

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 8, 2023

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE EIGHTH DAY OF MAY 2023

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

HUMAN RESOURCE ARTICLES

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 FY2023 and FY2024; or take any other action relative thereto.

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

Article Information: The Town and the Needham Fire Union have agreed on two contracts – one for FY2023 and one for FY2024 through FY2026. The agreements implement critical priorities of the Select Board including increasing pay for paramedics to ensure that the Town is able to recruit and retain the highest quality staff, and agreement to replace the Civil Service system with an alternative, locally-based hiring system. Specifics on the Agreement with the Union are available on the Town’s May 8, 2023 Special Town Meeting webpage.

ARTICLE 2: HOME RULE PETITION TO EXEMPT FIRE DEPARTMENT FROM CIVIL SERVICE

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to exempt the Fire Department from chapter 31 of the General Laws, the Massachusetts Civil Service Law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before

enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT EXEMPTING ALL POSITIONS IN THE FIRE DEPARTMENT OF THE TOWN OF NEEDHAM FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the fire department of the town of Needham, shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding section 2, no appointment or promotion made after the effective date of this act shall be subject to chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Civil Service system is outdated and problematic. It was adopted in the early 20th century primarily to protect hiring and discipline from patronage. Those goals are better addressed now by other laws and regulations, and by public employee collective bargaining rights. Removing the Town from Civil Service will strengthen necessary management rights and accountability and allow greater flexibility in hiring and promotions. A locally-based system of recruitment and promotion – rather than one controlled at the State level – will allow the Town to recruit qualified candidates for increasingly difficult-to-fill firefighter positions.

The Town will attempt to remove the Department from Civil Service through a special act of the Legislature. If that is not possible, the Town may place a question on an upcoming election ballot, as was done with the Police Department. Information about the process developed to replace the Civil Service promotion system is included in the Memorandum of Agreement between the Town and the Needham Fire Union located on the May 8, 2023 Special Town Meeting webpage. A draft policy on recruitment of firefighters at initial hire is available on that webpage as well.

FINANCE ARTICLES

ARTICLE 3: AMEND THE FY2023 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the FY2023 Operating Budget adopted under Article 10 of the 2022 Annual Town Meeting and Amended under Article 3 of the October 24, 2022 Special Town meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

| <u>Line Item</u> | <u>Appropriation</u> | <u>Changing From</u> | <u>Changing To</u> |
|------------------|--|----------------------|--------------------|
| 9 | Classification, Performance, & Settlements | \$1,332,466 | \$1,422,466 |
| 10 | Reserve Fund | \$2,052,091 | \$1,962,091 |

or take any other action relative thereto.

INSERTED BY: Finance Committee

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

Article Information: The purpose of this article is to transfer \$90,000 from the Reserve Fund to the Classification, Performance, Settlements line to supplement existing amounts to fund the collective bargaining agreement between the Town and the Needham Fire Union.

RESERVE ARTICLES

ARTICLE 4: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Improvement Fund, as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: Massachusetts General Law chapter 40, section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one

fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. The 2004 Annual Town Meeting under Article 58 approved the creation of a Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital items at times when ordinary funding sources are limited or not available. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The balance in the fund as of March 1, 2023 was \$1,465,136.

ARTICLE 5: **APPROPRIATE TO CAPITAL FACILITY FUND**

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: Massachusetts General Law chapter 40, section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2007 Annual Town Meeting under Article 10 approved the creation of the Capital Facility Fund, as part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation, or reconstruction relating to the structural integrity, building envelope, or MEP (mechanical, electrical, plumbing) systems of then-existing capital facilities. The balance in the fund as of March 1, 2023 was \$1,927,855.

ARTICLE 6: **APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND**

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: Massachusetts General Law chapter 40, section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special

reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of March 1, 2023 was \$1,075,722.

ARTICLE 7: APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Debt Service Stabilization Fund as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that a sum be transferred from Free Cash and that said sum be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: Massachusetts General Law chapter 40, section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The Debt Service Stabilization Fund (DSSF) was approved under Article 14 of the November 2, 2015 Special Town Meeting. The intent of this fund is to set aside funds to be available, when necessary, to pay certain debt obligations. This fund is intended to be part of the Town's overall planning strategy for addressing capital facility needs, particularly over the next five years. The fund provides added flexibility to maintain the Town's capital investment strategy by smoothing out the impact of debt payments in years when the debt level is higher than is typically recommended. The fund may also be beneficial at times when interest rates are higher than expected. The fund is designed to ensure that monies are not depleted in a single year, and that the amount available for appropriation is known before the budget year begins. The amount appropriated into the Fund will stay with the fund and will be used to manage the Town's reliance on debt. The balance in the fund as of March 1, 2023 was \$2,186,295.

GENERAL ARTICLES

ARTICLE 8: AMEND TOWN CHARTER – PERSONNEL BOARD

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with clause (1), section 8 of Article LXXXIX of the Amendments of the Constitution,

to the end that legislation be adopted precisely as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT TO AMEND THE NEEDHAM CHARTER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 20B of chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by striking out clause (v) and inserting in place thereof the following:

“(v) shall adopt rules and regulations establishing a human resources system, subject to the approval of the select board and in consultation with the human resources advisory committee, as necessary; provided however, that such human resources system shall make use of modern concepts of human resources management and shall include, but not be limited to: (a) a method of administration; (b) human resources policies indicating the rights, obligations and benefits of employees; (c) a classification plan; (d) a compensation plan; (e) a method of recruiting and selecting employees based on merit principles; (f) a centralized record keeping system; (g) disciplinary and grievance procedures; (h) a professional development and training program; and (i) such other elements as deemed necessary; provided further, that all town agencies and positions shall be subject to the rules and regulations adopted under this clause, excluding employees of the school department and as otherwise provided in chapter 150E of the General Laws.”

