moderator requested Town Members to rise in honoring our county by saluting the flag and reciting the Pledge of Allegiance.

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 Kim Parsons and Chandler Perkinson.

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 and 3, proposed amendments to the Fiscal Year 2020 Enterprise Fund Budget amendments. 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 the presence of our State Senator Becca Rausch and thanked her for her interest in our Town Meeting.

He also announced the five-panel display honoring Frances Perkins, the first woman to serve on the President's cabinet under President Roosevelt.

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

The Moderator announced that there are no articles subject to motions to amend or other motions from their proponents or for other reasons cannot be passed by unanimous consent.

Article 1 has been withdrawn by its proponents and will not be presented to this Special Town Meeting.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 2. No Town Meeting Members responded with "question" or "debate" to Articles 2, 3, and 8. The Moderator then called the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was unanimously voted, and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 2: AMEND THE FY2020 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2020 Sewer Enterprise Fund adopted under Article 19 of the 2019 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201D	MWRA Assessment	6,460,637	6,399,114

or take any other action relative thereto.

***Article Information:** The final MWRA Assessment is \$61,423 lower than the estimate used to set the FY2020 budget, resulting in a decrease in the Enterprise Fund budget.*

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2020 Sewer Enterprise Fund adopted under Article 19 of the 2019 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201D	MWRA Assessment	6,460,637	6,399,114

ACTION: So voted by unanimous consent.

ARTICLE 3: AMEND THE FY2020 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2020 Water Enterprise Fund adopted under Article 20 of the 2019 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301D	MWRA Assessment	1,413,150	1,412,709

or take any other action relative thereto.

***Article Information:** The final MWRA Assessment is \$441 lower than the estimate used to set the FY2020 budget, resulting in a decrease in the Enterprise Fund budget.*

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2020 Water Enterprise Fund adopted under Article 20 of the 2019 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301D	MWRA Assessment	1,413,150	1,412,709

ACTION: So voted by unanimous consent.

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

ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

Article 1 was withdrawn earlier this evening (October 28, 2019).

Articles 2 and 3 were adopted by unanimous consent earlier this evening (October 28, 2019).

ARTICLE 4: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$17,059.20 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

Article Information: Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements.

One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town. Funding for Transportation Improvements in FY2020 will be allocated to pedestrian and bicycle safety initiatives, unless circumstances require otherwise.

MOVED: That the Town vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$17,059.20 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager.

Mr. John A Bulian, Chairman, addressed this proposal on behalf of the Select Board. He explained that the Commonwealth Transportation Infrastructure Fund was established by Chapter 187 of the Acts of 2016. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received is to be distributed proportionately to each city; and town based on the number of rides that originated in that city or town. This year's distribution to the Town of Needham is \$17,059.20. The Select Board unanimously recommends adoption of this article.

Mr. Barry J. Coffman, Chair, recommended adoption on behalf of the Finance Committee. He expressed his hope that every fall Town Meeting will be authorized to accept these funds.

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

At this time the Moderator acknowledged that State Representative Denice C. Garlick was also present this evening and thanked her for her commitment to the Town of Needham.

ARTICLE 5: AMEND ZONING BY-LAW – HIGHWAY COMMERCIAL 1 ZONING DISTRICT

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

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:
“HC1 -- Highway Commercial 1”
2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

“3.2.7 Uses in the Highway Commercial 1 District3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment or combination of retail establishments serving the general public where each establishment contains less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter “Group Practices”) or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. “Professional” shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals (“Non-group Practice”).
- (h) Bank or Credit Union.
- (i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.
- (j) Radio or television studio.
- (k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fuses, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.
- (l) Telecommunications facility housed within a building.
- (m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.
- (n) More than one building on a lot.
- (o) More than one use on a lot.

3.2.7.2 Uses Permitted By Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

- (a) Light-rail train station.
- (b) Adult day care facility.
- (c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).
- (d) Retail establishment or combination of retail establishments serving the general public where any establishment contains more than 10,000 but less than 25,000 square feet of floor area and where all items for sale or rent are kept inside a building.
- (e) Equipment rental service but not including any business that uses outside storage.
- (f) Grocery store provided it does not exceed 25,000 sq. ft. of floor area.
- (g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.
- (h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.
- (i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.
- (j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.
- (k) Group Practices as defined in Section 3.2.7.1 and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.
- (l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.”

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Setback (Ft.) (1)	Side Setbacks (Ft.) (1) (3)	Rear Setback (Ft.) (1)(3)	Maximum Height (Ft.) (1)	Maximum Lot Coverage (2) (4)	Floor Area Ratio (5) (6)
20,000	100	5	10	10	70	65%	1.00

- (1) All buildings shall be limited to a height of 70 feet, except that buildings within 150 feet of Highland Avenue and buildings within 200 feet of Gould Street shall be limited to a height of 42 feet unless the additional height is contained under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board but not to exceed 48 feet in height. Notwithstanding the foregoing, the Planning Board may allow by special permit a maximum height of up to 84 feet except within 150 feet of Highland Avenue and 200 feet of Gould Street. If the height of a building is increased above the height of 42 feet, or 48 feet if under a pitched roof or recessed as aforesaid, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

Buildings and structures abutting Highland Avenue, Gould Street and/or the layout of Route 128/95 shall be set back at least 20 feet from said streets and said layout. Notwithstanding the location of any building and structures, a 20 foot landscaped, vegetative buffer area shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

Structures erected on a building having a height of 72 feet or less and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 42' are shown on the drawings below. The 370 feet shown on the drawings below shall extend a distance of 370 feet measured along the centerline of Highland Avenue from a point opposite the midpoint rounding at the intersection of Highland Avenue and Gould Street to a point 370 feet easterly as shown on a plan entitled “Plan of Land Gould Street, Needham, MA”, prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489.

Figure 1:

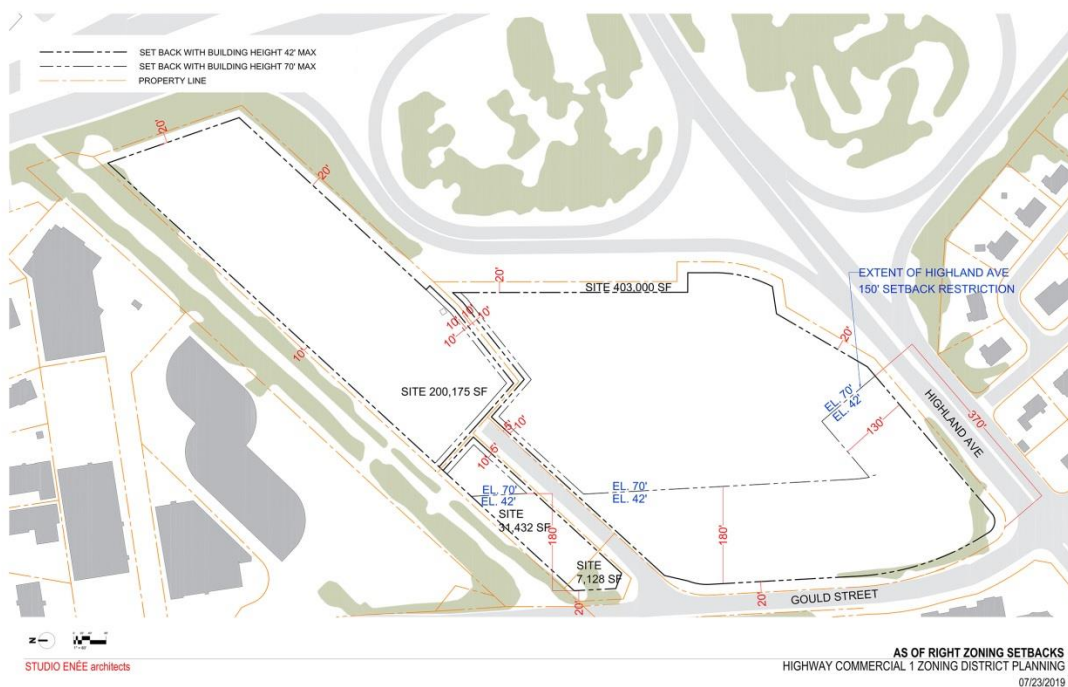
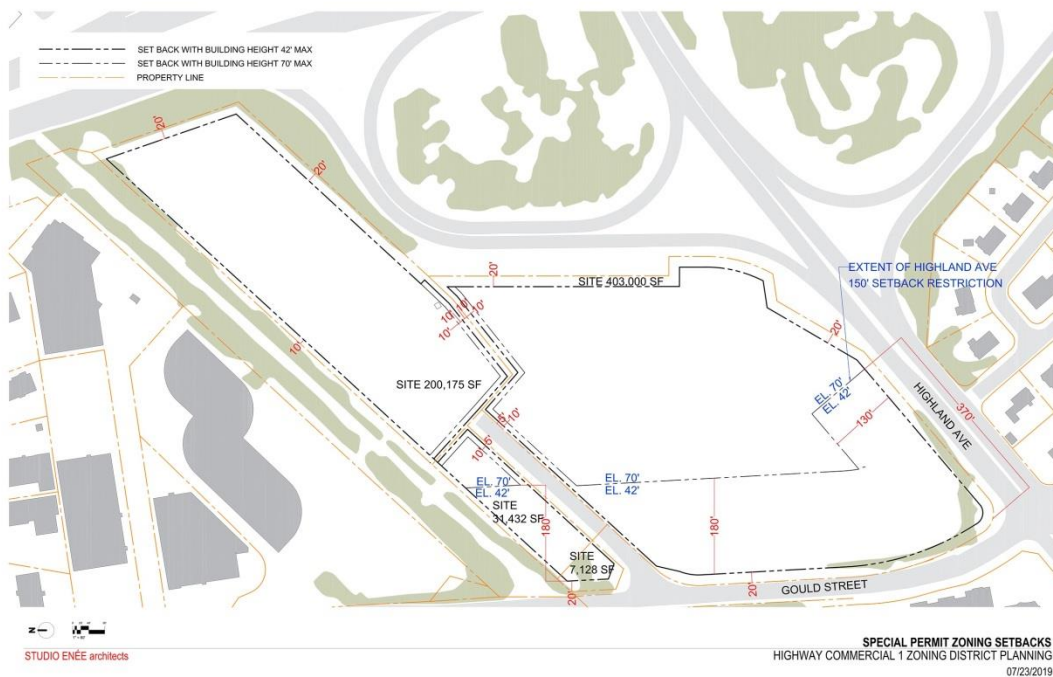


Figure 2:



- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.

- (4) A minimum of 20% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space shall include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.
- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures.

4.11.2 Supplemental Dimensional Regulations

- (1) Parking structures shall be set back at least 100 feet from Highland Avenue and/or Gould Street.
- (2) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings, but may be attached to the building it is servicing if all fire and safety requirements are met.
- (3) Buildings abutting Highland Avenue and/or Gould Street must have a public entrance facing one street on which the building fronts.
- (4) Maximum uninterrupted facade length shall be 200 feet.
- (5) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed the parameters, bulk, and location requirements without the issuance of special permit by the Planning Board as shown on the following drawing.

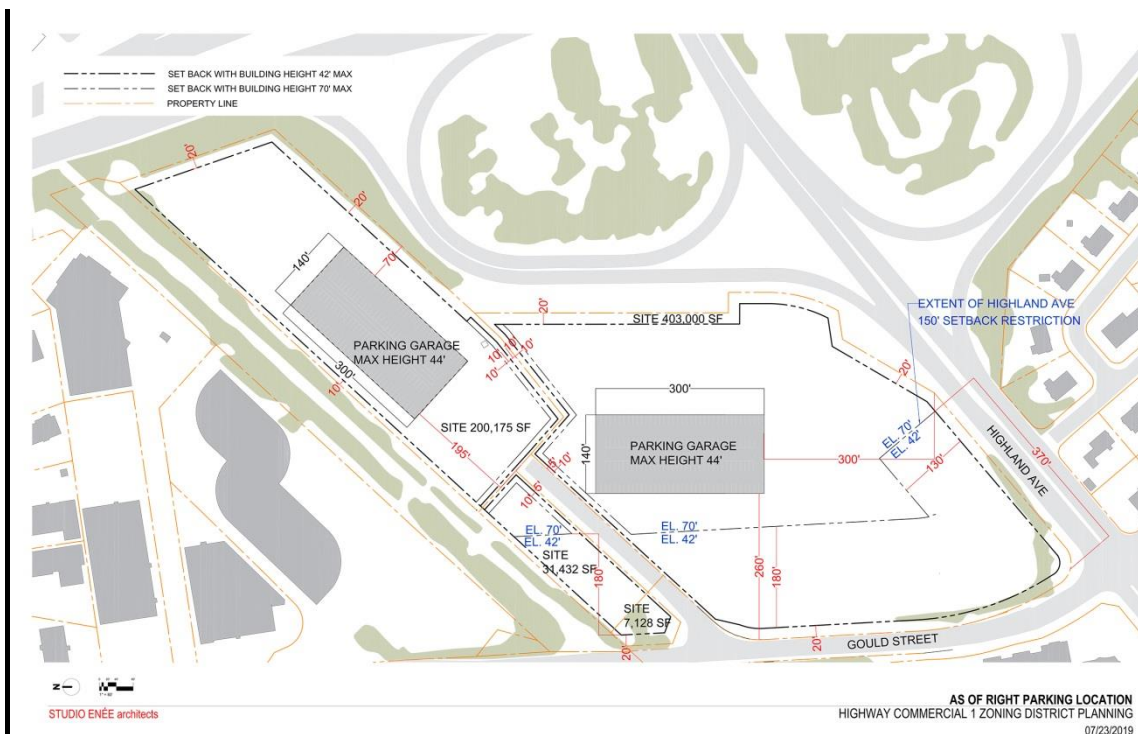


Figure 3

The location may, however, be modified as of right if the parking garage is moved easterly or northeasterly towards Route 128/95.

- (6) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

4.11.3 Special Permit Provision

The Planning Board may, by special permit, waive any or all dimensional requirements set forth above in this Section 4.11 (including sections 4.11.1 and 4.11.2), by relaxing each by up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, and that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law. This section does not authorize the Planning Board to waive the maximum height regulations, reduce the 20 foot landscaped buffer area requirement along Gould Street, Highland Avenue and the layout of Route 128/95, reduce the 100 foot garage setback requirement along Gould Street and Highland Avenue, or reduce the 20% open space requirement of Section 4.11.1(4), except as specifically provided in Section 4.11.1(1) for pitched or recessed roofs. (By way of example, a 15' front yard setback could be waived to 11.25' or the 20,000 sq. ft. minimum lot area could be waived to 15,000 sq. ft.)

4.11.4 Special Permit Requirements

In approving any special permit under this Section 4.11, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; and (e) The proposed development shall include participation in a Transportation Demand Management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program."

5. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads "Such parking setback shall also be twenty (20) feet in an Industrial-1 District" the words "and Highway Commercial 1 District."
6. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words "Industrial-1 District," in the first sentence, the words "Highway Commercial 1 District,".
7. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words "Highway Commercial 1 District," after the words "Highland Commercial-128,".
8. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words "Industrial-1 District," in the first sentence of the second paragraph, the words "Highway Commercial 1 District,".

Or take any other action relative thereto.

Article Information: The Council of Economic Advisors, which was created by the Select Board to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, undertook a review of all Industrial Zoning Districts in 2012, and, after focusing its efforts on three different areas along Route 128, held numerous public meetings with residents, neighbors, public officials, businesses and landowners in 2014 about potential zoning initiatives. As requested during those discussions, the CEA obtained a build-out analysis, a traffic impact report based on that analysis, and elevation drawings to better understand the impact of any proposed development. After examining the results of those reports, the CEA in 2017 reached out again to the various stakeholder groups and presented its preliminary recommendations to upgrade the zoning adjacent to Route 128 in order to make these areas more economically competitive. The Planning Board, having reviewed the proposals from the CEA, determined to move forward on only one area at this time; the area circumscribed by Route 128, Highland Avenue, Gould Street, and the railroad track.

The proposed use and dimensional changes to this area, to be rezoned Highway Commercial 1 ("HC1"), are detailed below.

The amendments to Section 3.2 detail the uses allowed by right and those by special permit. In addition, by listing the uses rather than using the current somewhat antiquated table of uses, the uses can be clarified and brought up to date. Key changes to the use table include allowing greater retail by right for 10,000 sq. ft. or less (from 5,750 sq. ft.) and by special permit for more than 10,000 sq. ft. and less than 25,000 sq. ft. (more than 5,700 sq. ft.); allowing grocery stores of up to 25,000 square feet by special permit; clarifying medical services allowed by right and by special permit (as was done in the Needham Crossing zoning); standardizing the medical laboratory and research and development defined uses; allowing by right more than one use and more than one building on a lot; changing theaters, bowling alleys, skating rinks, billiard rooms and similar commercial amusement or entertainment places from by right to special permit; deleting indoor movie theaters from allowed uses; precluding single family detached dwellings from allowed uses; and precluding certain industrial uses in the district including, *inter alia*, commercial garages, contractor's yards, lumber or fuel establishments, Medical Clinics, and previously allowed manufacturing and industrial services. The purpose of the use changes is: (1) to insure that uses allowed by right or by special permit will maximize the economic value of redevelopment to the Town; and (2) to subject certain uses presently allowed by right to the special permit process so that they may be properly vetted by the permit granting authority as to impacts and mitigation.

The amendments to Section 4 would create the dimensional requirements for the new Highway Commercial 1 zone. The proposal under new Section 4.11 would change the front setback to 5 feet unless the building height exceeds 42 feet, in which case the front setback increases to 15 feet, or the building sits on Highland Avenue, Gould Street and/or the layout of Route 95/128, where a 20 foot landscaped vegetative buffer is proposed. (Current front setback is 20 feet except along Gould and Highland where a 50 foot building setback is imposed.) The side setback would change to 10 feet unless the building height exceeds 42 feet, in which case the side setback is increased to 20 feet for all side setbacks not abutting the MBTA right-of-way. (The current side setback is 20 feet.) The rear setback would change to 20 feet when building height

exceeds 42 feet for those rear setbacks not abutting the MBTA right-of-way. (The current rear setback is 10 feet.) The maximum height is increased to 70 feet except that a building within 150 feet of Highland Avenue and 200 feet of Gould Street is limited to a height of 42 feet or 48 feet if under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board. The 42 foot height or four story profile is consistent with the height allowed in the Elder Services District across Gould Street from the new HC1. By special permit, the height may increase up to 84 feet, except within 150 feet of Highland Avenue and 200 feet of Gould Street, which, given the topography of these lots (they pitch down near the highway), appears as four stories along the street fronts of Gould Street and Highland Avenue. (The current zoning allows only 30 feet or two stories.) For informational purposes, the required building setbacks and allowed envelopes (including setbacks) for additional height above 42 feet are shown as Figure 1 for the as-of-right condition and as Figure 2 for the special permit condition in the zoning article.

The new zoning creates a maximum lot coverage requirement of 65% and an open space requirement of a minimum of 20%. (The current zoning contains no such requirements.) Changes are also proposed to the maximum floor area ratio ("FAR"); a maximum FAR by right would be 1.00; the FAR may be increased up to 1.75 by special permit provided certain findings are made. The amendment clearly sets out the specific factors which will allow the exercise of the Board's special permit granting authority. The proposed zoning also sets out the maximum uninterrupted façade length that is allowed—200'. (The current zoning allows an FAR of only 0.5 and only in very limited special circumstances 0.65-0.75.)

Finally, the new zoning restricts the bulk, height and location of the parking garage, even if it is for an as-of-right development; if the bulk, height and/or location are not within the envelope allowed by right, the parking structure requires the issuance of a special permit by the Planning Board. The bulk, height and location requirements of an as-of-right parking garage are shown on Figure 3 in the zoning article.

Because the CEA has concluded that the future development of this critical commercial area along Route 128 depends on Needham's ability to be responsive to the requirements of new or proposed uses or construction, it recommended the adoption of Section 4.11.3 which tracks the language from the New England Business Center district zoning adopted in 2011. Successful office parks flourish due to the flexibility of their zoning provisions. This amendment will impart greater flexibility in the Zoning By-Law by allowing the Planning Board to relax dimensional requirements up to a maximum of 25% except with regard to height, by special permit but only after making very specific findings as to the propriety of the waivers as to a particular project, use and location.

Based on the build-out analysis, traffic report, dimensional analysis, consultant findings and information, and meeting testimony, the CEA and Planning Board confirmed that certain dimensional requirements, including front setback, height, floor area ratio, and side setbacks, and use requirements were constraining development. The current zoning effectively precludes additional development. As the CEA's consultant concluded, realistic development expansion potential under the current zoning is essentially zero, and, given the properties' regionally prime commercial location along Route 128, they are significantly underperforming economically, to the detriment of the Town. With rezoning, in time, this area should attract significant high value redevelopment, which will be overseen by the Planning Board under its site plan review and special permit obligations.

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

9. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

"HC1 -- Highway Commercial 1"

10. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

"3.2.7 Uses in the Highway Commercial 1 District

3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment or combination of retail establishments serving the general public where each establishment contains less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter "Group Practices") or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. "Professional" shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals ("Non-group Practice").
- (h) Bank or Credit Union.
- (i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.
- (j) Radio or television studio.
- (k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fuses, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.

(l) Telecommunications facility housed within a building.

(m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.

(n) More than one building on a lot.

(o) More than one use on a lot.

3.2.7.2 Uses Permitted By Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

(a) Light-rail train station.

(b) Adult day care facility.

(c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).

(d) Retail establishment or combination of retail establishments serving the general public where any establishment contains more than 10,000 but less than 25,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 25,000 sq. ft. of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1 and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.”

11. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

12. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Setback (Ft.) (1)	Side Setbacks (Ft.) (1) (3)	Rear Setback (Ft.) (1)(3)	Maximum Height (Ft.) (1)	Maximum Lot Coverage (2) (4)	Floor Area Ratio (5) (6)
20,000	100	5	10	10	70	65%	1.00

- (1) All buildings shall be limited to a height of 70 feet, except that buildings within 150 feet of Highland Avenue and buildings within 200 feet of Gould Street shall be limited to a height of 42 feet unless the additional height is contained under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board but not to exceed 48 feet in height. Notwithstanding the foregoing, the Planning Board may allow by special permit a maximum height of up to 84 feet except within 150 feet of Highland Avenue and 200 feet of Gould Street. If the height of a building is increased above the height of 42 feet, or 48 feet if under a pitched roof or recessed as aforesaid, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

Buildings and structures abutting Highland Avenue, Gould Street and/or the layout of Route 128/95 shall be set back at least 20 feet from said streets and said layout. Notwithstanding the location of any building and structures, a 20 foot landscaped, vegetative buffer area shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

Structures erected on a building having a height of 72 feet or less and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 42' are shown on the drawings below. The 370 feet shown on the drawings below shall extend a distance of 370 feet measured along the centerline of Highland Avenue from a point opposite the midpoint rounding at the intersection of Highland Avenue and Gould Street to a point 370 feet easterly as shown on a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489.

Figure 1:

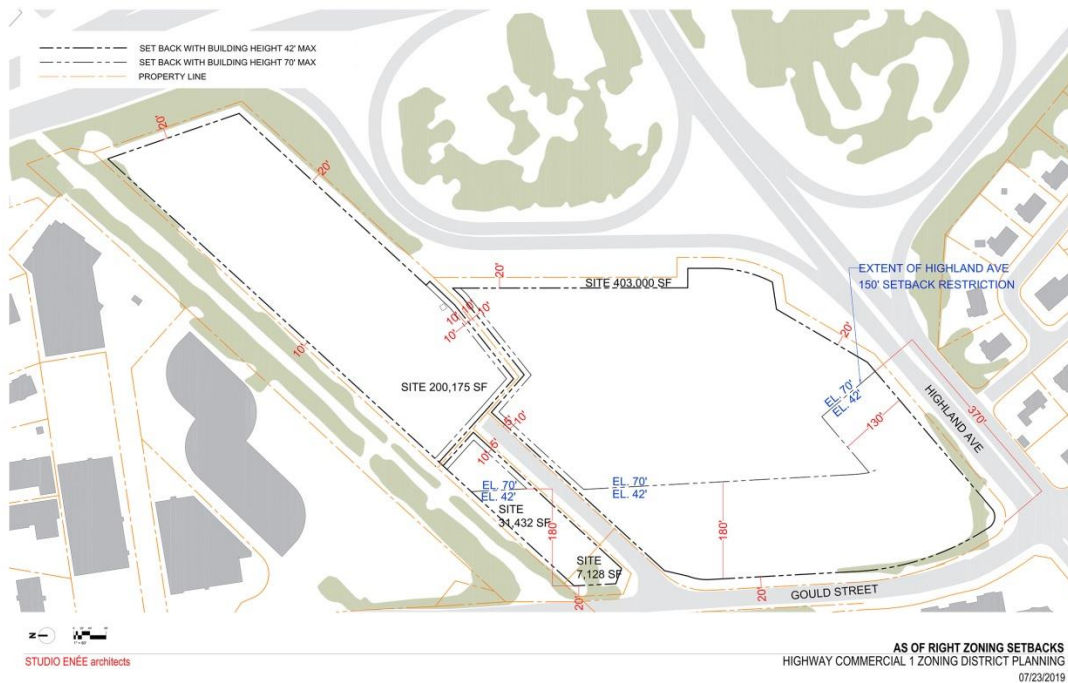
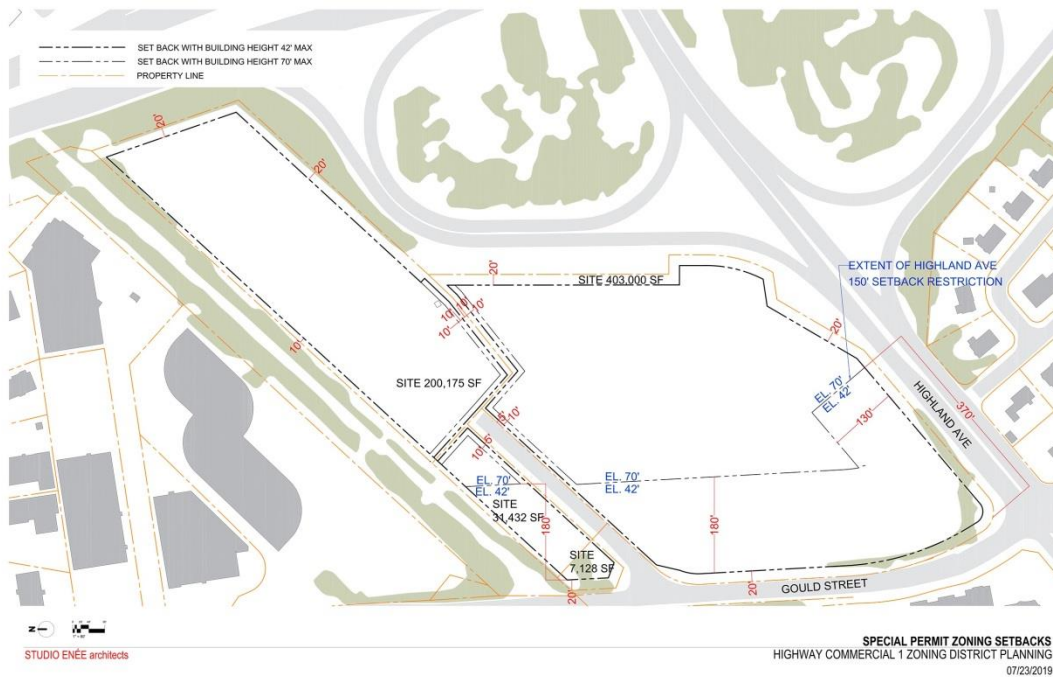


Figure 2:



- (7) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (8) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.
- (9) A minimum of 20% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space shall include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (10) A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.
- (11) The calculation of floor area in determining floor area ratio shall not include parking areas or structures.

4.11.2 Supplemental Dimensional Regulations

- (1) Parking structures shall be set back at least 100 feet from Highland Avenue and/or Gould Street.
- (7) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings, but may be attached to the building it is servicing if all fire and safety requirements are met.
- (8) Buildings abutting Highland Avenue and/or Gould Street must have a public entrance facing one street on which the building fronts.
- (9) Maximum uninterrupted facade length shall be 200 feet.
- (10) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed the parameters, bulk, and location requirements without the issuance of special permit by the Planning Board as shown on the following drawing.

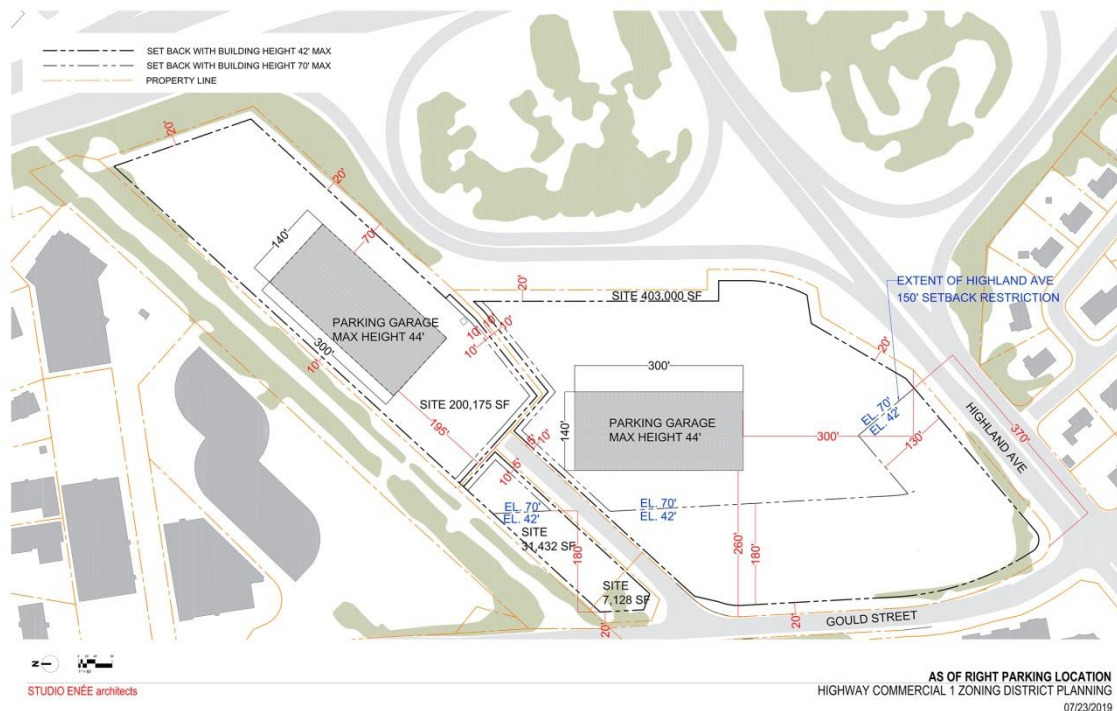


Figure 3

The location may, however, be modified as of right if the parking garage is moved easterly or northeasterly towards Route 128/95.

(11) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

4.11.3 Special Permit Provision

The Planning Board may, by special permit, waive any or all dimensional requirements set forth above in this Section 4.11 (including sections 4.11.1 and 4.11.2), by relaxing each by up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, and that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law. This section does not authorize the Planning Board to waive the maximum height regulations, reduce the 20 foot landscaped buffer area requirement along Gould Street, Highland Avenue and the layout of Route 128/95, reduce the 100 foot garage setback requirement along Gould Street and Highland Avenue, or reduce the 20% open space requirement of Section 4.11.1(4), except as specifically provided in Section 4.11.1(1) for pitched or recessed roofs. (By way of example, a 15' front yard setback could be waived to 11.25' or the 20,000 sq. ft. minimum lot area could be waived to 15,000 sq. ft.)

4.11.4 Special Permit Requirements

In approving any special permit under this Section 4.11, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; and (e) The proposed development shall include participation in a Transportation Demand Management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program."

13. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads "Such parking setback shall also be twenty (20) feet in an Industrial-1 District" the words "and Highway Commercial 1 District."
14. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words "Industrial-1 District," in the first sentence, the words "Highway Commercial 1 District,".
15. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words "Highway Commercial 1 District," after the words "Highland Commercial-128,".

16. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words "Industrial-1 District," in the first sentence of the second paragraph, the words "Highway Commercial 1 District".

Elizabeth Jane Grimes, member, Planning Board, moved to discuss Articles 5 and 6 together and vote on separately. The motion was presented and carried by unanimous vote. Ms. Grimes discussed these articles indicating that the Muzi property has great potential for development and greatly increased revenues for the town. She noted that some key changes to the use table include allowing greater retail by right for 10,000 square feet or less and by special permit for more than 10,000 square feet and less than 25,000 square feet. Grocery stores of up to 25,000 square feet could be allowed by special permit. Ms. Grimes requested support of Articles 5 and 6 on behalf of the Planning Board.

Ms. Marianne B. Cooley, member, addressed this proposal on behalf of the Select Board. She explained that the Muzi property has been in Needham for the past five decades. While there is no developer at this time, traffic studies have been conducted. The Select Board recommends support of both Articles 5 and 6.

Carol A. Fachetti, member, addressed these proposals on behalf of the Finance Committee. She explained that the Planning Board has been studying this land since 2012. The Finance Committee have read the materials on these articles. The traffic study was updated in 2019. The Finance deliberated on these articles and came to a tie vote. Thus, the Finance Committee makes no recommendations on these articles.

Ms. Lois Sockol thanks the committees for their work on these proposals. She indicated that this is an opportunity to receive additional funds for the town. However, she would like to see zoning that would enhance residential uses to the area.

Emily Rose Cooper noted that she lives around the corner from the Muzi property and the traffic situation is already bad. This would make it even worse. She urged a vote against these articles and encouraged a more positive approach.

When Heidi R. Fail suggested that she would like to see the environmental impact on this proposal, the Moderator asked the Planning Board to respond. Ms. Grimes stated that there is no environment impact in spot zoning.

Mr. Doug H. Fox thanked all boards and stated that he does not live near this property. He suggested that he polled people in town and there are multiple teardowns and traffic is bad. He would like to see the Planning board come back in the Spring with a more reasonable plan. It is not worth \$7 - \$9 for 800 – 900 additional cars.

Ellen Fine, Non-Town Meeting Member, suggested that the Greendale Avenue residents have put up with the Kendrick street add-a-lane and build-a- wall. The traffic study stopped at Highland Avenue. It will be a mess. She echoed people in the neighborhoods and asked the town to go door-to-door. She requested that Town Meeting vote against these articles.

Mary E. Keane-Hazzard expressed traffic concerns and the term lite-rail train station. Ms. Grimes notes that this term is in many of our zoning in case of later use.

Mr. Robert T. Smart, Jr. spoke in favor of these articles and would like to hear more on the traffic issue. Ms. Grimes, Member, requested that Ken Ho, Traffic Consultant and non-resident, addresses Town Meeting. Unanimous consent was given to allow Ken Ho to address Town Meeting.

The following Town Meeting Members rose in opposition to these articles: Adam J. Block, Joseph J. Leghorn, Gerald C. Rovner, John P. Kirk, and Steven M. Rosenstock.

The following Town Meeting Members rose in support of these articles: James D. Masterman, Erik J. Bailey, Ford H. Peckham, and David K. Blakelock.

A motion to move the previous question was offered by Mr. William J. Dermody. The motion was presented and carried by the required two-thirds vote as declared by the Moderator.

ACTION: The main motion under Article 5, which requires a two-thirds vote, was presented but the Moderator was in doubt. The following Town Meeting Members were sworn in as tellers: Richard S. Creem, Richard A. Zimbone, Thomas M. Harkins, Marjorie J. Margolis, Deborah S. Winnick, and Eileen K. Orscheln. The motion was again presented by a count of hands. The motion failed to pass by the required two-thirds vote. The hand count was Yes 108 No 89 (131.3 votes required to pass by two-thirds).

ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO HIGHWAY COMMERCIAL 1

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

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

Or take any other action relative thereto.

Article Information: Article 6 describes the geographical area proposed to be placed in the new Highway Commercial 1 zoning district. The affected area is generally bounded on the north by the Massachusetts Bay Transit Authority (M.B.T.A.) commuter railroad right-of-way, on the east by the Circumferential Highway, known as Route 128/95, on the south by Highland Avenue and on the west by Gould Street. The subject land is currently located in the Industrial-1 zoning district.

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

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

ACTION: The main motion under Article 6 was presented but failed to pass by a voice vote.

ARTICLE 7: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNIT

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

1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>“USE</u>	<u>RRC</u> <u>SRA</u>	<u>SRB</u>	<u>GR</u>	<u>A-1,2 I</u> <u>& 3</u>	<u>IND</u>	<u>IND-1</u>	
Accessory Dwelling Unit (See 3.15)	SP	SP	SP	SP	SP	SP	SP”

3. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>“USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>	
Accessory Dwelling Unit (See 3.15)	SP	N	N	SP	SP”	

4. 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 (c) that reads “Accessory Dwelling Unit under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.
5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family of an Owner of the property (as so defined) or (c) Caregivers to an Owner of the property or a Family member of an Owner (as so defined) who resides in the property as his or her primary residence, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance and for whom the property is such person’s primary residence.

(c) “Family” shall mean other persons who are related to an Owner or Caregiver by blood, adoption or marriage and who are related to such Owner or Caregiver as follows: spouse, parent, sibling, child, or a spouse or child of any such resident person.

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

3.15.3 Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

- (a) There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building.
- (b) At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by him within 60 days of the commencement of the absence.
- (c) Occupancy of the unit that is not Owner-occupied shall be limited to a member of the Owner's Family or a Caregiver and such Caregiver's Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- (d) The size of the ADU shall be limited to 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the ADU shall be in accordance with Board of Health requirements.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner.
- (j) Occupancy of the ADU shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy.
- (k) In the case that the ADU has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating."

Or take any other action relative thereto.

Article Information: Article 7 establishes a Special Permit process to enable the Board of Appeals to permit accessory dwelling units (ADUs) in single-family homes for occupancy by the Owner; Family members related to the Owner by blood, adoption or marriage (spouse, parent, sibling, child, or a spouse of such persons); and Caregivers of Family members who look after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance, subject to specified standards and procedures. It is also the intent of this zoning to assure that the single-family character of a neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters. ADUs will be allowed in all zoning districts with the exception of the Chestnut Street Business District, Center Business District, Highway Commercial 1, Mixed-Use 128 District, Highland Commercial 128 District, and New England Business Center District. In these zoning districts single-family homes are not currently permitted.

Under Article 7, the accessory dwelling unit (ADU) is defined as an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot, and constructed to maintain the appearance and essential character of the single-family dwelling.

To accomplish this, the by-law restricts size, occupancy, and exterior conditions. In regards to size, the ADU is limited to one-bedroom and 850 square feet with no more than one ADU per lot. Additionally, the ADU must be located in the primary structure, not in an accessory building.

In regard to occupancy, at least one of the units must be Owner-occupied; and occupancy of the unit that is not Owner-occupied is limited to a member of the Owner's Family or a Caregiver and such Caregiver's Family; provided that occupancy of the principal unit and ADU combined includes no more than five persons who are not Family of the Owner. Temporary absence of an Owner of a property containing an accessory dwelling unit is permitted for a period of up to nine months if written notice is made to the Building Commissioner on a form prescribed by him within 60 days of the commencement of the absence.

With respect to exterior appearance, the by-law requires that exterior entrances and access ways do not detract from the single-family appearance of the dwelling to the extent possible. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance, the result must be that one appears to be the principal entrance and the other appears to be secondary. Moreover, all stairways must be enclosed within the exterior walls of the structure. An interior doorway is also required for access between each unit for purposes of emergency response. There must also be sufficient off-street parking, defined as a minimum of one space per unit.

Applications to create an ADU must be submitted to the Building Commissioner with floor plans and a certified site plan. Beyond the Special Permit from the Board of Appeals, building and occupancy permits are required from the Building Commissioner. All units must be in compliance with Board of Health and State Building Code regulations.

The occupancy permit will be provided for a three-year period after which succeeding three-year periods will be allowed based on continued compliance with zoning requirements. The occupancy permits will not be transferable upon a change of ownership or occupancy. In the case of violations of the terms of the Special Permit or the expiration of the lawful use of the ADU, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the components that create a separate dwelling unit such as living, sleeping, cooking and eating.

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

2. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“ <u>USE</u>	<u>RRC</u> SRA	<u>SRB</u>	<u>GR</u>	<u>A-1,2 I</u> & 3	<u>IND</u>	<u>IND-1</u>	
Accessory Dwelling Unit (See 3.15)	SP	SP	SP	SP	SP	SP	SP”

3. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“ <u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>	
Accessory Dwelling Unit (See 3.15)	SP	N	N	SP	SP”	

4. 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 (c) that reads “Accessory Dwelling Unit under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.
5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family of an Owner of the property (as so defined) or (c) Caregivers to an Owner of the property or a Family member of an Owner (as so defined) who resides in the property as his or her primary residence, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.

(b) "Caregiver" shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance and for whom the property is such person's primary residence.

(c) "Family" shall mean other persons who are related to an Owner or Caregiver by blood, adoption or marriage and who are related to such Owner or Caregiver as follows: spouse, parent, sibling, child, or a spouse or child of any such resident person.

(d) "Owner" shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner's principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

3.15.3. Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

- (a) There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building.
- (b) At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by him within 60 days of the commencement of the absence.
- (c) Occupancy of the unit that is not Owner-occupied shall be limited to a member of the Owner's Family or a Caregiver and such Caregiver's Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- (d) The size of the ADU shall be limited to 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the ADU shall be in accordance with Board of Health requirements.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner.
- (j) Occupancy of the ADU shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for

succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy.

- (k) In the case that the ADU has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.”

Mr. Paul S. Alpert, member, addressed this proposal on behalf of the Planning Board. He explained that the Planning Board presented this proposal at the May 2019 Annual Town Meeting and is back with several amendments. This proposal establishes a Special Permit process to grant accessory dwelling units (ADUs) in single-family homes for occupancy by the owner. The accessory dwelling unit is a self-contained unit which is limited to one bedroom and 850 square feet.

Mr. Daniel P. Matthews, member, addressed this proposal on behalf of the Select Board. He explained that this is mainly an in-law apartment and there were many in non-compliance. The Select Board and other agencies believe there is broad support of this article. The Select Board support this article. However, the Select Board also believes that it is not right to make zoning changes on Town Meeting floor but will support amendments if similar to the intent of the article. The Select Board wants to help families that need this process.

Unanimous consent was given to allow Building Commissioner David Roche, non-resident, to address Town Meeting. Mr. Roche advised that a Special Permit will be issued to the owner of the property and if it is not contained in the Town's Zoning By-Law, it is not permitted.

A motion to amend under 3.15.2 Definition Section (c) by adding the word “grandchild” after the word “child,” was offered by Mr. Joseph J. Leghorn. Mr. Paul S. Alpert, member, thanked Mr. Leghorn for bringing this to the Planning Board earlier for review. He stated that the Planning Board does not favor or oppose this amendment. He also noted that there is nothing to prevent a caregiver or foster child from living in a household if a separate dwelling is not created.

Mr. Jeffrey D. Heller rose in support of the article. He stated that town Meeting has been advised that this is a work in progress. Philip R. Murray and Holly Anne Clarke also spoke in opposition of this article.

Colleen F. Schaller, non-Town Meeting Member and Chair of the Council on Aging, rose in support of this article indicating this would help residents remain in their homes.

Catherine E. Kurkjian also rose in support of this article. In response to an inquiry from Catherine Kurkjian, Mr. Alpert advised that a caregiver can be a family member and a student moving in is okay. Building Commissioner David Roche advised that there can be two kitchens and a second kitchen is allowed in the basement.

Mr. Ford H. Peckham rose in support of this article and suggested that we move forward and make changes in the future if necessary.

A motion to amend 3.15.3 Use Regulations Section(b) to delete the word “him” and insert in place thereof the word “Commissioner” was offered by Mr. Peter Sergey Panov.

A motion to move the previous question was offered by Mr. Elan Barzilay. The motion was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

Mr. Leghorn's motion to insert the word “grandchild” in section 3.15.2 (c) was presented and carried by majority vote on a voice vote declared by the Moderator.

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

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

3. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“USE

RRC
SRA

SRB

GR

A-1,2 I
& 3

IND

IND-1

Accessory Dwelling Unit (See 3.15)	SP	SP	SP	SP	SP	SP	SP

3. Amend 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 above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“USE	B	CSB	CB	ASB	HAB
Accessory Dwelling Unit (See 3.15)	SP	N	N	SP	SP”

4. 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 (c) that reads “Accessory Dwelling Unit under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.

5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family of an Owner of the property (as so defined) or (c) Caregivers to an Owner of the property or a Family member of an Owner (as so defined) who resides in the property as his or her primary residence, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance and for whom the property is such person’s primary residence.

(c) “Family” shall mean other persons who are related to an Owner or Caregiver by blood, adoption or marriage and who are related to such Owner or Caregiver as follows: spouse, parent, sibling, child, grandchild, or a spouse or child of any such resident person.

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

3.15.3. Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

- There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building.
- At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by the Commissioner within 60 days of the commencement of the absence.
- Occupancy of the unit that is not Owner-occupied shall be limited to a member of the Owner’s Family or a Caregiver and such Caregiver’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- The size of the ADU shall be limited to 850 square feet of living space and shall have no more than one bedroom.
- Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.

- (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the ADU shall be in accordance with Board of Health requirements.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner.
- (j) Occupancy of the ADU shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy.
- (k) In the case that the ADU has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.”

ARTICLE 8: APPROPRIATE FOR POLLARD SCHOOL GYM

To see if the Town will vote to appropriate the sum of \$125,000 for Pollard School gym repairs, to be spent under the direction of the Town Manager and transferred from Article 37 of the 2019 Annual Town Meeting; or take any other action relative thereto.

Article Information: The Building Maintenance Division began renovating the green and blue gyms at the Pollard Middle School during the summer of 2019. Prior to construction, asbestos was discovered in the subflooring of the green gym. The flooring replacement in the green gym has been postponed until the summer of 2020 in order to abate the asbestos. The floor replacement in the blue gym and the other upgrades in both gyms, including new pads and equipment, are substantially complete. This article would transfer unexpended funds from the Newman School gym floor replacement project, which was completed this summer under budget, to abate the subflooring material in the green gym next summer.

MOVED: That the Town vote to appropriate the sum of \$125,000 for Pollard School gym repairs, to be spent under the direction of the Town Manager and transferred from Article 37 of the 2019 Annual Town Meeting.

Articles 8 was adopted by unanimous consent earlier this evening (October 28, 2019).

At this time the Moderator, in the interest of time, thanked all who assisted in this Special Town Meeting.

He announced that Christopher Coleman, Assistant Town Manager since 2005, was leaving to take the position of Town Administrator in the Town of Westwood.

The Moderator announced the pending retirement of Patty Carey, Director, Park & Recreation Department. The Moderator noted that Patty first started working part time in the Park & Recreation Department in 1977. She became a full-time member in 1988 and became Director of the Park & Recreation Department in 1995.

And finally, the Moderator announced that Town Meeting Member, Robert A. Downs, has completed 50 years of service as a Town Meeting Member in Precinct J. All received a standing ovation by members in Powers Hall.

At 10:55 P.M. Mr. John A. Bulian on behalf of the Select Board moved to dissolve the Annual Town Meeting with the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of

Roger Browne Hunt

WHEREAS:

Roger Browne Hunt was born in New York City and raised in Riverside Connecticut, where he attended the Rye Country Day School. He graduated from Phillips Academy in Andover, Harvard College, and Harvard Law School; and

WHEREAS: Roger Hunt served as a sergeant in the U.S. Army in Fort Bliss, Texas and in Verona, Italy. He practiced law at Haussermann, Davison and Shattuck in Boston for more than 25 years, and then joined the firm of Sullivan and Worcester; and

WHEREAS: Roger Hunt was married to Janice (Lane) Hunt for 64 years. Together they settled in Needham where they raised their four children: Susan, Roger Jr., Julia, and Sarah. Roger and Janice were the proud grandparents of seven grandchildren; and

WHEREAS: Roger Hunt served as Secretary and Life Trustee of The Trustees of Reservations, President of the Dedham Country and Polo Club, and a member of the Board of Overseers for the Boston Symphony Orchestra; and

WHEREAS: Roger Hunt was deeply committed to preserving the natural world. He was a lover of birds, music, racket sports, and summers in Maine; and

WHEREAS: Roger Hunt served as a member of the Conservation Commission, and as a Town Meeting Member for 48 years, from 1964 to 2012;

NOW THEREFORE, be it resolved by this body that the October 28, 2019 Special Town Meeting be dissolved in honor of the civic and community contributions of Roger Browne Hunt to the Town of Needham.

ACTION: At 10:55 P.M. on Monday, October 28, 2019, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

John A. Bulian, Chair
Maurice P. Handel, Vice Chair
Matthew D. Borrelli, Clerk
Marianne B. Cooley, Member
Daniel P. Matthews, Member

Select Board of Needham

A TRUE COPY
Attest:
Constable:

RECORD OF THE PRESIDENTIAL PRIMARY
Tuesday, March 3, 2020

Pursuant to a Warrant issued by the Selectmen January 28, 2020 the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the Third day of March in the year 2020 at seven o'clock in the forenoon. The polls remained open until eight 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 - Public Safety Administration Bldg.
 Precinct F – Rosemary Recreation Complex
 Precinct G - Rosemary Recreation Complex
 Precinct H - Public Safety Administration Bldg.
 Precinct I - Town Hall – Powers Hall
 Precinct J - Town Hall – Powers Hall

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

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

The ballot box returns in the Precincts were as follows:
 (Note: the hourly returns are inflated due to the double election.)

<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	10
8:00 A.M.	120	70	74	85	77
9:00 A.M.	300	127	160	172	175
10:00 A.M.	335	216	209	250	240
11:00 A.M.	370	302	293	306	330
12:00 NOON	375	385	374	341	392
1:00 P.M.	401	454	422	341	430
2:00 P.M.	422	504	460	405	487
3:00 P.M.	465	517	521	466	560
4:00 P.M.	502	635	571	492	616
5:00 P.M.	588	715	655	562	688
6:00 P.M.	-	796	738	668	778
7:00 P.M.	-	872	830	816	886
8:00 P.M.	787	941	899	897	957

<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.	95	75	85	97	68
9:00 A.M.	155	190	151	174	180
10:00 A.M.	242	256	233	-	235
11:00 A.M.	308	320	307	344	285
12:00 NOON	365	375	360	427	353
1:00 P.M.	419	424	402	467	400
2:00 P.M.	472	473	452	522	459
3:00 P.M.	539	520	525	553	509
4:00 P.M.	593	592	579	661	571
5:00 P.M.	667	665	643	697	641
6:00 P.M.	807	751	752	777	715
7:00 P.M.	876	876	863	934	833
8:00 P.M.	946	935	919	984	896

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the unofficial results at 12:45 P.M., March 3, 2020. Official Results were announced and reported to the State on March 6, 2020 after completion of multiple hand counts including Early Vote hand counts and provisional Ballots.

The total number of votes cast was as follows:

	Democrat	Republican	Green-Rainbow	United Independent Party	Total
Precinct A	850	117	0	0	952
Precinct B	1013	145	2	0	1,118
Precinct C	1000	114	0	0	1,136
Precinct D	1014	107	0	2	1,102
Precinct E	1147	109	0	1	1,163
Precinct F	1077	126	1	0	1,135
Precinct G	1092	134	0	2	1,228
Precinct H	1077	122	0	0	1,217
Precinct I	1175	93	1	0	1,204
Precinct J	1078	104	4	1	1,123
TOTAL	10,523	1,171	8	6	11,708

TOTAL VOTE CAST – 11,708
(55.85% of Registered Voters)

(The absentee ballots, UOCAVA ballots and Early Vote Ballots are included in the Total Vote)

The result of the balloting was as follows:

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>DEMOCRATIC PARTY</u>											
Total # of Votes Cast	850	1013	1000	1014	1147	1077	1092	1077	1175	1078	10523
<u>PRESIDENTIAL PREFERENCE</u>											
Deval Patrick	1	0	3	1	1	1	0	2	3	1	13
Amy Klobuchar	15	17	23	17	30	32	21	31	22	21	229
Elizabeth Warren	205	253	194	221	270	266	263	232	262	253	2,419
Michael Bennet	0	0	1	1	0	0	0	2	0	2	6
Michael R. Bloomberg	155	204	230	179	197	164	197	176	197	177	1,876
Tulsi Gabbard	5	1	5	10	6	5	5	6	6	4	53
Cory Booker	0	0	0	0	0	0	1	0	0	0	1
Julian Castro	0	0	0	0	0	0	0	0	0	0	0
Tom Steyer	7	2	1	0	1	4	1	4	4	6	30
Bernie Sanders	131	105	96	150	132	165	112	133	136	157	1,317
Joseph R. Biden	302	404	405	393	449	403	432	445	499	399	5,448
John K. Delaney	0	0	0	0	0	0	0	0	1	0	1
Andrew Yang	0	0	2	1	3	1	2	2	0	4	15
Pete Buttigieg	24	23	35	40	56	31	52	42	45	51	399
Marianne Williamson	1	0	0	0	2	0	1	1	0	0	5
No Preference	2	0	1	1	0	1	1	1	0	1	8
Scattered Write-Ins:	1	2	1	0	0	3	2	0	0	0	9
Blanks	1	2	3	0	0	1	2	0	0	2	11

STATE COMMITTEE MAN (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J)

Bill Bowles	331	377	378	-	-	-	-	-	507	443	2,036
Stephen Garone	183	230	197	-	-	-	-	-	227	214	1,051
Scattered Write-Ins	9	1	4	-	-	-	-	-	10	9	33
Blanks	327	405	421	-	-	-	-	-	431	412	1,996

STATE COMMITTEE WOMAN (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J)

Ellen L. Parker	557	646	619	-	-	-	-	-	782	681	3,285
Scattered Write-Ins	7	5	4	-	-	-	-	-	8	11	37
Blanks	286	362	377	-	-	-	-	-	383	386	1,794

STATE COMMITTEE MAN (Norfolk and Suffolk District) (Precincts D,E,F,G,H)

Walter F. McDonough	-	-	-	630	763	690	705	711	-	-	3,499
Scattered Write-Ins	-	-	-	8	6	6	8	12	-	-	40
Blanks	-	-	-	376	378	381	379	354	-	-	1,868

STATE COMMITTEE WOMAN (Norfolk and Suffolk District) (Precincts D,E,F,G,H)

Bridget S. Murphy	-	-	-	632	767	699	706	714	-	-	3,518
Scattered Write-Ins	-	-	-	8	6	3	8	7	-	-	32
Blanks	-	-	-	374	374	375	378	356	-	-	1,857

	<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>
<u>DEMOCRATIC TOWN COMMITTEE (35)</u>											
Group	326	391	442	414	476	430	438	474	525	440	4356
Georgina A. Arrieta-Ruetenik	360	506	483	460	543	505	543	555	639	538	5,132
Heidi C. Black	369	500	511	511	559	500	502	528	594	494	5,068
John A. Bulian	413	525	544	512	588	548	531	612	652	536	5,461
Ann M. Cosgrove	379	507	504	481	598	513	520	533	613	500	5,148
Edward V Cosgrove, III	353	479	476	461	561	486	496	516	583	487	4,900
Artie R. Crocker	391	490	493	484	546	517	510	533	634	524	5,122
Michael A. Diener	347	463	462	443	502	464	470	529	564	473	4,717
Claire Dee Ecsedy	352	465	461	450	509	461	471	497	580	473	4,719
Heidi R. Frail	352	474	474	445	516	475	526	509	607	496	4,874
Denise C. Garlick	512	664	664	660	783	734	760	727	813	681	6,998
Donald B. Gratz	363	483	470	448	502	457	470	497	566	473	4,729
Michael J. Greis	390	511	514	497	572	534	519	538	628	552	5,255
Maurice Handel	413	538	534	530	593	554	547	578	655	538	5,480
Lida E. Harkins	413	534	564	536	633	604	577	595	686	556	5,698
Thomas M. Harkins	356	483	496	472	564	509	525	524	596	497	5,022
Katherine P. Jacques	364	486	488	467	528	504	479	525	582	483	4,906
Steven N. Jacques	351	473	474	445	510	494	470	516	574	474	4,781
Fredie D. Kay	364	489	484	472	533	522	502	522	579	494	4,961
John P. Kirk	352	470	466	451	525	498	496	504	576	477	4,815
Daniel P. Matthews	374	505	519	494	574	529	528	553	622	516	5,214
Walter F. McDonough	345	460	465	448	512	476	483	531	563	464	4,738
Jeanne S. McKnight	359	491	471	458	529	511	492	509	580	484	4,884
Terence P Noonan	349	467	470	447	506	470	491	543	569	474	4,786
Aaron M. Pressman	364	488	487	462	527	486	472	512	571	479	4,848
Evan F. Rauch	357	474	470	459	505	466	468	498	573	472	4,742
Rebecca L. Rausch	459	575	555	499	562	545	527	552	689	559	5,522
James W. Segel	350	472	485	451	525	469	478	498	568	478	4,774
Jeffrey S. Shapiro	372	491	487	469	530	494	480	555	590	491	4,959
Stacie M. Shapiro	398	525	495	483	536	504	503	530	592	513	5,079
Robert T. Smart, Jr.	353	487	481	464	542	587	524	517	590	484	4,929
Janis M. Soma	343	466	466	448	501	465	469	498	561	469	4,686
Karen L. Walker	355	475	474	448	515	467	485	503	567	480	4,769
Susan Welby	367	500	503	478	556	494	529	524	600	498	5,049
Harmony H. Wu	367	496	484	483	546	500	512	561	607	516	5,072
Heather Yountz	404	510	477	473	518	489	494	514	591	504	4,974
Scattered Write-Ins	0	0	0	1	0	0	0	0	0	0	1
Blanks	16,640	18,033	17,649	18,798	20,996	19,964	20,371	18,959	19,971	20,103	191,484

	<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>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	117	145	114	107	109	126	134	122	93	104	1,1741

<u>PRESIDENTIAL PREFERENCE</u>											
William F. Weld	16	17	19	16	14	17	20	21	23	11	174
Joe Walsh	2	1	1	1	0	1	2	1	1	1	11
Donald J. Trump	87	120	90	87	88	101	103	93	63	87	919
Rogue "Rocky" De La Fuente	1	1	0	0	0	2	1	1	0	1	7
No Preference	7	2	4	2	2	4	4	3	6	2	36
Scattered Write-Ins:	0	2	0	1	3	1	1	2	0	2	12
Blanks	4	2	0	0	2	0	3	1	0	0	12

	<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>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	117	145	114	107	109	126	134	122	93	104	1,171

STATE COMMITTEE MAN (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J)

Earl H. Sholley	46	77	57	-	-	-	-	-	30	49	259
Shawn C. Dooley	55	47	42	-	-	-	-	-	50	45	238
Scattered Write-Ins	1	1	0	-	-	-	-	-	0	0	2
Blanks	15	20	15	-	-	-	-	-	13	10	72

STATE COMMITTEE WOMEN (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J)

Patricia S. Saint Aubin	63	83	64	-	-	-	-	-	42	55	307
Catherine S. Roman	39	38	36	-	-	-	-	-	39	36	188
Scattered Write-Ins	1	1	0	-	-	-	-	-	0	0	2
Blanks	14	23	14	-	-	-	-	-	12	13	76

STATE COMMITTEE MAN (Norfolk and Suffolk District) (Precincts D,E,F,G,H)

William D. McKinney	-	-	-	59	49	67	55	57	-	-	287
Thomas F. Maloney	-	-	-	33	42	36	60	39	-	-	210
Scattered Write-Ins	-	-	-	1	0	1	0	0	-	-	2
Blanks	-	-	-	14	18	22	19	26	-	-	99

STATE COMMITTEE WOMEN (Norfolk and Suffolk District) (Precincts D,E,F,G,H)

Anne K Regan	-	-	-	56	55	61	61	53	-	-	286
Lynne Roberts	-	-	-	31	37	35	48	39	-	-	190
Scattered Write-Ins	-	-	-	1	0	1	0	0	-	-	2
Blanks	-	-	-	19	17	29	25	30	-	-	120

REPUBLICAN TOWN COMMITTEE (35)

Group	40	57	52	39	49	52	57	43	36	46	471
Elizabeth Nicole Kaponya	48	70	54	46	52	52	65	63	53	41	541
Carol Johnson Boulris	52	74	56	46	56	61	64	58	42	47	556
Cynthia J. Wolfe	49	72	59	47	58	66	75	54	42	53	575
Louise L. Miller	52	71	58	49	53	61	66	54	42	51	557
Robert A. Downs	55	73	56	42	56	60	67	53	44	56	562
Mary D. Tibma	51	73	64	45	57	66	70	54	47	49	571
F. Timothy Hegarty, Jr.	48	73	58	50	59	66	73	57	43	51	578
Louise V. Condon	68	94	71	67	69	78	84	75	60	60	726
Kathleen D. Whitney	48	68	56	42	53	60	66	60	45	46	544
Richard W. Epstein	49	70	54	47	50	63	64	53	41	53	544
Michele L. Beard	48	72	55	45	51	59	63	50	44	47	534
Linda M. Mitchell	48	70	58	46	53	59	70	55	44	49	552
Carol A. Fachetti	52	74	62	51	65	67	75	60	46	53	605
Eileen K. Orscheln	44	68	58	44	60	60	75	56	42	50	557
Desiree H. Walsh	48	68	60	48	55	64	82	58	45	50	578
Karen L. Calton	45	71	55	51	52	60	69	54	41	48	546
Scattered Write-Ins	8	3	2	2	1	1	4	3	0	0	24
Blanks	3,282	3,911	3,054	2,977	2,915	3,394	3,560	3,363	2,546	2,828	31,830

	<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>
<u>GREEN-RAINBOW PARTY</u>											
Total # of Votes Cast	0	2	0	0	0	1	0	0	1	4	8
<u>PRESIDENTIAL PREFERENCE</u>											
Dario Hunter	0	0	0	0	0	0	0	0	0	1	1
Sedinam Kinamo Christin											
Moyowasifza-Curry	0	0	0	0	0	0	0	0	0	0	0
Kent Meslay	0	0	0	0	0	0	0	0	0	0	0
Howard Hawkis	0	1	0	0	0	0	0	0	1	0	2
No Preference	0	0	1	0	0	1	0	0	0	1	3
Scattered Write-Ins	0	0	0	0	0	0	0	0	0	2	2
Blanks	0	0	0	0	0	0	0	0	0	0	0
<u>STATE COMMITTEE MAN (Norfolk, Bristol & Middlesex District)</u>											
No Nomination:											
Scattered Write-Ins	0	1	0	-	-	-	-	-	1	2	4
Blanks	0	1	0	-	-	-	-	-	0	2	3
<u>STATE COMMITTEE WOMEN (Norfolk, Bristol & Middlesex District)</u>											
No Nomination:											
Scattered Write-Ins	0	0	0	-	-	-	-	-	1	2	3
Blanks	0	2	0	-	-	-	-	-	0	2	4
<u>STATE COMMITTEE MAN (Norfolk and Suffolk District)</u>											
No Nomination:											
Scattered Write-Ins	-	-	-	0	0	0	0	0	-	-	0
Blanks	-	-	-	0	0	1	0	0	-	-	1
<u>STATE COMMITTEE WOMEN (Norfolk and Suffolk District)</u>											
No Nomination:											
Scattered Write-Ins	-	-	-	0	0	0	0	-	-	-	0
Blanks	-	-	-	0	0	1	0	-	-	-	1
<u>GREEN RAINBOW TOWN COMMITTEE (10)</u>											
No Nomination:											
Scattered Write-Ins	0	1	0	0	0	0	0	0	0	10	11
Blanks	0	19	0	0	0	10	0	0	10	30	69

	<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>
<u>LIBERTARIAN PARTY</u>											
Total # of Votes Cast	0	0	0	2	1	0	2	0	0	1	6
<u>PRESIDENTIAL PREFERENCE</u>											
Arvin Vohra	0	0	0	0	0	0	0	0	0	0	0
Vermin Love Supreme	0	0	0	0	0	0	0	0	0	1	1
Jacob George Homeberger	0	0	0	0	0	0	1	0	0	0	1
Samuel Joseph Robb	0	0	0	0	0	0	0	0	0	0	0
Dan Taxation is Theft											
Behrman	0	0	0	0	0	0	0	0	0	0	0
Kimberly Margaret Ruff	0	0	0	0	0	0	0	0	0	0	0
Kenneth Reed Armstrong	0	0	0	0	0	0	1	0	0	0	1
Adam Kokesh	0	0	0	0	0	0	0	0	0	0	0
Jo Jorgenson	0	0	0	1	0	0	0	0	0	0	1
Max Abramson	0	0	0	1	0	0	0	0	0	0	1
No Preference	0	0	0	0	0	0	0	0	0	0	0
Scattered Write-Ins	0	0	0	0	1	0	0	0	0	0	1
Blanks	0	0	0	0	0	0	0	0	0	0	0

STATE COMMITTEE MAN (Norfolk, Bristol & Middlesex District)

Peter Everett	0	0	0	-	-	-	-	-	0	0	0
Scattered Write-Ins	0	0	0	-	-	-	-	-	0	1	1
Blanks	0	0	0	-	-	-	-	-	0	0	0

STATE COMMITTEE WOMEN (Norfolk, Bristol & Middlesex District)

Christina Crawford	0	0	0	-	-	-	-	-	0	1	1
Scattered Write-Ins	0	0	0	-	-	-	-	-	0	0	0
Blanks	0	0	0	-	-	-	-	-	0	0	0

STATE COMMITTEE MAN (Norfolk and Suffolk District)

No Nomination:											
Scattered Write-Ins	-	-	-	0	0	0	1	0	-	-	1
1Blanks	-	-	-	2	1	0	1	0	-	-	4

STATE COMMITTEE WOMEN (Norfolk and Suffolk District)

No Nomination:											
Scattered Write-Ins	-	-	-	0	0	0	1	0	-	-	1
Blanks	-	-	-	2	1	0	1	0	-	-	4

LIBERTARIAN PARTY TOWN COMMITTEE (10)

No Nomination:											
Scattered Write-Ins	0	0	0	0	0	0	1	0	0	0	1
Blanks	0	0	0	20	10	0	19	0	0	10	59

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

Adjourned at 10:15 P.M., March 3, 2020.

Theodora K. Eaton, MMC
Town Clerk

A true copy

RECORD OF THE ANNUAL TOWN ELECTION
Tuesday April 14, 2020
Rescheduled to Tuesday, May 26, 2020
Due to the Covid-19 Pandemic

Pursuant to a Warrant issued by the Selectmen April 28, 2020, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the twenty-sixth day of May in the year 2020 at seven o'clock in the forenoon for the purpose of nominating Town Officers and Town Meeting Members. The polls remained open until 4:00 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 - Public Safety Administration Bldg.
 Precinct F – Rosemary Recreation Complex
 Precinct G - Rosemary Recreation Complex
 Precinct H - Public Safety Administration Bldg.
 Precinct I - Town Hall – Powers Hall
 Precinct J - Town Hall – Powers Hall

The polls were opened at forty-five minutes after six o'clock in the forenoon and were kept open until four o'clock in the afternoon. (Early Closing approved by the Select Board due to the Covid-19 Pandemic.

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

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

Two Members of the Select Board for Three Years;
 One Assessor for Three Years;
 Two Members of School Committee for Three Years;
 One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;
 Three Trustees of Needham Public Library for Three Years;
 One Trustee of Needham Public Library for One Year;
 One Member of Board of Health for Three Years;
 One Member of Planning Board for Five Years;
 One Member of Planning Board for Three Years;
 One Member of Needham Housing Authority for Five Years';

One Member of Needham Housing Authority for Four Years;
 One Commissioner of Trust Funds for Three Years;
 One Member of Park & Recreation Commission for Three Years;
 Two Constables for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
 One Town Meeting Member from Precinct A for One Year;
 Eight Town Meeting Members from Precinct B for Three Years;
 One Town Meeting Member from Precinct B for One Year;
 Eight Town Meeting Members from Precinct C for Three Years;
 Eight Town Meeting Members from Precinct D for Three Years;
 Eight Town Meeting Members from Precinct E for Three Years;
 One Town Meeting Member from Precinct E for One Year;
 Eight Town Meeting Members from Precinct F for Three Years;
 One Town Meeting Members from Precinct F for One Year

;
 Eight Town Meeting Members from Precinct G for Three Years;
 Eight Town Meeting Members from Precinct H for Three Years;
 One Town Meeting Member from Precinct H for One Year;
 Eight Town Meeting Members from Precinct I for Three Years;
 One Town Meeting Member from Precinct I for One Year
 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.	0	0	0	2	15
9:00 A.M.	28	56	37	49	40
10:00 A.M.	35	59	69	65	55
11:00 A.M.	42	63	71	69	60
12:00 NOON	45	65	80	78	61
1:00 P.M.	46	66	83	83	71
2:00 P.M.	48	69	87	90	78
3:00 P.M.	50	70	88	92	84
4:00 P.M.	64	96	107	111	107

<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.	57	54	1	2	47
9:00 A.M.	59	85	60	51	63
10:00 A.M.	59	88	62	60	66
11:00 A.M.	68	100	68	69	69
12:00 NOON	71	105	70	76	75
1:00 P.M.	73	110	75	78	82
2:00 P.M.	74	120	77	84	86
3:00 P.M.	76	131	82	94	91
4:00 P.M.	89	157	92	117	109

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 7:05 P.M., May 26, 2020.

The total number of votes cast was as follows:

	Total	=	Absentees	+ In Person Votes
Precinct A	69		43	26
Precinct B	96		80	16
Precinct C	108		86	22
Precinct D	116		78	38
Precinct E	107		71	36
Precinct F	94		69	25
Precinct G	172		119	53
Precinct H	94		73	21
Precinct I	117		76	41
Precinct J	110		76	34
TOTAL	1,083		771	312

(The absentee ballots are included in the Total Vote)

TOTAL VOTE CAST – 1,083
(4.70% of the 23,066 Registered Voters)

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	69	96	108	116	107	94	172	94	117	110	1,083

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

Matthew D. Borrelli	55	72	88	76	92	69	122	70	99	88	831
Marianne B. Cooley	52	80	96	94	90	69	131	73	104	89	878
Scattered write-Ins	1	0	0	1	0	0	3	0	0	3	8
Blanks	30	40	32	61	32	50	88	45	31	40	449

ASSESSORS (for three years) (Vote for One)

Arthur Tzouros	49	73	84	74	84	61	120	72	93	79	789
Scattered Write-Ins	0	0	0	0	0	0	0	0	0	0	0
Blanks	20	23	24	42	23	33	52	22	24	31	294

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

Michael J. Greis	55	82	90	82	86	66	127	76	99	82	845
Matthew J. Spengler	52	71	88	79	79	64	114	74	98	81	800
Scattered Write-Ins	1	0	0	2	0	0	2	0	0	0	5
Blanks	30	39	38	69	49	58	101	38	37	57	516

TRUSTEE OF MEMORIAL PARK (Trustee of soldier's memorials – Veteran) (for three years)(Vote for One)

John S. Gallelo	51	75	88	79	90	60	115	74	96	83	811
Scattered Write-Ins	0	0	0	0	0	0	1	0	0	0	1
Blanks	18	21	20	37	17	34	56	20	21	27	271

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

Richard C. Hardy	48	72	85	70	75	57	118	69	92	79	765
Thomas M. Harkins	51	78	88	80	82	68	126	75	99	84	831
Carol Jean Thomas	46	74	88	71	77	61	123	70	96	80	786
Scattered Write-Ins	0	0	0	0	0	1	0	0	0	0	1
Blanks	62	64	63	127	87	95	149	68	64	87	866

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	69	96	108	116	107	94	172	94	117	110	1,083

TRUSTEE OF NEEDHAM PUBLIC LIBRARY (for one year) (Vote for One)

Jay M. Fialkov	49	80	90	81	86	64	120	71	101	82	824
Scattered Write-Ins	0	0	0	0	0	1	1	0	0	0	2
Blanks	20	16	18	35	21	29	51	23	16	28	257

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

Edward V. Cosgrove III	50	82	92	83	89	69	113	76	101	82	837
Scattered Write-Ins	0	1	0	0	0	0	0	0	1	0	2
Blanks	19	13	16	33	18	25	59	18	15	28	244

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

Paul S. Alpert	52	81	92	80	84	59	122	76	97	83	826
Scattered Write-Ins	0	1	0	0	0	1	1	0	1	0	4
Blanks	17	14	16	36	23	34	49	18	19	27	253

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

Adam J. Block	48	77	87	69	81	61	116	68	98	83	788
Scattered Write-Ins	1	1	0	0	0	0	0	0	0	0	2
Blanks	20	18	21	47	26	33	56	26	19	27	293

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

Edward C. Scheideler	46	77	82	68	79	66	114	70	90	79	771
Scattered Write-Ins	1	0	2	3	0	0	0	0	1	0	7
Blanks	22	19	24	45	28	28	58	24	26	31	305

NEEDHAM HOUSING AUTHORITY (for four years) (Vote for One)

Ross M. Donald	25	25	27	28	32	22	43	26	26	22	276
Eleanor A. Evans	30	55	67	59	58	55	75	54	81	72	606
Scattered Write-Ins	1	0	0	0	0	0	0	0	1	0	2
Blanks	13	16	14	29	17	17	54	16	9	16	201

COMMISSIONER OF TRUST FUNDS (for three years) (Vote for One)

Daniel Burns	49	73	86	73	82	60	113	69	91	76	772
Scattered Write-Ins	0	1	0	0	0	0	0	0	0	0	1
Blanks	20	22	22	43	25	34	59	25	26	34	310

PARK & RECREATION COMMISSION (for three years) (Vote for One)

Bruce R. Williams	48	72	85	74	82	62	123	70	96	78	790
Scattered Write-Ins	0	0	0	0	0	0	0	0	0	0	0
Blanks	21	24	23	42	25	32	49	24	21	32	293

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

Paul F. Hunt	46	71	83	74	83	53	119	71	88	77	765
Richard Eugene Graham	41	64	74	71	72	56	104	62	79	62	685
Scattered Write-Ins	0	1	0	0	0	0	1	0	1	1	4
Blanks	51	56	59	87	59	79	120	55	66	80	712

TOWN MEETING MEMBERS** Not Elected**** Tie Vote***PRECINCT A (For three years) (Vote for Not More Than Eight)**

Alan J. Davidson	43	Karen Shapiro	37
John D. Genova	40	Nicholas P. Sterling	32
Cheryl A. Gosmon	43	* Carlos Javier Rodrigues	27
Mary E. Keane-Hazzard	48	James F. Sargent	34
Norman F. O'Brien, Jr.	40	Scattered Write-Ins	1

PRECINCT A (For one year) (Vote for One)

Patrick Gatto	45	Scattered Write-Ins	0
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PRECINCT B (For three years) (Vote for Not More Than Eight)

Elizabeth Jane Grimes	73	Jodi Lynn Rooney	72
David C. Harris	71	Steven M. Rosenstock	78
Clifford Owen Hayden	71	Carl Matthew Snow	70
Catherine E. Kurkjian	71	Scattered Write-Ins:	0
Richard B. Moody	72		

PRECINCT B (For one year) (Vote for One)

Martin L. B. Walter	73	Scattered Write-In	0
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PRECINCT C (For three years) (Vote for Not More Than Eight)

Peter A. Alpert	79	James D. Masterman	79
Bruce S. Barnett	81	Louise L. Miller	88
Paula R. Callanan	82	Rebecca Waber	74
David R. Cox	81	Scattered Write-Ins	0
Mark J. Gluesing	81		

PRECINCT D (For three years) (Vote for Not More Than Eight)

Cynthia Conturie	57	Thomas F. Soisson	62
Dorothy H. DeSimone	72	* Reginald C. Foster	45
Ross M. Donald	64	Justin Douglas McCullen	51
Richard J. Lunetta	71	Scattered Write-Ins	1
Gary B. McNeill	55		
Steven E. Mock	76		

PRECINCT E (For three years) (Vote for Not More Than Eight)

Robert R. Braman	67	Julie E. Stevens	76
Philip Edward Brandish	65	Cynthia J. Wolfe	74
Theodore M. Crowell	67	Peter Robert Cohenno	67
Paul J. Durda	69	Scattered Write-Ins	0
Irene M. Francesconi	72		

PRECINCT E (For one year) (Vote for One)

William J. Paulson	79	Scattered Write-Ins	0
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TOWN MEETING MEMBERS** Not Elected**** Tie Vote***PRECINCT F (For three years) (Vote for Not More Than Eight)**

Lawrence J. Cohen	56	Adam S. Zaff	58
Doug H. Fox	55	Edward C. Scheideler	55
Rochelle E. Goldin	63	Jeffrey M. Friedman	53
John P. Kirk	54	Scattered Write-Ins:	1
Mary Anne MacMahon	52		

PRECINCT F (For one year) (Vote for One)

Dennis Francis McCafferty	61	Scattered Write-Ins:	0
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PRECINCT G (For three years) (Vote for Not More Than Eight)

Robert J. Dermody	99	* Richard DeMeis	74
Catherine Reid Dowd	100	Stephen Anthony Frail	94
Heidi R. Frail	113	Alisa M. Skatrud	119
Robert T. Smart, Jr.	109	Patrick Weston Tacelli	84
Sally Ann Theran	99	Scattered Write-Ins:	0

PRECINCT H (For three years) (Vote for Not More Than Eight)

Julia Satti Cosentino	73	** Eileen M. Mullen	3
Michael C. Kardok	64	** Kevin F. Tierney	3
Nancy E. McCarthy	72	* William A. Sloan	2
Peter R. Olive	67	* Stacie Goddard	2
Richard A. Zimbone	67	* Heidi Smith	1
Write-Ins:		Scattered Write-Ins:	0
Thomas Edward Gillogley	7		

PRECINCT H (For one year) (Vote for One)

Write-Ins:		Mary Bildner	1
Eileen M. Mullen	3	David Frawley	1
Kevin F. Tierney	3	Scattered Write-Ins:	0

PRECINCT I (For three years) (Vote for Not More Than Eight)

Lisa Dannibal Bagshaw	88	Write-Ins:	
David J. Ecsedy	81	Kristin L. Mollerus	7
Jill C. Kahn-Boesel	85	Joseph S. Matthews	5
William Christopher Kent	81	Artie R. Crocker	2
Lorraine M. Murphy	85	John L. Gallo	2
David Paul Supple	89	Benjamin H. Szekely	1
		Scattered Write-Ins:	21

PRECINCT I (For one year) (Vote for One)

Evelyn C. Alberding	99	Scattered Write-Ins:	0
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TOWN MEETING MEMBERS** Not Elected**** Tie Vote***PRECINCT J (For three years) (Vote for Not More Than Eight)**

James S. Bonasia	72	Lauren Eilberg	70
Stuart B. Chandler	68	Barry S. Pollack	72
Michael M. Mathias	71	Daniel Sherman	70
Jane B. Murphy	75	Write-In: Joan K. Berlin	1
Debra A. Whitney	71	Scattered Write-Ins:	0

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 7.15 P.M., May 26, 2020.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST

* * * * *

RECORD OF THE ANNUAL TOWN MEETING**Monday, June 8, 2020**

Pursuant to a Warrant issued by the Selectmen February 12, 2019 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Memorial Park Parking Lot, 92 Rosemary Street, Monday, June 8, 2020, at 5:00 o'clock in the afternoon.

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

Check lists were used and ___ voters, including 197 Town Meeting Members, were checked on the list as being present and 57absent.

The Moderator announced that in the interest of time there would be no opening ceremonies this evening.

The Moderator, Michael K. Fee, called the meeting to order at 5:00 o'clock. The Moderator asked Town Meeting Members to join him in honoring our country by saluting the flag and reciting the pledge of allegiance. He asked Town Meeting members to join him in a moment of silence and reflection and let each of us in our own way seek the spiritual guidance for our work here tonight, and to remember those residents of our Town who have passed away in the past year, especially those who have perished as a result of the COVID-19 pandemic.

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

The 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 have been admitted to this meeting space because of their status as a Town Meeting Member. The entire space is reserved for Town Meeting Members. Registered voters have a space outside the barrier. The Marshal, Mr. Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. He requested that Town Meeting Members wear their badges.

Once situated Town Meeting Members were asked to please remain in your seats and do not move your chair. Seats have been arranged with more than sufficient spacing for purposes of observing recommended social distancing.

Please make a mental note of the location of your seat (for example, I sat in the left, or center, or right section, halfway back or in the third row.) This will help greatly in the event contact tracing and notification is necessary.

Please keep your face covering on during the meeting. I am not wearing a face covering because Public Health authorities have deemed my location to be sufficiently distant from others. This will allow me to communicate a bit more clearly. I have a mask with me and if I need to confer with the Town Clerk or anyone else at a closer distance, I will put it on.

As you know, there are no materials here for distribution and there will be no affirmative presentations under the Articles. All presentations from sponsors, other interested parties and the Finance Committee have been posted to the Town Website in advance and it is my sincere hope that you were able to view the presentations and supporting materials in advance.

You may address Town Meeting when recognized by the Moderator. The process for recognition are different and I will discuss them in a moment. Once recognized, please proceed to one of the seven microphones positioned around the meeting space for use by Town Meeting Members. There are two microphones designated for use by registered voters. These are no touch microphones. Please do not touch the microphones or attempt to adjust them. If adjustment is necessary, the Marshal will assist you.

Restrooms in the building behind me are open and available for your use on a one-at-a-time basis. Please be advised that due the limited time available and desire to maintain appropriate social distancing, there will be no recess, or break, this evening.

We are working under some very special conditions this evening. There is no dress rehearsal for this. All of us who have had a hand in planning have been devoted to the twin goals of ensuring your safety and allowing our magnificent institution of representative town meeting to proceed. Please. I ask for your cooperation and your patience.

Finally, when we complete our work here tonight, please exit through the gate you used to enter. We do not want groups forming to wait for access to the exits. So, with your indulgence, I will dismiss the Meeting one Precinct at a time. Please stay in your seats and listen for your Precinct and when it is called, exit through the gate you used to enter.

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

1. Because we are discouraging shouting, please rise to be recognized and raise your hand. I am looking into the sun and you are all wearing face masks. I will do my best but will likely point to you and recognize you perhaps by referring to the color of the article of clothing you are wearing. When a member is recognized by the Moderator, proceed to the microphone nearest you and announce yourself by stating your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise or raise their hand, please inform me so that appropriate accommodation may be made.
2. Anyone entering or exiting the meeting area, for example to use the rest room, while we are in session must use care not to disrupt the session.
3. Please silence all cell phones and other electronic devices **(Please check this status now!)** In addition, please consider putting these devices away entirely while we are in session so you may devote your full attention to our important work unless of course you have downloaded a document or the warrant on your device.)

4. No firearms or weapons may be brought into the meeting space except by law enforcement personnel.

5. The prohibition on hats we enact when we are meeting in our usual chamber is not in effect.

6. Members and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bounds 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 of the Meeting.

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 and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, particularly with regard to zoning articles, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

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

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

11. Parliamentary motions 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, this meeting is being televised through the good efforts of the Needham Channel. Any inappropriate conduct involving inappropriate conduct involving the T.V. coverage or cameras shall be deemed to be out of order, addressed swiftly and definitively by the chair.

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

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

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

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

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

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 14, the Fiscal Year 2020 Operating Budget, as well as Articles 15 and 16, the Enterprise Fund Budgets, and Article 21, General Fund Cash Capital. That rule would provide that a motion to amend under these articles which *adds* funds to a particular line item within the Article will not be in order unless the moving party identifies another line item or items that will be reduced in order to fund the proposed increase.

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

The Moderator announced that he recognition and awards organized by the Richard Patton Melick Foundation will occur in our Fall Meeting.

The Moderator reminded Town Meeting Members of the following amendment to the General By-Laws passed under Article 80 at the 1998 Annual Town Meeting: If two-thirds vote of the Town Meeting is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator in the fulfillment of the duties of the office.

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

The Moderator announced that the proponents no longer have an interest in Articles 7, 8, 11,12, 20, 22, 26, 27, 28, 29, 30, 31, and 32 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 7, 8, 11,12, 20, 22, 26, 27, 28, 29, 30, 31, and 32.

The Moderator announced that Article 21 is subject to a motion to amend and 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, 4, 5, 6, 9, 10, 13, 15, 16, 17, 18, 24, and 25. 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 2: COMMITTEE AND OFFICER REPORTS

To hear and act on the reports of Town Officers and Committees.

ACTION: With no reports under Article 2, the Moderator declared the article disposed of by unanimous consent

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, 2020, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$89,402
Town Clerk with 6 years of service in that position	\$110,634 (1)
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$8,851, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$69,899. The annual salary of \$110,634 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,488. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$16,083; or take any other action relative thereto.

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk,

and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

The annual stipends for the members of the Select Board have remained unchanged since 1977.

MOVED: That the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2020, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$89,402
Town Clerk with 6 years of service in that position	\$110,634 (1)
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (2) In addition, such compensation shall also include payment of longevity in the amount of \$8,851, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$69,899. The annual salary of \$110,634 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,488. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$16,083; or take any other action relative thereto.

ACTION: So voted by unanimous consent.

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

Article Information: The Town and the Union have agreed on a one-year contract extension with a wage adjustment of 2% July 1, 2019 and 1% January 1, 2020 an increase in the paid detail rate, and minor language changes.

MOVED: That the Town vote agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

ACTION: So voted by unanimous consent.

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

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

Article Information: The Town and the Union have agreed on a one-year contract extension with a wage adjustment of 2% July 1, 2019 and 1% January 1, 2020 an increase in the paid detail rate, and minor language changes.

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

ACTION: So voted by unanimous consent.

ARTICLE 6: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

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

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

ACTION: So voted by unanimous consent.

ARTICLE 7: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

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

Article Information: The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$11,006 in fiscal year 2019.

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

ACTION: Article 7 was withdrawn earlier this evening.

ARTICLE 8: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$220,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and raised from the Tax Levy; or take any other action relative thereto.

Article Information: The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$220,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and raised from the Tax Levy.

ACTION: Article 8 was withdrawn earlier this evening.

ARTICLE 9: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$655,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: This warrant article funds the annual maintenance of public buildings throughout the Town, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2021 program will fund duct cleaning at the Broadmeadow and Pollard Schools, wood floor refinishing at the High School, Mitchell School, Broadmeadow School, Newman School and Town Hall, floor replacement at the Newman School, carpet replacement in the media center at the Broadmeadow School, and office reconfiguration at the High School.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$655,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 10: APPROPRIATE FOR PLANNING CONSULTING ASSISTANCE

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

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

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

ACTION: So voted by unanimous consent.

ARTICLE 11: APPROPRIATE FOR PARKING STUDY

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

Article Information: This appropriation will fund an outside analysis of the current mix of permit parking, metered parking, and two-hour/retail parking to determine the appropriate allocation based on current conditions in the Needham Heights and Needham Center business districts.

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

ACTION: Article 11 was withdrawn earlier this evening.

ARTICLE 12: APPROPRIATE FOR PUBLIC HEALTH CONSULTING ASSISTANCE

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

Article Information: There have recently been several large-scale utility projects which have raised community concern due to possible environmental health impacts, such as the Eversource underground utility project and Verizon Small Cell proposals. There is limited ability to anticipate such projects, and no ability to require utilities to pay for outside experts. Having the resources necessary to understand and respond to new and emerging environmental health challenges in Needham is a high priority of the Select Board and Board of Health.

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

ACTION: Article 12 was withdrawn earlier this evening.

ARTICLE 13: APPROPRIATE FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COMPLIANCE

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

Article Information: This Article request is for funds to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Needham is subject to a Total Maximum Daily Load (TMDL) requirement for phosphorus and pathogens. All stormwater discharges from urbanized areas must reduce the amount of phosphorus discharging to waterbodies and the tributaries thereto by 45% and pathogens must be eliminated and/or reduced to the maximum extent practicable through the use of enhanced structural and non-structural Best Management Practices (BMPs). This funding will be sought on an annual basis to inspect and evaluate all BMPs Town-wide, clean and inspect brooks and culverts, rehabilitate and/or replace catch basin and drainpipes, and respond to findings from CCTV inspections. This maintenance work will be

performed in conjunction with the capital funding project request included in the General Fund Cash Capital Article.

direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$195,000 for the purpose of funding expenses related to National Pollution Discharge Elimination System (NPDES) permit compliance, to be spent under the

ACTION: So voted by unanimous consent.

ARTICLE: 15: APPROPRIATE THE FY2021 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 2021, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise

FY2021

Line #	Description	FY2019		FY2020		FY2021		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$919,061	11.0	\$1,028,667	11.0	\$1,054,938	11.0	
201B	Expenses	\$434,143		\$451,947		\$462,447		
201C	Capital Outlay	\$49,520		\$50,000		\$45,000		
201D	MWRA Assessment	\$6,173,219		\$6,399,114		\$6,399,895		
201E	Debt Service	\$1,167,381		\$900,000		\$900,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,743,324	11.0	\$8,864,728	11.0	\$8,897,280	11.0	
FY2021 Budget Percentage Change from FY2020 Budget							0.4%	

and to meet this appropriation that \$7,752,582 be raised from Sewer Enterprise Fund receipts, and that \$600,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$544,698 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

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

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

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

Budget Line	FY2021 Sewer Operations	FY2021 Drains Program	FY2021 Recommended Budget	FY2020 Sewer Operations	FY2020 Drains Program	Current FY2020 Sewer Budget
Salary & Wages	\$677,816	\$377,122	\$1,054,938	\$662,279	\$366,388	\$1,028,667
Expenses	\$294,871	\$167,576	\$462,447	\$287,868	\$164,079	\$451,947
Capital Outlay	\$45,000	\$0	\$45,000	\$50,000	\$0	\$50,000
MWRA Assessment	\$6,399,895	\$0	\$6,399,895	\$6,399,114	\$0	\$6,399,114
Debt Service	\$900,000	\$0	\$900,000	\$900,000	\$0	\$900,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,352,582	\$544,698	\$8,897,280	\$8,334,261	\$530,467	\$8,864,728
	FY2021 Sewer Operations \$ Change	FY2021 Drains Operations \$ Change	FY2021 Sewer Enterprise \$ Change	FY2021 Sewer Operations % Change	FY2021 Drains Operations % Change	FY2021 Sewer Enterprise % Change
Salary & Wages	\$15,537	\$10,734	\$26,271	2.3%	2.9%	2.6%
Expenses	\$7,003	\$3,497	\$10,500	2.4%	2.1%	2.3%
Capital Outlay	-\$5,000	\$0	-\$5,000	-10.0%		-10.0%
MWRA Assessment	\$781	\$0	\$781	0.0%		0.0%
Debt Service	\$0	\$0	\$0	0.0%		0.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	\$18,321	\$14,231	\$32,552	0.2%	2.7%	0.4%

The total operating budget of \$9,153,332 for FY2021 is \$288,604 more than the current FY2020 budget, an increase of 3.3%. The increase is primarily due to a \$256,833 increase in the preliminary MWRA assessment for the Town's sewerage and wastewater disposal. The \$6,655,947 preliminary assessment represents a 4.0% increase over FY2020. The increase in the MWRA sewer assessment accounts for approximately 89% of the total increase. The final assessment from the MWRA will be affected by actions the MWRA may take to defer certain expenses and the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor.

The FY2021 sewer operations portion of the budget is \$274,373 higher, an increase of 3.3% over the current year. As noted above, the MWRA assessment is the primary driver of the increase for FY2021. The FY2021 drains operations portion of the budget is \$14,231 more than the FY2020 allocation, a 2.7% increase over the current year.

The total salary and wages line is \$1,054,938 for FY2021, an increase of \$26,271 (2.6%). The sewer division has 11 full-time employees all of whom are members of the NIPEA union. The budget includes step and longevity increases for all the employees who are members of the union, based on the collective bargaining agreement in place for FY2021.

The total expense line for FY2021 is \$462,447 which is \$10,500 or 2.3% more than the current year. The electric cost to operate the various sewer pump stations is higher by \$6,794, however a portion of that increase was offset by reductions (-\$1,337) to the budget for natural gas, gasoline, and diesel. The budget also increased due to expenses related to sweeping, collection, and disposal of catch basin debris which is \$3,956 more than FY2020. The balance of the increase (\$1,087) for next year is related to maintenance contracts for overhead doors, alarm and sprinkler systems, generators, and costs for required employee training.

The operating capital line was reduced by \$5,000 to \$45,000 for FY2021, a 10% reduction. This budget line pays for grinder replacements and allows the department to continue its annual allocation for sewer pump and small power equipment replacement. The plan for FY2021 is to purchase a backup pump for the West Street Pump Station. The department does not anticipate replacing a grinder this year; hence the reduction to the budget line.

The reserve fund is level dollar for FY2021. The sewer debt service budget line is also level dollar for FY2021. Last year the debt service budget was reduced by \$600,000 from \$1,500,000 to \$900,000. That reduction is temporary. The Town has several large-scale utility infrastructure projects pending, which will impact the enterprise debt budget in the out years – in keeping with the overall capital infrastructure-funding plan for long-term investments. The budget plan was changed prior to publication of the warrant to include the use of \$600,000 from sewer retained earnings. The \$544,698 to be transferred from the tax levy is to pay for drains-related programs; this is an increase of \$14,231 from FY2020.

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 2021, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise**FY2021**

Line #	Description	FY2019		FY2020		FY2021		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$919,061	11.0	\$1,028,667	11.0	\$1,054,938	11.0	
201B	Expenses	\$434,143		\$451,947		\$462,447		
201C	Capital Outlay	\$49,520		\$50,000		\$45,000		
201D	MWRA Assessment	\$6,173,219		\$6,399,114		\$6,399,895		
201E	Debt Service	\$1,167,381		\$900,000		\$900,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,743,324	11.0	\$8,864,728	11.0	\$8,897,280	11.0	
FY2021 Budget Percentage Change from FY2020 Budget							0.4%	

and to meet this appropriation that \$7,752,582 be raised from Sewer Enterprise Fund receipts, and that \$600,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$544,698 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund.

ACTION: So voted by unanimous consent.

ARTICLE 16: APPROPRIATE THE FY2021 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 2021, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise**FY2021**

Line #	Description	FY2019		FY2020		FY2021		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,258,141	17.0	\$1,331,359	17.0	\$1,360,541	17.0	
301B	Expenses	\$1,132,632		\$1,209,762		\$1,269,070		
301C	Capital Outlay	\$20,000		\$15,000		\$15,000		
301D	MWRA Assessment	\$856,049		\$1,412,709		\$1,126,226		
301E	Debt Service	\$1,384,917		\$1,250,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,651,739	17.0	\$5,293,830	17.0	\$5,095,837	17.0	
FY2021 Budget Percentage Change from FY2020 Budget							-3.7%	

and to meet this appropriation that said sum 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. The well field consists of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station located at the corner of St. Mary Street and Central Avenue. This supply is used when the Town's demand for water is greater than the local supply, and serves as a backup should the Town's wells need to be taken off-line. Water Division staff operate the water treatment plant and also operate, maintain, and repair the Town-wide water distribution system. The system is comprised of more than 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,069 water service connections. This system supports approximately 15,335 installed meters.

The overall operating budget for FY2021 is \$5,095,837 or \$197,993 (3.7%) less than the FY2020 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 FY2021 water assessment is based on CY2019 water use. The Town's use of MWRA water was down approximately 26% from the prior year. During calendar year 2018, approximately 27.4% of the total water production came from the MWRA; during calendar year 2019, 22.7% of production came from the MWRA (see table). The preliminary water assessment for FY2021 is \$1,126,226 which is

\$286,483 (20.3%) less than the appropriation for this year. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	CY2017	CY2018	CY2019
Water Production*	1,166.4	1,308.3	1,174.2
Water Production from MWRA	225.9	358.5	266.2
Water Production from Town Wells	940.5	949.8	908.0
Percentage from MWRA	19.4%	27.4%	22.7%
*millions of gallons			
Water meters replaced	1,315	1,454	1,591
Percentage of the total number of water meters in place for that year	8.6%	9.5%	10.4%

The FY2021 salary and wage expense line is \$1,360,541, an increase of \$29,182 (2.2%) over the current budget. The water enterprise has 17 full-time employees, of whom 13 are unionized. Twelve employees are members of the NIPEA union and one employee is a member of the ITWA union. The collective bargaining agreements with the NIPEA and ITWA unions expire on June 30, 2021. The budget includes step and longevity increases for the employees who are members of the unions, based on the collective bargaining agreements.

The water expense line of \$1,269,070 is \$59,308 higher than the FY2020 budget, approximately 4.9% more. Approximately 68% of that increase (\$40,182) is for public work supplies which include drinking water treatment chemicals, water meters, and water distribution system parts (gate valves and boxes, sleeves, couplings, and tubing). Professional and technical services (which includes software) increased by \$18,900 to pay for costs associated with the purchase of cross connection backflow testing software, increased water quality testing, and necessary annual employee training. As with the Sewer Enterprise, the cost of maintenance contracts for fire and security monitoring, generator repair, and electrical and mechanical systems has increased as well as the cost for tree and brush clearing, and the cost of safety gear such as vests, gloves, hardhats, and protective eyewear goggles, for a total of \$9,090. However, some of the increased costs have been offset by reductions totaling \$8,864 in energy and fuel expenses.

The operating capital line for FY2021 is level dollar at \$15,000. The planned expenses are the purchase of leaf boxes for the treatment plant, pump station, and the two water tanks and the purchase and relocation of a chemical storage tank. The debt service line is level funded at \$1,250,000. Like Sewer Enterprise, the debt service line for the Water Enterprise was also reduced last year; the budget line declined by \$300,000. The Town has several large-scale water infrastructure projects that will impact the enterprise debt budget in the out years. The water reserve fund is level dollar for FY2021.

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 2021, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise

FY2021

Line #	Description	FY2019 Expended	FTE	FY2020 Current Budget	FTE	FY2021 Recommended	FTE	Town Meeting Amendments
301A	Salary & Wages	\$1,258,141	17.0	\$1,331,359	17.0	\$1,360,541	17.0	
301B	Expenses	\$1,132,632		\$1,209,762		\$1,269,070		
301C	Capital Outlay	\$20,000		\$15,000		\$15,000		
301D	MWRA Assessment	\$856,049		\$1,412,709		\$1,126,226		
301E	Debt Service	\$1,384,917		\$1,250,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,651,739	17.0	\$5,293,830	17.0	\$5,095,837	17.0	
FY2021 Budget Percentage Change from FY2020 Budget							-3.7%	

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts.

ACTION: So voted by unanimous consent.

ARTICLE 17: 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 2021 beginning on July 1, 2020 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	FY2021 Spending Limit
Home Composting	Department of Public Works	\$3,000
Immunization Program	Health and Human Services Department	\$25,000
Memorial Park Activities	Memorial Park Trustees	\$4,100
Needham Transportation	Health and Human Services Department	\$60,000
Public Facility Use	Department of Public Works	\$250,000
School Transportation	School Committee	\$819,000
Traveling Meals	Health and Human Services Department	\$75,000
Tree Replacement	Department of Public Works	\$25,000
Water Conservation	Department of Public Works	\$10,000
Youth Services Programs	Health and Human Services Department	\$25,000
Aging Services Programs	Health and Human Services Department	\$90,000

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

MOVED: That the Town vote to fix the maximum amount that may be spent during fiscal year 2021 beginning on July 1, 2020 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	FY2021 Spending Limit
Home Composting	Department of Public Works	\$3,000
Immunization Program	Health and Human Services Department	\$25,000
Memorial Park Activities	Memorial Park Trustees	\$4,100
Needham Transportation	Health and Human Services Department	\$60,000
Public Facility Use	Department of Public Works	\$250,000
School Transportation	School Committee	\$819,000
Traveling Meals	Health and Human Services Department	\$75,000
Tree Replacement	Department of Public Works	\$25,000

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2021 Spending Limit
Water Conservation	Department of Public Works	\$10,000
Youth Services Programs	Health and Human Services Department	\$25,000
Aging Services Programs	Health and Human Services Department	\$90,000

ACTION: So voted by unanimous consent.

ARTICLE 18: 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 for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation to be spent in FY2021 is \$911,936. Unless circumstances require otherwise, this Chapter 90 allocation will be directed to the design and construction 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

ACTION: So voted by unanimous consent.

ARTICLE 20: CITIZEN'S PETITION/AMEND ZONING BY-LAW – MAP CHANGE TO GENERAL RESIDENCE B ZONING DISTRICT

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

Place in the Single Residence B Zoning District (i) all that land now zoned Single Residence A bounded generally to the northwest by a point at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66, to the northeast by the State Circumferential Highway, to the southeast by Kendrick Street, and to the northwest by Hunting Road; said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58; as well as (ii) all that land now zoned Single Residence A bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the southeast by Cheney Street, and to the southwest by Hunting Road, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

Be any or all of said measurements, more or less.

Or take any other action relative thereto.

Article Information: This article describes the geographical area proposed to be placed in the Single Residence B Zoning District. The affected area consists of 23 separate parcels of land, containing, in total, approximately 360,892 square feet of land, located between the Circumferential Highway (Route 128) and Hunting Road, starting at the property known and numbered 176 Hunting Road and continuing to Cheney Street. The affected area is currently located within the Single Residence A zoning district. The Planning Board's recommendation on the article will be made at Town Meeting.

MOVED: That the Town vote to amend the Needham Zoning Bylaw by amending the Zoning Map as follows:

Place in the Single Residence B Zoning District (i) all that land now zoned Single Residence A bounded generally to the northwest by a point at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66, to the northeast by the State Circumferential Highway, to the southeast by Kendrick Street, and to the northwest by Hunting Road; said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58; as well as (ii) all that land now zoned Single Residence A bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the southeast by Cheney Street, and to the southwest by Hunting Road, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

Be any or all of said measurements, more or less.

ACTION: Article 20 was withdrawn earlier this evening.

ARTICLE 21: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$4,083,601 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	\$84,168	
Community Services	Library Space Planning	\$60,000	
Community Services	Library Technology	\$30,000	
DPW	DPW Boiler Replacement 470 Dedham Avenue	\$460,000	
DPW	NPDES Support Projects	\$770,500	
DPW	Specialty Equipment - Loader Mounted Snow Blower	\$192,000	
DPW	Traffic Improvements	\$50,000	
General Government	Multi-Function Printer Devices	\$35,600	
Multiple	Energy Efficiency Upgrade Improvements	\$100,000	
Multiple	Fleet Replacement Program	\$1,268,729	
Public Safety	Automated External Defibrillators Replacement	\$32,885	
Public Safety	Firearm Replacement	\$33,000	
Public Safety	Personal Protective Equipment	\$43,424	
Public Schools	Eliot School Technology Room Conversion	\$179,300	
Public Schools	Pollard School Locker Room Retrofit Design	\$60,000	
Public Schools	School Copier Replacement	\$62,420	
Public Schools	School Furniture/Musical Equipment	\$35,000	
Public Schools	School Technology	\$586,575	
		\$4,083,601	

Article Information:

Library Furniture

This is a request to replace public lounge chairs. The new library has been open to the public for more than thirteen years, and, due to heavy use, the furniture is showing wear and tear, especially on the lounge chair arms.

Library Space Planning

The funding will enable the Library Trustees to engage a professional library space planner to determine if the library's interior space can be better arranged to accommodate the number of students and tutors who use the library's study rooms and study areas. In the afternoon during the school year, the library is crowded with students, tutors, and other people using the three study rooms, the row of carrels, and the many four-seat tables. The Trustees are also exploring the installation of an automatic materials handler that would check in and sort returned materials. This acquisition would require a new configuration of furniture and equipment.

Library Technology

This is the second year of a five-year request to fund the Library's Technology Plan. In FY2021, the plan is to replace 20 staff computers located in the circulation area, children's area, reference area, technical services area, and administration.

DPW Boiler Replacement

The boiler at the DPW garage was installed in 1961 and is past its useful life. It has required several significant repairs recently in order to keep it working. In the past, the Town has been forced to rent a temporary boiler to maintain heat in the facility while the boiler was out of service, as there is no redundancy in the heating system. The boiler's age and style do not meet efficiency standards, so the existing boiler will be removed and replaced with two high efficiency condensing boilers that use natural gas to gain redundancy. This will ensure that should anything happen to one boiler, the building will still have sufficient heat to keep the pipes from freezing. This will also make the building more energy efficient.

NPDES Support Projects

The Town's Permit authorizes the discharge only of clean stormwater and/or stormwater that does not cause or contribute to an exceedance of water quality standards. The Permit also requires that pollutants in MS4 stormwater discharges be reduced to the maximum extent practicable. Needham is also subject to a Total Maximum Daily Load (TMDL) requirement for phosphorus and pathogens. All stormwater discharges from urbanized areas must reduce the amount of phosphorus discharging to waterbodies and the tributaries thereto by 45% and pathogens must be eliminated and/or reduced to the maximum extent practicable using enhanced structural and non-structural practices. Needham has five Water Quality Limited Waters impaired by turbidity, nutrients, organic enrichment, flow dissolved oxygen, priority organics, noxious aquatic plants, exotic species, oil & grease, taste, odor, color, suspended solids, and causes unknown. The five waterbodies impaired are: Alder Brook, Charles River (South Natick Dam to Chestnut Street), Charles River (Chestnut Street to Water Dam), Fuller Brook, and Rosemary Brook. All five waterbodies are classified as Category 5 Waters.

This funding would allow the Town to evaluate two sub-watershed areas to identify: potential testing locations, Town-owned properties for communal/neighborhood infiltration systems, Park & Recreation areas to reduce impervious surface and promote surface infiltration, areas to reduce impervious and promote surface infiltration, roadway pavements that can be narrowed or reduced, targeted audiences for

education/outreach, participation/involvement measures to promote, operating and maintenance plans for the properties within the two selected sub-watersheds, and suitable snow dump locations. Funding will also support dry weather & wet weather testing, construction of best management practices, construction of a water quality system for the DPW yard parking lot drainage system, development of improvements to the Stormwater plan for DPW yard and RTS, and predictive catch basin cleaning for catch basins throughout the Town.

DPW Specialty Equipment

This request is for large equipment that fits the definition of capital but is not included in the fleet request because the equipment is not a registered vehicle. This funding will support the acquisition of a loader-mounted snow blower to be used to clear gutter lines, parking lots, and loading trucks.

Traffic Improvements

This request will allow for the funding of projects that are recommended by the Traffic Management Advisory Committee (TMAC). This recommendation will support one or two TMAC construction related projects per year such as 500 feet of roadway granite curb installation, two school zone installations, two average traffic calming installations, several radar sign installations, sign and/or pavement markings, and pedestrian improvements.

Multi-Function Printer Devices

This is the last phase of a four-phase project to replace multi-function printers throughout the four primary Town locations (Town Hall, Public Services Administration Building, Public Safety, and Center at The Heights) due to obsolescence or scheduled replacement. 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.

Energy Efficiency Upgrade Improvements

In 2011, the Town conducted an engineering study for energy upgrades on the 10 oldest buildings. The results of this study guided the Town's investment in energy efficiency over the past decade. At this time, the existing recommendations have been exhausted. Because technologies have improved, and several buildings were not originally evaluated due to their age, the DPW is proposing to conduct a new efficiency study to help plan for energy saving programs over the next several years.

Automatic External Defibrillator Replacement

The current AED equipment used by the Police Department is at the end of its useful life cycle. Replacement will also allow the department to purchase the same model that is carried by the Needham Fire Department, so the equipment is interchangeable when fire personnel arrive at an emergency scene. Funding will support the purchase of 11 AEDs at a cost of \$1,995 per unit, as well as corresponding watertight carrying cases, 22 infant/child pads, and 22 batteries.

Firearm Replacement

The current service weapons in use by the Police Department are Smith and Wesson M&P 40 caliber and are 10 years old. The current weapons were placed in service in 2009, replacing weapons that were in service for eight years. Based on a study conducted by the FBI and research performed by firearms instructors, the Department intends to replace the Smith and Wesson 40 caliber with a Smith and Wesson 9MM firearm. The cost includes the purchase of 60 new firearms, holsters, and ammunition.

Personal Protective Equipment

Replacing one set of Personal Protective Equipment, PPE ("bunker gear") for 20% of all firefighting personnel on an annual basis helps to ensure that the life span of the equipment does not exceed the 10-year guideline. Ensembles issued prior to the recent purchase of a second set of PPE are approaching this time frame for many members. Due to the number of recent and forthcoming new hires, about a third of the Department has been issued PPE within the past five years. All fire personnel are in the process of being issued a second set of PPE, allowing them to properly maintain this equipment in an appropriate manner.

Eliot School Technology Room Conversion

The School Committee implemented Full-Day Kindergarten (FDK) in September 2019. Based on a feasibility study conducted by Dore & Whittier Architects in February 2018, several modifications to Needham buildings are proposed to accommodate the projected number of classrooms needed over the next five years resulting from Full Day Kindergarten and projected enrollment growth. This project provides funding to convert the existing technology lab at Eliot Elementary School to a classroom.

Pollard School Locker Room Retrofit Design

The current locker room layout at the Pollard Middle School is no longer conducive to the needs of the Athletic Department. The school offers diverse sports programming, which requires storage for unique pieces of equipment (field hockey sticks, lacrosse sticks, bags, etc.). The existing lockers are all the same size and are not constructed to store a wide variety of equipment. This results in equipment being carried by athletes throughout the day or left outside lockers in an unsecured manner. The orientation of the locker room also creates blind spots that pose a safety concern. The flooring is starting to crack in places due to age, and the bathrooms and showers are outdated. This funding will support the retrofit design.

School Copier Replacement

School photocopiers are located in all the schools and the administration building and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, and teaching packets. Currently the School Department owns 42 copy machines. Copier replacement is planned on a life-cycle basis, which projects when a copier should be replaced based on actual usage and the manufacturer's total estimated capacity. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at 7 years, although planned replacement ages range from 5 - 9 years, depending on use. It is important to replace machines regularly, even if they have not yet reached maximum copy allowances, given the additional operating expense associated with servicing and maintaining older equipment, as well as the difficulty in obtaining replacement parts.

School Furniture

In FY2005 Town Meeting approved funding to begin the replacement of furniture in poor and fair condition throughout the School Department. By FY2015, all furniture in poor condition was replaced in the schools. The FY2021 funding request will continue the replacement of furniture in fair condition at the Pollard School and provide funding for new classroom furniture as needed.

School Technology

The School Department technology replacement program includes desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. This request reflects the School Department's classroom technology standard and the decision in FY2017 to move devices with a lifespan of less than five years (Digital Learning Devices, or DLDs, and staff laptops) to the operating budget. The FY2021 request includes \$473,575 for hardware and \$113,000 for infrastructure replacement.

General Fund Fleet Replacement Program

The Town's fleet replacement program was established in FY2015. The program includes a budget and schedule for the Town's rolling stock fleet of appropriately 220 vehicles, trailers, and large specialized attachments and the School Department fleet of 14 vans and buses. General purpose vehicles include pickup trucks, a variety of sedans, SUV's, vans, and police vehicles (87). They comprise approximately 39 percent of the entire fleet. General purpose vehicles are utilized in every department and are relatively inter-changeable. The replacement of these vehicles can proceed on a regular schedule and should be part of the of the Town's recurring costs. The Town relies on a number of trailers for the purpose of moving tools and equipment, hauling trash and debris, and transporting special equipment. The Town has 47 trailers which represents approximately 23 percent of the fleet. Specialized, high value vehicles and snow and ice equipment comprise the other 38 percent of the fleet. These vehicles and equipment are just as integral to Town operations as the general-purpose vehicles but serve the unique purposes of specific departments or divisions. Included in this group are the high value vehicles such as ambulances, large dump trucks, fire engines, street sweepers, and others for which appropriations need to be planned. Unless circumstances require otherwise, the proposed FY2021 fleet replacement schedule is as follows.

General Fund Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
C-03	Ford Explorer	Fire	2013	Ford Explorer or similar	\$55,502
43	Ford F-350	DPW/Highway	2012	Ford F-350 or similar	\$69,455
707	Ford Econ Van	DPW/Building Maintenance	2008	Ford Transit Van or similar	\$48,713
820	Ford Escape Hybrid	DPW/Building Maintenance	2009	Ford F-150 or similar	\$43,002
Van 7	Ford Econ Van	Schools	2012	Ford Transit Van with Wheelchair Lift or similar	\$52,374
Van 8	Ford Econ Van	Schools	2013	Ford Transit Van with Wheelchair Lift or similar	\$52,374

General Fund Fleet Replacement – Specialized Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
R-04	Ford E450 Ambulance	Fire	2008	Ford E450 Ambulance or similar	\$337,479
181	Elgin Pelican Sweeper	DPW/Highway	2012	Global Environmental Sweeper or similar	\$263,412
34	Mack 10 Wheel Tractor Truck	DPW/RTS	2001	Mack 10 Wheel Tractor Truck or similar	\$168,255

Replacement Snow and Ice Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
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113	Comoplast Sidewalk Plow	DPW/Highway	2008	Prinoth Sidewalk Plow Tractor or similar	\$178,163
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MOVED that the Town vote to raise and/or transfer and appropriate the sum of \$4,083,601 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.

ACTION:

ARTICLE 22: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,415,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$500,000 be transferred from Overlay Surplus and \$1,915,000 be transferred from Free Cash; or take any other action relative thereto.

Article Information: The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts. This program consists of multiple categories, each with their own sub-projects.

Street Resurfacing

The Town has 279 lane miles of accepted road that require maintenance. The average lifecycle of a road is 15 to 20 years. Specialized surface treatments can be applied within this period to sustain or extend the lifecycle of the roadway based on usage. The Town targets 17 lane miles of road per year in order to resurface roads before they reach the end of their lifecycle. These roads are prioritized based on a pavement condition index (PCI). The Town targets roads with a PCI under 70 for resurfacing and specialized treatment, and a PCI under 60 for repair and renovation. The primary strategy of this program is asphalt paving and incidental work. Incidental work may include asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings, and signs. Installing a monolithic asphalt berm curb and/or granite curbing better defines the edge of the road, improves drainage, and protects the shoulder from erosion. Target funding for street resurfacing in FY2021 is \$957,000.

Roadway Reconstruction

Road resurfacing may be the appropriate treatment to extend the useful life of a road, but conditions may require a total reconstruction of the road to address structural issues within the road including drainage, grading, and subsurface material construction. In deciding which roads are candidates for reconstruction, the department evaluates the sight distance, drainage, presence of handicap ramps, condition of sidewalks, subsurface utilities, public utility poles, and overhead utilities, as well as the physical condition of the road such as shape, foundation, and traffic volume. The roads proposed for reconstruction are deficient in one or more of the areas listed. No funding is allocated to the Roadway Reconstruction category in FY2021.

Sidewalk Program

This program requires funding for the Town to address the failing network of sidewalks throughout the community. There are over 130 miles of accepted sidewalks in Needham. Over half of the

Town's sidewalks do not comply with current standards and require significant improvement including the installation of handicapped ramps. Sidewalk improvements must comply with Federal and State laws and construction standards. Target funding for the sidewalk program in FY2021 is \$525,000.

Intersection Improvements

Traffic signals, intersections, and signage require upgrades and reevaluation as infrastructure ages, technology improves, and methods of transportation change. The intersection of Highland Avenue and West Street has aging traffic control infrastructure and can be unreliable. The signals have only one timer, which only allows for one traffic pattern regardless of the time of day. This work will include installing a new traffic signal system with modern technology that will better control the flow of traffic through the intersection and will include some streetscape amenities. The Town received \$60,000 in funding from the FY2020 State budget for the installation of pedestrian-scale lighting in the Needham Heights area to complement the proposed work. Target funding for intersection improvements is \$650,000.

Bridge Repairs

Surrounded on three sides by the Charles River, the Town jointly maintains several bridges with neighboring communities. The Massachusetts Bridge Inspection Program has identified a number of bridges that have some level of deficiency and has recommended future repairs. No funding is allocated to the bridge repair category in FY2021.

Storm Drain Capacity Improvements

The Stormwater Master Plan has identified several areas throughout Needham where improvements are required to resolve existing problems with flooding and illicit discharge. Since the issuance of the original Master Plan, numerous multi-unit developments have been built in the Town. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstance require otherwise, FY2021 funding is targeted for Concord Street and Burnside Road. This project includes construction of a new drain that will be connected to the recently extended Greendale Avenue drain project to provide additional stormwater capacity. The \$83,000 allocation is for the design phase of the project.

Brooks and Culverts

Aging drainage infrastructure including poorly draining brooks, streams, waterways, and culverts throughout the Town have been damaged by heavy rains/storms. Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of usable abutting property and flooded

basements. Unless circumstances require otherwise, FY2021 funding is proposed for improvements to Rosemary Brook. The section of the brook to be addressed has sediment, vegetation, and eroded banks that cause flow capacity and water quality issues. Target funding for brooks and culverts is \$200,000.

Guardrail

Many of the Town's guardrails are noncompliant and the department is preparing a plan to upgrade existing guardrails to make them both compliant and aesthetically pleasing. No funding is proposed for this category in FY2021.

ACTION: Article 22 was withdrawn earlier this evening.

ARTICLE 23: APPROPRIATE FOR MITCHELL SCHOOL RESTROOM UPGRADES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$676,700 for Mitchell School restroom upgrades, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General 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: There are currently six restrooms at the Mitchell that are not ADA/MAAB accessible. Many of the existing plumbing fixtures are 40 to 60 years old. The current stalls are not the proper size and do not have grab bars. The urinals and dispensers are not set at the proper height. The sinks do not have insulated pipes. The restrooms do not have the minimum clearance necessary at the entrance nor do they have the appropriate turning radius. This project would upgrade the restrooms to meet ADA/MAAB requirements. The design phase of this project was funded in FY2020.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$676,700 for Mitchell School restroom upgrades, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General 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:

ARTICLE 24: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$318,088 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 thereto.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$318,088	
		\$318,088	

Article Information:

Sewer Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
23	Ford F-350	Sewer	2011	Ford F-350 Utility Truck or Similar	\$79,805

Sewer Fleet Replacement - Specialized Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
101	Case Loader	Sewer	2010	John Deere Wheel Loader or similar	\$238,283

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$318,088 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.

ACTION: So voted by unanimous consent.

ARTICLE 25: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$43,002 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	\$43,002	
		\$43,002	

Article Information:

Water Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
31	Ford F-150	Water	2011	Ford F-150 or Similar	\$43,002

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$43,002 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.

ACTION: So voted by unanimous consent.

At 5:35 P.M. Mr. Maurice P. Handel moved that the Annual Town Meeting stand adjourned until such time as the Special Town Meeting called for this evening at 5:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

RECORD OF SPECIAL TOWN MEETING Monday, June 8, 2020

Pursuant to a Warrant issued by the Selectmen April 14, 2020 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met at the Memorial Park parking lot, 92 Rosemary Street, Monday, June 8, 2020, at 5:30 o'clock in the afternoon.

The Moderator, Michael K. Fee, called the meeting to order at 5:30 o'clock.

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.

The Moderator announced that the proponents no longer have an interest in Article 1 and requested unanimous consent to withdraw this article. Town Meeting indicated that there were no objections to the withdrawal of Article 1 and it was so voted unanimously.

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. 2. No Town Meeting Member responded with "question" or "debate" to Article 2. The Moderator then called the above-mentioned article 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 article and the votes thereunder are as follows:

ARTICLE 1: APPROPRIATE FOR TRAFFIC CONSULTING & ENGINEERING

To see if the Town will vote to appropriate the sum of \$45,000 for planning and traffic consulting and engineering services, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: This article seeks funding for consulting services related to preparing a Traffic Impact Assessment for the potential rezoning of sites located adjacent to Gould Street and Route 128. The goal of the study is to determine the appropriate land use and density mix that can be

accommodated on the subject properties through rezoning, in the context of the available transportation infrastructure.

MOVED: That the Town vote to appropriate the sum of \$45,000 for planning and traffic consulting and engineering services, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: Article 1 was withdrawn at the beginning of the Special Town Meeting.

ARTICLE 2: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,286.50 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and transferred from Free Cash; or take any other action relative thereto.

Department	Vendor	Description of Goods/Service	Fiscal Year	\$ Amount
Townwide (Police)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 848.00
Townwide (Police)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 493.50
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 463.00
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 924.00
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$3,558.00

Article Information: State law requires Town Meeting action for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation. The above bills were presented for payment after the close of FY2019.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$6,286.50 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and transferred from Free Cash; or take any other action relative thereto.

Department	Vendor	Description of Goods/Service	Fiscal Year	\$ Amount
Townwide (Police)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 848.00
Townwide (Police)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 493.50
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 463.00
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$ 924.00
Townwide (Fire)	Beth Israel Deaconess - Needham	Medical Services	2019	\$3,558.00

ACTION: So voted by unanimous consent.

At 5:35 P.M. Mr. Maurice P. Handel, Chair, on behalf of the Select Board, moved to dissolve the Special Town Meeting with the following Resolution:

THE FOLLOWING RESOLUTION

Was offered

In memory of

David DiCicco

WHEREAS: William M. "Bill" Powers was born and raised in Newton and graduated from Newton High School; and

WHEREAS: Bill enlisted in the Army Reserve Program at Boston University. His education was interrupted a few weeks into his first year when he was ordered to report to Fort Wheeler, Georgia for basic training. Bill was assigned to the 106th infantry division and was shipped to Belgium, where he survived the Battle of the Bulge. After the war, Bill took advantage of the GI Bill and returned to Boston University where he received his Bachelor's and Master's degrees in Education; and

WHEREAS: Bill married Sally Blackman, living first in Newton and then settling in Needham where they raised their three sons Bill, Ted and Ben; and

WHEREAS: Bill served as an alderman while living in the City of Newton and taught in the Newton and Brookline Public Schools. He then served the Needham Public Schools as Assistant

Superintendent from 1957 to 1960 and as Superintendent from 1960 to 1979; and

WHEREAS: Bill excelled at tennis throughout his life. He won the Massachusetts Interscholastic Championship, was elected captain of Boston University's Varsity Tennis Team, was inducted into the New England Tennis Hall of Fame, was a member of the Longwood Cricket Club, and served as Regional President of the U.S. Tennis Association; and

WHEREAS: Bill also enjoyed writing, including two books - *You Can't Sew Pillows Under Them* and *An Old Duffers' Verse and Tales*, as well as numerous newsletters; and

WHEREAS: Bill was a member of the Needham League of Women Voters, the Rotary Club, and veterans organizations including the VFW and American Legion. He was co-founder of the Richard Patton Melick Foundation; and

WHEREAS: Bill served on the Finance Committee, and later as a member the Board of Selectmen from 1996 to 2003. He served as a Town Meeting Member for 45 years;

NOW THEREFORE, be it resolved by this body that the May 13, 2019 Special Town Meeting be dissolved in honor of the civic and community contributions of William M. "Bill" Powers to the Town of Needham.

ACTION: at 5:35 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 5:40 P.M., declared a quorum to be present, and requested the Town Clerk to so record. Discussion commenced under Article 14 upon the dissolution of the Special Town Meeting called for Monday, June 8, 2020 at 5:30 P. M.

ARTICLE 14: APPROPRIATE THE FY2021 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$3,201,753, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$96,057, and \$1,425,000 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 \$3,201,753, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$96,057, and \$1,425,000 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.

Rebecca Waber, Precinct C, suggested that instead of hiring two police officers, it might be better to hire a social worker. The Moderator indicated that this suggestion should come up under the Police Line Item.

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

Under Line Item 7, M. Patricia Cruickshank questioned the drastic increase in Workers Compensation. Unanimous consent was given to allow Kate Fitzpatrick, Town Administrator and non-resident to address Town Meeting. Ms. Fitzpatrick explained that the increase includes amounts for pending employee contracts.

Under Line Item 16A – Police Department – Salaries and Wages, Rebecca Waber indicated that she would like to amend Line Item 16A by reducing the funding for two additional police officers.

Mr. Paul Alpert questioned if the funding is for two Patrol Officers which would permit an existing police officer to concentrate on mental health issues.

Ms. Jeanne S. McKnight spoke in opposition to the motion to amend. She advised that the funding for two patrol officers would allow an existing officer to devote time to mental health issues. She noted that having a sibling with mental health issues, this kind of service is needed in our town.

Mr. Jeffrey D. Heller rose in support of this amendment but would like to hear from the Police Department. Mr. Steven M. Rosenstock opposed this amendment. He explained that the Finance Committee spends much time on each line item and these two additional officers is clearly needed. He urged the line item be funded as presented.

Ann DerMarderosian rose in support of the concept but would like to hear from someone in the Police Department on how this will help manage crisis intervention.

At the request of Select Board Chair Maurice Handel, The Moderator was given unanimous consent to allow Police Chief John C. Schlittler to address Town Meeting. Chief Schlittler advised that the two positions assigned to the Police force would

TOWN OF NEEDHAM

allow one officer to concentrate on substance abuse, elder abuse and various forms of mental illness

Lois Sockol rose in support of the police budget as it currently stands.

John P. Kirk rose in support of this amendment.

Erik J. Bailey noted that he was at the last two rallies and we need funding for these two police officers. He opposed this amendment.

R. Cynthia Landau suggested that the Police Department is asking for what it needs. She suggested having the Select Board review this amendment and come back in the fall with a recommendation. Mr. Maurice P. Handel, Select Board Chair, advised that the Select Board opposes this amendment. The Select Board has spent much time reviewing the Police Department budget.

Mr. Joseph McCabe advised that he is a practicing psychiatrist and has worked with many police departments. He supports the budget but not the amendment.

Mr. Thomas M. Jacob, Chair, advised that the Finance Committee opposes the amendment.

Josephine Ochalla advised that she is a life-long social worker and agrees with the suggestion that Town Meeting pause on this issue. The funding can remain in the budget and there can be a community discussion. Maurice P. Handel, Select Board Chair noted that this is the last of a long-term plan to go forward with this staffing.

A motion to move the previous question was offered by Mr. Donald B. Gratz. The motion was presented and passed by the required two-thirds vote.

Ms. Rebecca Waber's motion to amend was presented, but the motion failed to pass.

Ms. Arianna Lechan, non-Town Meeting Member, rose with questions on the Police collective bargaining agreement. The Moderator suggested that this is not an appropriate discussion under Line Item 16A, but he would ask the Select Board to respond. Mr. Maurice P. Handel, Chair, Select Board, explained that we are all concerned and hope to have discussions after Town Meeting.

Under Line Item 16C Police Department – Capital – M. Patricia Cruickshank questioned the dramatic increase. Mr. Thomas M. Jacob, Chair, Finance Committee explained that is a one-time expense pertaining to the redesign of the cruisers.

ACTION: Mr. Thomas M. Jacob moved to approve the fiscal year 2020/2021 Operating Budget. The main motion was presented and carried by voice vote declared by the Moderator.

Townwide Expenses

1. Casualty, Liability, Property & Self Insurance Program \$665,795

TOWN CLERK'S RECORDS – 2020 ANNUAL TOWN ELECTION

2. Debt Service	\$21,111,338
3. Group Health Insurance, Employee Benefits Assessments & Administrative Costs	\$16,128,308
4. Needham Electric, Light & Gas Program	\$3,901,384
5. Retiree Insurance & Insurance Liability Fund	\$7,197,713
6. Retirement Assessments	\$9,513,643
7. Workers Compensation	\$746,833
8. Classification Performance & Settlements	\$1,255,000
9. Reserve Fund	\$2,077,091

Townwide Expense Total **\$62,597,155**

Select Board & the Office of the Town Manager

10A Salary & Wages	\$942,708
10B Expenses	<u>153,795</u>

Total **\$1,096,503**

Office of the Town Clerk & Board of Registrars

11A Salary & Wages	\$391,124
11B Expenses	<u>\$66,305</u>

Total **\$433,133**

Town Counsel

12A Salary & Wages	\$75,140
12B Expenses	<u>\$254,000</u>

Total **\$329,140**

Finance Department

13A Salary & Wages	\$2,100,223
13B Expenses	\$1,282,520
13C Capital	<u>\$95,000</u>

Total **\$3,477,743**

Finance Committee

14A Salary & Wages	\$38,522
14B Expenses	<u>\$1,400</u>

Total **\$39,922**

Planning and Community Development

15A Salary & Wages	\$582,523
15B Expenses	<u>\$34,400</u>

Total **\$561,423**

General Government **\$6,017,388**

Police Department

16A Salary & Wages	\$6,752,022
16B Expenses	\$404,312
16C Capital	<u>\$284,516</u>

Total **\$7,440,850**

Fire Department

17A Salary & Wages	\$8,378,394
17B Expenses	\$407,464
17C Capital	<u>\$24,983</u>

Total **\$8,810,841**

Building Department

18A Salary & Wages	\$744,760
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18B Expenses	<u>\$51,040</u>
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Total	\$795,800
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Public Safety Total	\$17,047,491
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**Minuteman Regional High School
Assessment**

19 Assessment	<u>\$1,099,935</u>
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TOTAL	\$1,099,935
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Needham Public Schools

20 Needham Public School Budget	<u>\$80,735,089</u>
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TOTAL	\$80,735,089
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Education Total	\$81,835,024
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Building Design & Construction Department

21A Salary & Wages	\$525,164
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21B Expenses	\$19,495
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Total	\$544,659
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Department of Public Works

22A Salary & Wages	\$9,228,146
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22B Expenses	\$7,037,810
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22C Capital	\$150,018
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22D Snow & Ice	<u>\$424,604</u>
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Total	\$16,840,578
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Public Facilities and Public Works Total	\$17,385,237
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Municipal Parking Program

23 Program Budget	<u>\$130,522</u>
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Total	\$130,522
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Health and Human Services Department

24A Salary & Wages	\$1,842,113
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24B Expenses	<u>\$455,040</u>
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Total	\$2,297,153
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Commission on Disabilities

25A Salary & Wages	1,500
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25B Expenses	<u>550</u>
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Total	\$2,050
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Historical Commission

26A Salary & Wages	\$0
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26B Expenses	<u>1,050</u>
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Total	\$1,050
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Needham Public Library

27A Salary & Wages	\$1,613,880
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27B Expenses	<u>\$372,140</u>
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Total	\$1,986,020
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Park & Recreation Department

28A Salary & Wages	\$805,365
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28B Expenses	<u>\$142,605</u>
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Total	\$947,970
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Memorial Park

29A Salary & Wages	\$0
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29B Expenses	<u>\$750</u>
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Total	\$750
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TOTAL: COMMUNITY SERVICES	\$5,365,515
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DEPARTMENT BUDGET TOTAL	\$127,650,655
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TOTAL OPERATING BUDGET	\$190,247,810
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Articles 15, 16, 17, and 18 were voted by unanimous consent earlier this evening.

ARTICLE 19: CITIZEN'S PETITION/AMEND ZONING BY-LAW – PEDIATRIC MEDICAL FACILITY IN NEW ENGLAND BUSINESS CENTER DISTRICT

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

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Hospital, Community" and before the existing definition of "Hotel or Motel":

Hospital, Pediatric: A Hospital in which not less than three-quarters of its patients are Pediatric Patients as defined in 105 CMR 130.700 and which provides a broad range of ambulatory and inpatient services to children and young adults under the age of twenty-six (26).

2. In Section 1.3 Definitions, by adding the following after the existing definition of "Medical Clinic", and before the existing definition of "Medical Laboratory":

Medical Facility, Pediatric shall mean a facility with one or more of the following uses each primarily (not less than three-quarters) for children and young adults under the age of twenty-six (26), where, in each case, the uses are owned, operated or managed directly by a Pediatric Hospital or through a corporate affiliate controlled by a Pediatric Hospital (excluding any affiliate which is a hospital whose primary purpose is the provision of health care services to adults): (i) doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) a medical clinic or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals; (iv) facility for the provision of testing, analytical, diagnostic, pharmaceutical or other health care support services, equipment or procedures; (v) Determination of Need Required Equipment or Determination of Need Required Services as each is defined in 105 CMR 100; (vi) cell generation, gene therapy, and infusion treatment; (vii) medical offices; (viii) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; (ix) accessory uses customarily conducted in coordination with any of the foregoing, including, without limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

3. In Section 3.2.4 Uses in the New England Business Center District, by adding a new subsection (j) to subsection 3.2.4.2 Uses Permitted by Special Permit, to read as follows:

(j) Medical Facility, Pediatric

4. In Section 5.1.2. Required Parking, by adding a new subsection (19), to read as follows:

(19) Medical Facility, Pediatric

One (1) parking space per 290 square feet of floor area

5. In Section 5.1.2. Required Parking, by renumbering existing subsection (19) "Mixed Uses" as subsection (20) and renumbering existing subsection (20) "Any use permitted by this Zoning By-Law" as a new subsection (21).

Or to take any other action relative thereto.

Article Information: This Article would add "Medical Facility, Pediatric" to the list of uses permitted by special permit in the New England Business Center District (District). The purpose of the Article is to expand the list of medical uses permissible by special permit in the District, to include a facility providing a broad range of ambulatory services,, such as medical, surgical, restorative and other treatment, medical clinics, and medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices of three or more professionals, primarily for children and young adults. At least three quarters of the patients in such a Facility must be children and young adults under the age of 26. Medical uses currently allowed by right in the District include medical, surgical, psychiatric, dental, orthodontic or psychologist group practices by two or fewer professionals, medical laboratories engaged in scientific research and development, and experimental and testing activities in the fields of biology and genetics. Medical uses currently allowed by special permit in the District include group practices for three or more medical, surgical, psychiatric, dental, orthodontic, or psychologic professionals, and alternative medicine practices such as acupuncture, yoga, chiropractic and/or nutrition, and pharmacies.

The Article also specifies that a "Medical Facility, Pediatric" must be owned, operated, or managed directly by a "Pediatric Hospital", which is a hospital in which at least three quarters of its patients are pediatric patients (as defined under Massachusetts Department of Public Health regulations) and which provides a broad range of services to children and young adults under the age of 26. Finally, the Article would amend the Required Parking table in the Zoning By-Law, to establish that a "Medical Facility, Pediatric" must have at least one parking space per 290 square feet of floor area.

If this zoning article is adopted by Town Meeting, Boston Children's Hospital intends to file a special permit application with the Planning Board, seeking the authority to construct and maintain a Pediatric Medical Facility at 380 First Avenue, next to the TripAdvisor building, and to add such additional parking facilities as are required. The Planning Board will hold at least one public hearing on this special permit application. The Town and the Hospital are in discussions about the appropriate payment in lieu of taxes if the zoning and special permit are approved, given that the Hospital is a tax-exempt entity. The Planning Board's recommendation on the article will be made at Town Meeting.

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

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Hospital, Community" and before the existing definition of "Hotel or Motel":

Hospital, Pediatric: A Hospital in which not less than three-quarters of its patients are Pediatric Patients as defined in 105 CMR 130.700 and which provides a broad range of ambulatory and inpatient services to children and young adults under the age of twenty-six (26).

2. In Section 1.3 Definitions, by adding the following after the existing definition of “Medical Clinic”, and before the existing definition of “Medical Laboratory”:

Medical Facility, Pediatric shall mean a facility with one or more of the following uses each primarily (not less than three-quarters) for children and young adults under the age of twenty-six (26), where, in each case, the uses are owned, operated or managed directly by a Pediatric Hospital or through a corporate affiliate controlled by a Pediatric Hospital (excluding any affiliate which is a hospital whose primary purpose is the provision of health care services to adults): (i) doctor’s offices, dentist’s offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) a medical clinic or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals; (iv) facility for the provision of testing, analytical, diagnostic, pharmaceutical or other health care support services, equipment or procedures; (v) Determination of Need Required Equipment or Determination of Need Required Services as each is defined in 105 CMR 100; (vi) cell generation, gene therapy, and infusion treatment; (vii) medical offices; (viii) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; (ix) accessory uses customarily conducted in coordination with any of the foregoing, including, without limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

3. In Section 3.2.4 Uses in the New England Business Center District, by adding a new subsection (j) to subsection 3.2.4.2 Uses Permitted by Special Permit, to read as follows:

(j) Medical Facility, Pediatric

4. In Section 5.1.2. Required Parking, by adding a new subsection (19), to read as follows:

(19) Medical Facility, Pediatric

One (1) parking space per 290 square feet of floor area

5. In Section 5.1.2. Required Parking, by renumbering existing subsection (19) “Mixed Uses” as subsection (20) and renumbering existing subsection (20) “Any use permitted by this Zoning By-Law” as a new subsection (21).

ACTION:

Assessment that would apply to all parcels that have impervious cover, including residential, commercial, non-for-profit and tax-exempt properties. Monies collected as part of the mitigation assessment would be deposited directly into the Stormwater Stabilization Fund to be used for NPDES compliance only. The Select Board will hold a hearing prior to making a decision on whether to implement a Community Stormwater Mitigation Assessment and, if, so, what the proposed assessment would be.

ARTICLE 26: STORMWATER STABILIZATION FUND

To see if the Town will vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5 which allows the dedication, without further appropriation, of 100% of the Community Stormwater Mitigation Assessments collected into the fund for stormwater maintenance, repair, and improvement program, effective for fiscal year 2021 beginning on July 1, 2020; or take any other action relative thereto.

Article Explanation: The Select Board is considering a proposal to establish a stormwater stabilization fund as a repository for funds raised to address the capital costs associated with compliance with the National Pollutant Discharge Elimination System (NPDES) program. The Board will consider implementation of a Community Stormwater Mitigation

MOVED: That the Town vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5 which allows the dedication, without further appropriation, of 100% of the Community Stormwater Mitigation Assessments collected into the fund for stormwater maintenance, repair, and improvement program, effective for fiscal year 2021 beginning on July 1, 2020.

ACTION: Article 26 was withdrawn earlier this evening.

ARTICLE 27: ACCEPTANCE OF PROVISIONS OF M.G.L. CHAPTER 41 SECTION 111F – SPECIAL INJURY LEAVE INDEMNITY FUND

To see if the Town will vote to accept the fourth paragraph of M.G.L. Chapter 41, Section 111F to create a special fund to be known as the Injury Leave Indemnity Fund, to be expended by the Town Manager without further appropriation for

payment of injury leave compensation or medical bills incurred under M.G.L. Chapter 41, Sections 111F or 100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided further that said chief executive officer may, if the amounts therein are not immediately necessary or required in the foreseeable future, release specific amounts to the General Fund, or take any other action relative thereto.

Article Explanation: The 2016 Municipal Modernization Act added a paragraph to M.G.L. c. 41 Section 111F to allow cities and towns to establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred for public safety personnel. The monies in the special fund may be expended, with the approval of the chief executive officer and without further appropriation, for such expenses. Any balance in the fund shall carry over from year to year, unless specific amounts are released to the general fund by the chief executive officer upon a finding that the amounts released are not immediately necessary for the purpose of the fund, and not required for expenses in the foreseeable future.

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

ACTION: Article 27 was withdrawn earlier this evening.

ARTICLE 28: FOSTER CARE TRANSPORTATION REIMBURSEMENT

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

Article Explanation: Under the Every Student Succeeds Act (ESSA), children in foster care are required to remain in their School of Origin as long as it is deemed to be in the best interest of the child. The School of Origin is responsible for funding the cost of transporting the foster care child to and from school. The Executive Office of Health and Human Services (EOHHS), in a partnership with the Department of Children and Families (DCF) and the Department of Elementary and Secondary Education (DESE), has developed a methodology that could reimburse a share of these transportation costs through Title IV-E, a section of the Social Security Act administered by DCF that provides federal reimbursement to states for services provided to children in foster

care and other child welfare services. This voluntary program allows Local Education Authorities (LEAs) such as the Needham Public Schools to report their eligible transportation expenditures for children in foster care to the state to be claimed for federal reimbursement. It is estimated that LEAs will receive about 20% of reported costs in reimbursement. Reimbursement for transportation expenditures covered by any other federal funding source is not allowable (e.g., special education, homeless, Title I, etc.), even if that transportation is for a child in foster care, in order to avoid potential duplication of claiming.

The aforementioned agencies (DCF, EOHHS and DESE) have developed a voluntary, supplemental foster care transportation reimbursement program under the authority of M.G.L. Ch. 44 s. 70. Under this statute, a city or town, by vote of its town meeting, town council or city council, and with the approval of the selectmen, town manager or mayor, can authorize the LEA to enter into contracts to seek federal reimbursement for activities being carried out by the municipality, and to provide that payments for services under such contracts be made from the reimbursements or revenues recovered as a result of the services performed, without appropriation of such revenues. If authorized, Needham could begin submitting claims in FY2021 for the foster care transportation expenses it has incurred in FY2020. The anticipated claim amount for FY2020 is \$14,000, which could yield a reimbursement of \$2,800 in the first year of implementation. At present, the payments received under this program would be received by the General Fund, similar to Medicaid program receipts.

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

ACTION: Article 28 was withdrawn earlier this evening.

ARTICLE 29: SPECIAL EDUCATION STABILIZATION FUND

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

Article Explanation: M.G.L. Chapter 40, s. 13 E, as authorized by Section 24 of Chapter 218 of the Acts of 2016, provides for the establishment of a Special Education Stabilization fund. Although special education expenses are normally paid from the school operating budget, these expenses can increase unexpectedly by hundreds of thousands of dollars to meet Individualized Educational Plan requirements or changing student needs. A special education reserve fund would provide a transparent and manageable way to address extraordinary and unanticipated increases in special education, tuition and transportation, that otherwise could not be met by existing operational resources. Under the law, a school district, by a majority vote of both the school committee and the legislative body, may establish and appropriate (or transfer) money to a reserve fund to be utilized in upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-

district tuition or transportation. The balance in such reserve fund is limited to two per cent of the annual net school spending of the school district. Additionally, funds in the reserve fund can only be expended or transferred out after a majority vote of both the School Committee and Select Board. Once the fund is established, the Department of Elementary and Secondary Education allows the School Committee to include a separate line item within its annual budget request to appropriate monies into the stabilization fund. Alternatively, Town Meeting could take separate action to appropriate funds to the SPED Reserve Fund, by majority vote. The School Department desires to create such a fund to provide a source of funding for extraordinary, unbudgeted increases in special education costs, including out of district tuitions and transportation. The balance in the fund would be built up gradually over time, via annual appropriations to the fund. The proposed first year contribution to the fund would be made in FY2022, as part of the Town's regular budgeting process.

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

ACTION: Article 29 withdrawn earlier this evening.

**ARTICLE 30: AMEND GENERAL BY-LAW –
AUTHORIZE TOWN CLERK TO ENSURE
CONSISTENCY IN NUMBERING**

To see if the Town will vote to insert a new paragraph at the end of Section 1.14 of the General By-Laws as follows: “The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity;” or take any other action relative thereto.

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

MOVED: That the Town vote to insert a new paragraph at the end of Section 1.14 of the General By-Laws as follows: “The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity;”.

ACTION: Article 30 was withdrawn earlier this evening.

**ARTICLE 31: CITIZENS' PETITION – STORAGE OF
RECEPTACLES USED FOR HOUSEHOLD WASTE**

**DISPOSAL PICKUP AT RESIDENTIAL PROPERTIES BY
COMMERCIAL VENDORS**

To Amend the General Bylaws as Follows:

1. To include, immediately following Section 2.5.1 of the General Bylaws;

Section 2.5.1.1

Storage of Receptacles Used for Household Waste Disposal Pickup at Residential Properties By Commercial Vendors: Except between the hours of 9:00 PM the day before and 9:00 PM on the day of household waste, hereinafter defined, disposal pickup by a commercial waste disposal vendor, hereinafter defined, any and all receptacles of any kind used for such purpose shall be stored at least thirty (30) feet from the abutting paved edge of all public ways or otherwise not visible from a public way within the Town of Needham. For purposes of this article, Household waste shall mean any house dirt, ashes or garbage, recycling or other refuse or garbage, or any grease or bones or any refuse substances from any residential dwelling house of any kind. Commercial waste disposal vendor, for purposes of this article, shall mean any entity whatsoever that, for hire, removes and transports household waste from any residential dwelling house of any kind in the Town of Needham.

To include, immediately following Section 8.2.2.7 of the General Bylaws;

2. Section 8.2.2.7.1

Enforcement of Section 2.5.1 of the General Bylaws

The Enforcement Agents for Section 2.5.1.1 of the General Bylaws: Health Director, Environmental Health Agent, or Chief of Police

Fine Schedule:

First Offense - \$50

Second Offense - \$100

Third Offense - \$200

Fourth and Subsequent Offenses - \$300

Article Explanation: This petition, if enacted, would regulate the storage of curbside household waste receptacles other than the period 9:00 p.m. the day before and 9:00 p.m. the day of trash pick-up.

MOVED: That the Town amend the General Bylaws as Follows:

3. To include, immediately following Section 2.5.1 of the General Bylaws;

Section 2.5.1.1

Storage of Receptacles Used for Household Waste Disposal Pickup at Residential Properties By Commercial Vendors: Except between the hours of 9:00 PM the day before and 9:00 PM on the day of household waste, hereinafter defined, disposal pickup by a commercial waste disposal vendor, hereinafter defined, any and all receptacles of any kind used for such purpose shall be stored at least thirty (30) feet from the abutting paved edge of all public ways or otherwise not visible from a public way within the Town

of Needham. For purposes of this article, Household waste shall mean any house dirt, ashes or garbage, recycling or other refuse or garbage, or any grease or bones or any refuse substances from any residential dwelling house of any kind. Commercial waste disposal vendor, for purposes of this article, shall mean any entity whatsoever that, for hire, removes and transports household waste from any residential dwelling house of any kind in the Town of Needham.

To include, immediately following Section 8.2.2.7 of the General Bylaws;

4. Section 8.2.2.7.1

Enforcement of Section 2.5.1 of the General Bylaws

The Enforcement Agents for Section 2.5.1.1 of the General Bylaws: Health Director, Environmental Health Agent, or Chief of Police

Fine Schedule:

First Offense - \$50

Second Offense - \$100

Third Offense - \$200

Fourth and Subsequent Offenses - \$300.

ACTION: Article 31 was withdrawn earlier this evening.

ARTICLE 32: CITIZENS' PETITION SEWER LINE EXTENSION

To see if the Town will vote to request to extend the sewer line through Walker Lane, as recommended by a Town commissioned report [ESS Group, December 2017], either through a sewer betterment program, as described in part 4 section 28 of the town by-laws, or in any other way the town finds suitable. For this purpose, we request that the sewer betterment program be prioritized and funded as appropriate; or take any action related thereto.

Notes:

A sewer betterment program would require financial participation from the pond abutters benefitting from the sewer line, including but not limited to the homeowners on the road and the Town.

Article Explanation: The petitioners are requesting that the Town install a public sewer line in Walker Lane. They have filed the appropriate petition with the Department of Public Works, and a plan and cost estimate will be developed over the summer. The current plan is for the Town to present a funding article to the October 2020 Special Town Meeting. Residential properties that benefit from the installation of the sewer will be required to participate in the cost of the installation.

MOVED: That the Town vote to request to extend the sewer line through Walker Lane, as recommended by a Town commissioned report [ESS Group, December 2017], either through a sewer betterment program, as described in part 4 section 28 of the town by-laws, or in any other way the town finds suitable. For this purpose, we request that the sewer betterment program be prioritized and funded as appropriate.

ACTION: Article 32 was withdrawn earlier this evening.

ARTICLE 33: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Select Board, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

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

Given under our hands at Needham aforesaid this 28th day of April 2020.

Maurice P. Handel, Chair
Matthew D. Borrelli, Vice Chair
Marianne B. Cooley, Clerk
Daniel P. Matthews, Member
John A. Bulian, Member

Select Board of Needham

A true copy,

ATTEST _____ 2020
 Constable (month) (day)