SECTION 2: Section 21 of said chapter 403, as so amended, is hereby further amended by striking out the words “personnel board” in clause (ii) and inserting in place thereof the words “human resources advisory committee.”

SECTION 3. This act shall take effect upon passage.

Or take any other action relative thereto.

INSERTED BY: Select Board

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

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

Article Information: This article seeks approval of the Legislature and the Governor to amend the Town Charter to eliminate the role of the Personnel Board in the daily operation of the Town's human resources function. The Board's current operational role is contained in section 20B of the Town Charter as "oversight" and includes mandatory review and approval of any changes to personnel policies before they are submitted to the Select Board; and a requirement that classification plans, compensation plans and any proposed changes to those plans are submitted to the Personnel Board for review and comment prior to submitting those actions to the Select

Board. This provision requires that the Town Manager respond in writing to any Personnel Board comments received within 15 days after submission.

Under this proposal, the advisory and review roles described in section 1.11 of the Needham General By-Laws will continue. The Personnel Board is appointed by the Moderator and serves as an independent advisory committee and as a sounding board for the executive branch on HR matters. The Personnel Board also evaluates articles relating to HR issues that are proposed for an Annual or Special Town Meeting Warrant and advises Town Meeting about collective bargaining agreements and appropriations to fund collective bargaining agreements.

ARTICLE 9: AMEND GENERAL BY-LAW/PERSONNEL BOARD

To see if the Town will vote to amend its General By-laws by deleting wherever they appear the words “Personnel Board” and replacing them with the words “Human Resources Advisory Committee”; provided, however, that this amendment of the General By-laws shall not become effective before the effective date of the special legislation referred to in Article 8, approving the related changes to the Town Charter; or take any other action relative thereto.

INSERTED BY: Select Board

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

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

Article Information: This article would take effect after the Charter change is approved by the Legislature and the Governor. The effect would be to change the name of the Personnel Board to the Human Resources Advisory Committee. No other change to the role of the Personnel Board, as set forth under section 1.11 of the General By-laws of the Town, is proposed.

ARTICLE 10: PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) ACCESS AND CABLE RELATED FUND ACCEPTANCE

To see if the Town will accept Massachusetts General Laws chapter 44, section 53F¾, which establishes a special revenue fund known as the Public, Educational, and Governmental (PEG) Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for FY2024, which begins on July 1, 2023 or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town needs to amend the process by which the Needham Channel receives revenues from the cable companies. Currently the cable companies make payment directly to the Needham Channel. The State requires the Town to receive the monies directly and then make payment to the Needham Channel. Those monies include fees collected from customers

by the cable companies in connection with the franchise and in support of public, educational, and government (PEG) programming; the Needham Channel provides these services. In addition to those monies, there are other payments required under the cable licensing agreements to provide services, facilities, and equipment for the Needham Channel, and to deliver cable television programming to Town buildings. Under state law, cable companies also pay the Town an annual license fee, which is based on the number of cable customers. Massachusetts General Law chapter 44, section 53F3/4, allows the Town to create a separate revenue account to be known as the "PEG Access and Cable Related Fund", into which may be deposited funds received in connection with a franchise agreement between the cable companies and the Town. Creation of such a fund would align the Town with the practices prescribed by the Massachusetts Department of Revenue.

ARTICLE 11: APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$671,850 for the purpose of funding and supporting public, educational and government (PEG) programming provided by the Needham Channel, 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.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to appropriate funds to make payments to the Needham Channel during FY2024. Because of the timing of the receipt of the funds, the Town must identify an alternative funding source for the year and will effectively be reimbursed by the payments received from the cable companies. The cable companies make payment quarterly based on their collections. The Town would pay out no more than what is received from the cable companies. The payments to the Needham Channel would not occur until after the payments are received from the cable companies each quarter.

ARTICLE 12: ESTABLISH OPIOID SETTLEMENT STABILIZATION FUND

To see if the Town will vote to establish an Opioid Settlement Stabilization Fund in accordance with the fourth paragraph of Massachusetts General Law chapter 40, section 5 which allows the dedication, without further appropriation, of 100% of the monies received by the Town related to the opioid settlement and credited to the fund for opioid recovery and mitigation programs, effective for FY2024 beginning on July 1, 2023; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: As a result of a nationwide settlement with opioid distributors that will result in funds being distributed to the Commonwealth, the Town of Needham will receive distributions over the next 30 or so years. These funds must be used on programming and strategies for opioid use disorder prevention, harm reduction, treatment, and recovery under the terms of the legal settlement. The Opioid Settlement Stabilization Fund is a mechanism for setting aside the funds for future appropriation by Town Meeting. In future years, opioid settlement payments received by the Town will be automatically credited to this fund. Future expenditures out of the fund are subject to appropriation by Town Meeting.

ARTICLE 13: APPROPRIATE TO OPIOID SETTLEMENT STABILIZATION FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$217,288 to the Opioid Settlement Stabilization Fund, as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The appropriation amount is equal to that which the Town has received during FY2023 before the creation of the special stabilization fund (previous article) and therefore must be appropriated by Town Meeting to the fund to ensure that the monies are reserved for the intended purposes. In future years, opioid settlement payments received by the Town will be automatically credited to this fund. Future expenditures out of the fund are subject to appropriation by Town Meeting.

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

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

Given into our hands at Needham aforesaid this 28th day of March 2023.

Marianne B. Cooley, Chair
Marcus A. Nelson, Vice Chair
Kevin Keane, Clerk
Matthew D. Borrelli, Member
Heidi Frail, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable: