

FISCAL YEAR 2023 (July 1, 2022 – June 30, 2023)

# TOWN CLERK'S RECORDS OF THE

STATE PRIMARY Tuesday, September 6, 2022

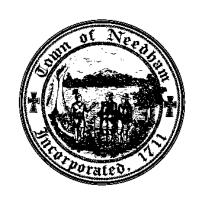
SPECIAL TOWN MEETING Monday, October 24, 2022

STATE ELECTION Tuesday, November 8, 2022

ANNUAL TOWN ELECTION Tuesday, April 11, 2023

ANNUAL TOWN MEETING Monday, May 1, 2023

SPECIAL TOWN MEETING Monday, May 8, 2023



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#### RECORD OF THE STATE PRIMARY Tuesday, September 6, 2022

The ballot box returns in the Precincts were as follows:

Pursuant to a Warrant issued by the Selectmen July 26, 2022, 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 fourth day of September in the year 2018 at seven o'clock in the forenoon for the purpose of nominating State and Country officers. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero-report printed. The boxes were then locked, and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - The Center at the Heights
Precinct B - The Center at the Heights
Precinct C - Newman School – Gymnasium
Precinct D - Newman School - Gymnasium
Precinct E - Needham Golf Club – Community Room
Precinct F - Rosemary Complex – Multi-Purpose Room
Precinct G - Rosemary Complex – Multi-Purpose Room
Precinct H - Needham Golf Club – Community Room
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.

<b>PRECINCTS</b>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
7:00 A.M.	7	3	0	0	0
8:00 A.M.	12	10	10	7	7
9:00 A.M.	40	33	17	19	27
10:00 A.M	92	118	41	54	62
11:00 A.M.	147	267	90	88	107
12:00 NOON	200	-	146	143	178
1:00 P.M.	253	368	226	211	239
2:00 P.M.	301	468	295	252	326
3:00 P.M.	362	530	345	305	360
4:00 P.M.	405	-	365	341	430
5:00 P.M.	442	-	379	411	505
6:00 P.M.	472	- 621	411	467	564
7:00 P.M.	499	674	473	508	582
8:00 P.M.	526	693	604	556	676

<b>PRECINCTS</b>	<u>F</u>	<u>G</u>	<u>H</u>	I	<u>J</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	26	59	32	17	6
9:00 A.M.	87	110	146	55	48
10:00 A.M.	128	223	230	94	57
11:00 A.M.	205	334	352	171	121
12:00 NOON	281	482	362	232	229
1:00 P.M.	326	493	410	279	321
2:00 P.M.	398	525	432	353	330
3:00 P.M.	474	587	453	370	440
4:00 P.M.	508	605	497	433	449
5:00 P.M.	534	635	529	516	482
6:00 P.M.	564	683	567	559	520
7:00 P.M.	613	713	616	667	530
8:00 P.M	648	767	655	709	553

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:52 P.M., September 6, 2022.

The total number of votes cast was as follows:

	Democrat	Republican	Total
Precinct A	407	119	526
Precinct B	569	124	693
Precinct C	497	107	604
Precinct D	451	106	557
Precinct E	550	127	677
Precinct F	528	123	651
Precinct G	646	122	768
Precinct H	527	131	658
Precinct I	615	96	711
Precinct J	474	79	553
TOTAL	5,264	1,134	6,398

(The absentee ballots are included in the Total Vote)

TOTAL VOTE CAST - 6,398 (Includes 11 Hand counts)

(26.65% of 24,012 Registered Voters

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>	Ī	$\underline{\mathbf{J}}$	TOTAL
				<u>DEMO</u>	CRATIC	<u>PARTY</u>					
Total # of Votes Cast	407	569	497	451	550	528	646	527	615	474	5,264
			!	GOVERN	OR (Vot	e for One	<u>)</u>				
Sonia Rose Chang-Diaz	47	30	27	32	49	38	46	46	55	35	405
Maura Healey	356	526	459	411	486	479	586	468	549	429	4,749
Scattered Write-Ins:	0	1 12	3	0	1	0	1	1	1	3	11
Blanks TOTAL	4 407	569	8 497	8 451	14 550	11 528	13 646	12 527	10 615	7 474	99 5,264
TOTAL	407	30)	727	431	330	320	040	321	015	777	3,204
			LIEUTE	ENANT G	OVERNO	OR (Vote	for One)				
K. 1 1 D. II	170	261	212	100	250	225	222	2.42	260	227	2.279
Kimberly Driscoll Tami Gouveia	179 64	261 77	212 68	190 85	250 90	225 104	323 90	242 87	269 117	227 76	2,378 858
Eric P. Lesser	125	188	162	132	160	156	162	162	184	129	1,560
Scattered Write-Ins:	0	0	0	1	0	0	2	0	0	1	4
Blanks	39	43	55	43	50	43	69	36	45	41	464
TOTAL	407	569	497	451	550	528	646	527	615	474	5,264
			ATTO	ORNEY G	<u>ENERAI</u>	(Vote for	r One)				
Andrea Joy Campbell	209	318	263	275	351	283	376	274	340	259	2,948
Shannon Erika Liss-Riordan		153	146	113	123	153	149	147	176	122	1,411
Quentin Palfrey	50	75	60	48	56	69	87	87	69	75	676
Scattered Write-Ins:	0	1	0	0	0	0	0	0	0	0	1
Blanks TOTAL	19 407	22 569	28 497	15 451	20 550	23 528	34 646	19 527	30 615	18 474	228 5,264
TOTAL	407	309	477	431	330	320	040	321	015	4/4	3,204
			SECR	ETARY (	OF STATI	E (Vote fo	or One)				
William Francis Galvin	296	437	352	317	375	359	434	394	433	328	3,725
Tanisha M. Sullivan	101	123	124	112	160	158	191	125	165	135	1,394
Scattered Write-Ins: Blanks	1 9	0 9	0 21	0 22	0 15	0 11	1 20	0 8	0 17	0 11	2 143
TOTAL	407	569	497	451	550	528	646	527	615	474	5,264
			.,,								-,
			<u>-</u>	<u> FREASU</u>	RER (Vot	e for One	<u>)</u>				
Deborah B. Goldberg	348	492	412	360	437	437	508	423	492	390	4,299
Scattered Write-Ins:	1	1	1	1	0	0	3	1	2	0	10
Blanks	58	76	84	90	113	91	135	103	121	84	955
TOTAL	407	569	497	451	550	528	646	527	615	474	5,264

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>	TOTAL
				<u>DEMO</u>	CRATIC 1	PARTY					
<b>Total # of Votes Cast</b>	407	569	497	451	550	528	646	527	615	474	5,264
				AUDITO	OR (Vote	for One)					
Christopher S. Dempsey Diana DiZoglio Scattered Write-Ins: Blanks TOTAL	183 164 1 59 407	300 201 1 67 569	261 159 0 77 497	208 180 1 62 451	294 179 1 76 550	294 176 0 58 528	325 215 2 104 646	282 173 0 72 527	308 227 0 80 615	239 183 0 52 474	2,694 1,857 6 707 5,264
	DI	PDFSFN	JTATIVE	IN CON	CDFSS (1	Fourth Di	strict) (V	ote for O	<b>1</b> 0)		
	<u>KI</u>	EI KESE!	VIAIIVI	ZIN CON	GKESS (1	our in Di	strict) (V	<u>ote 101 ()1</u>	<u>16)</u>		
Jake Auchincloss Scattered Write-Ins: Blanks TOTAL	352 1 54 407	508 3 58 569	429 1 67 497	372 4 75 451	442 4 104 550	435 0 93 528	532 6 108 646	435 4 88 527	502 7 106 615	397 3 74 474	4,404 33 827 5,264
		<u>(</u>	COUNCI	LLOR (Se	cond Dist	rict) (Vot	e for One	)			
Robert L. Jubinville Scattered Write-Ins: Blanks TOTAL	296 3 108 407	450 2 117 569	364 1 132 497	321 1 129 451	372 2 176 550	377 0 151 528	445 2 199 646	365 3 159 527	451 1 163 615	342 1 131 474	3,783 16 1,465 5,264
SENA	ATOR IN	GENER	AL COU	RT (Norfe	olk, Worc	ester & M	Iiddlesex	District)	(Vote for	One)	
Rebecca L. Rausch Scattered Write-Ins: Blanks TOTAL	338 1 68 407	508 2 59 569	416 1 80 497	368 0 83 451	435 1 114 550	436 0 92 528	512 1 133 646	417 2 108 527	516 1 98 615	397 3 74 474	4,343 12 909 5,264
<u>RE</u>	PRESEN	<u>TATIVE</u>	IN GENI	ERAL CO	URT (Th	irteenth l	Norfolk D	istrict) (V	ote for O	<u>ne)</u>	
Denise C. Garlick Scattered Write-Ins: Blanks TOTAL	356 1 50 407	510 2 57 569	439 1 57 497	377 1 73 451	472 2 76 550	460 1 67 528	556 5 85 646	449 3 75 527	544 2 69 615	410 5 59 474	4,573 23 668 5,264
		DIST	RICT AT	TORNEY	(Norfolk	District)	(Vote for	· One)			
Michael W. Morrissey Scattered Write-Ins: Blanks TOTAL	312 1 94 407	471 1 97 569	383 3 111 497	346 1 104 451	394 1 155 550	407 0 121 528	470 2 174 646	381 3 143 527	472 1 142 615	358 2 114 474	3,994 15 1,255 5,264

TOTAL   Formal   Formal   Total   Formal   Total   Formal   Total   Formal   Formal	TOWN OF NEEDHAM							TOW	N CLERK	S RECORI	DS = 2022 S	STATE PRIMARY
Patrick W. McDermott   308	TOWN OF NEEDHAM	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	E	<u>F</u>					
Patrick W. McDermott   308												
Patrick W. McDermott   308   455   373   333   385   397   458   369   460   356   3,894					<b>DEMO</b>	CRATIC	<b>PARTY</b>					
Patrick W. McDermott   308   455   373   333   385   397   458   369   460   356   3,894	Total # of Votes Cast	407	569	497	451	550	528	646	527	615	474	5,264
Patrick W. McDermott   308   455   373   333   385   397   458   369   460   356   3,894												-, -
Patrick W. McDermott 308 455 373 333 385 397 458 369 460 356 3,894 Scattered Write-Ins: 1 3 1 3 0 0 0 2 3 2 3 2 3 18 Blanks 98 111 123 115 165 131 186 155 153 115 1,352 TOTAL 407 569 497 451 550 528 646 527 615 474 5,264 SCATTERICK COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)  Peter H. Collins 229 353 292 274 326 334 356 312 390 300 3,166 Paul G, Yorkis 87 103 88 71 98 88 123 91 93 75 917 SCATTERICK Write-Ins: 1 1 0 2 1 0 2 0 1 1 9 Blanks 90 112 117 104 125 106 165 124 131 98 1,172 TOTAL 407 569 497 451 550 528 646 527 615 474 5,264    A												
Scattered Write-Ins:				SHERI	FF (Norfo	olk Count	y) (Vote f	or One)				
Scattered Write-Ins:												
Blanks												
COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)												
Peter H. Collins   229   353   292   274   326   334   356   312   390   300   3,166     Paul G. Yorkis   87   103   88   71   98   88   123   91   93   75   917     Scattered Write-Ins:												
Peter H. Collins   229   353   292   274   326   334   356   312   390   300   3,166     Paul G. Yorkis   87   103   88   71   98   88   123   91   93   75   917     Scattered Write-Ins:												
Paul G. Yorkis         87         103         88         71         98         88         123         91         93         75         917           Scattered Write-Ins:         1         1         0         2         1         0         2         0         1         1         9           Blanks         90         112         117         104         125         106         165         124         131         98         1,172           TOTAL         407         569         497         451         550         528         646         527         615         474         5,264           REPUBLICAN PARTY           Total # of Votes Cast         119         124         107         106         127         123         122         131         96         79         1,134           Geoff Diehl         60         53         49         38         61         53         49         54         40         40         497           Chris Doughty         59         70         58         68         66         68         72         76         56         39         632           Scattered Write-		COUN	TY COM	MISSIO	NER (Noi	folk Cou	nty) (Vote	e for Not l	More Tha	n Two)		
Paul G. Yorkis         87         103         88         71         98         88         123         91         93         75         917           Scattered Write-Ins:         1         1         0         2         1         0         2         0         1         1         9           Blanks         90         112         117         104         125         106         165         124         131         98         1,172           TOTAL         407         569         497         451         550         528         646         527         615         474         5,264           REPUBLICAN PARTY           Total # of Votes Cast         119         124         107         106         127         123         122         131         96         79         1,134           Geoff Diehl         60         53         49         38         61         53         49         54         40         40         497           Chris Doughty         59         70         58         68         66         68         72         76         56         39         632           Scattered Write-												
Scattered Write-Ins:   1												
Blanks   90												
A B C D E F G H I J TOTAL												
Total # of Votes Cast   119   124   107   106   127   123   122   131   96   79   1,134	TOTAL	407	569	497	451	550	528	646	527	615	474	5,264
Total # of Votes Cast   119   124   107   106   127   123   122   131   96   79   1,134												
Total # of Votes Cast   119   124   107   106   127   123   122   131   96   79   1,134												
Company   Comp		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>	<b>TOTAL</b>
Capternormal   Capt					REPUI	BLICAN I	PARTY					
Capternormal   Capt	Total # of Votes Cast	119	124	107	106	127	123	122	131	96	79	1.134
Geoff Diehl 60 53 49 38 61 53 49 54 40 40 497 Chris Doughty 59 70 58 68 66 68 72 76 56 39 632 Scattered Write-Ins: 0 0 0 0 0 0 2 0 0 0 0 0 2 Blanks 0 1 0 0 0 0 0 1 1 0 0 0 3 TOTAL 119 124 107 106 127 123 122 131 96 79 1,134   Lieuten V. Allen 56 48 44 32 56 50 45 59 32 32 454 Kate Campanale 51 63 48 59 55 61 66 53 55 40 551 Scattered Write-Ins: 0 0 0 0 0 0 1 0 0 0 0 0 1 Blanks 12 13 15 15 16 11 11 19 9 7 7 128	Total # of your Cust		12.	107	100	12,	120	122	101	70	,,	1,10
Geoff Diehl 60 53 49 38 61 53 49 54 40 40 497 Chris Doughty 59 70 58 68 66 68 72 76 56 39 632 Scattered Write-Ins: 0 0 0 0 0 0 2 0 0 0 0 0 2 Blanks 0 1 0 0 0 0 0 1 1 0 0 0 3 TOTAL 119 124 107 106 127 123 122 131 96 79 1,134   Lieuten V. Allen 56 48 44 32 56 50 45 59 32 32 454 Kate Campanale 51 63 48 59 55 61 66 53 55 40 551 Scattered Write-Ins: 0 0 0 0 0 0 1 0 0 0 0 0 1 Blanks 12 13 15 15 16 11 11 19 9 7 7 128					GOVER	NOR (Vo	te for One	e)				
Chris Doughty 59 70 58 68 66 68 72 76 56 39 632 Scattered Write-Ins: 0 0 0 0 0 0 2 0 0 0 0 0 2 Blanks 0 1 0 0 0 0 0 1 1 0 0 0 3 TOTAL 119 124 107 106 127 123 122 131 96 79 1,134   Lieuten V. Allen 56 48 44 32 56 50 45 59 32 32 454 Kate Campanale 51 63 48 59 55 61 66 53 55 40 551 Scattered Write-Ins: 0 0 0 0 0 0 1 0 0 0 0 0 1 Blanks 12 13 15 15 16 11 11 19 9 7 7 128								<del></del> "				
Scattered Write-Ins:         0         0         0         0         0         2         0         0         0         0         2           Blanks         0         1         0         0         0         0         1         1         0         0         3           TOTAL         119         124         107         106         127         123         122         131         96         79         1,134           Leah V. Allen         56         48         44         32         56         50         45         59         32         32         32         454           Kate Campanale         51         63         48         59         55         61         66         53         55         40         551           Scattered Write-Ins:         0         0         0         0         1         0         0         0         0         1           Blanks         12         13         15         15         16         11         11         19         9         7         128												
Blanks         0         1         0         0         0         0         1         1         0         0         3           TOTAL         LIEUTENANT GOVERNOR (Vote for One)           Leah V. Allen         56         48         44         32         56         50         45         59         32         32         454           Kate Campanale         51         63         48         59         55         61         66         53         55         40         551           Scattered Write-Ins:         0												
LIEUTENANT GOVERNOR (Vote for One)           Leah V. Allen         56         48         44         32         56         50         45         59         32         32         454           Kate Campanale         51         63         48         59         55         61         66         53         55         40         551           Scattered Write-Ins:         0         0         0         0         1         0         0         0         0           Blanks         12         13         15         15         16         11         11         19         9         7         128												
Leah V. Allen     56     48     44     32     56     50     45     59     32     32     454       Kate Campanale     51     63     48     59     55     61     66     53     55     40     551       Scattered Write-Ins:     0     0     0     0     1     0     0     0     0     1       Blanks     12     13     15     15     16     11     11     19     9     7     128	TOTAL	119	124	107	106	127	123	122	131	96	79	1,134
Leah V. Allen     56     48     44     32     56     50     45     59     32     32     454       Kate Campanale     51     63     48     59     55     61     66     53     55     40     551       Scattered Write-Ins:     0     0     0     0     1     0     0     0     0     1       Blanks     12     13     15     15     16     11     11     19     9     7     128												
Kate Campanale       51       63       48       59       55       61       66       53       55       40       551         Scattered Write-Ins:       0       0       0       0       1       0       0       0       0       1         Blanks       12       13       15       15       16       11       11       19       9       7       128				LIEUT	ENANT (	GOVERN	OR (Vote	for One				
Scattered Write-Ins:         0         0         0         0         1         0         0         0         0         1           Blanks         12         13         15         15         16         11         11         19         9         7         128												
Blanks 12 13 15 15 16 11 11 19 9 7 128												
101112 107 100 127 123 122 131 70 77 1,131												
		11)	1 <i>2</i> -T	107	100	12/	123	122	131	70	17	1,157
ATTORNEY GENERAL (Vote for One)				ል ፕፕሬ	ORNEV (	CENERA	I. (Vote fo	or One)				
				· · · · · · · · · · · · · · · · · · ·								
James R. McMahon, III 83 91 70 71 87 76 80 100 62 55 775												
Scattered Write-Ins: 1 1 1 0 0 1 1 1 2 8 Blanks 35 32 36 35 40 46 42 30 33 22 351												
TOTAL 119 124 107 106 127 123 122 131 96 79 1,134												

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>	TOTAL
				REPUE	BLICAN I	PARTY					
<b>Total # of Votes Cast</b>	119	124	107	106	127	123	122	131	96	79	1,134
			GE GD	DE A DAZ		TD /TV 4 . 6	0 )				
			SECR	ETARY (	<u>of Stat</u>	E (Vote fo	or One)				
Rayla Campbell Scattered Write-Ins:	81 1	92 0	68 0	64 0	79 0	75 1	78 1	95 1	63 1	54 2	749 7
Blanks TOTAL	37 119	32 124	39 107	42 106	48 127	47 123	43 122	35 131	32 96	23 79	378 1,134
				TREASU	RER (Vo	te for One	<u>e)</u>				
No Nomination											
Scattered Write-Ins: Blanks	8 111	13 111	6 101	5 101	11 116	6 117	10 112	8 123	8 88	7 72	82 1,052
TOTAL	119	124	107	106	127	123	122	131	96	79	1,134
				AUDIT	OR (Vote	for One)					
Anthony Amore Scattered Write-Ins:	76 1	86 0	70 0	64 0	78 1	74 1	78 0	94 1	58 1	52 1	730 6
Blanks TOTAL	42 119	38 124	37 107	42 106	48 127	48 123	44 122	36 131	37 96	26 79	398 1,134
TOTAL	11)	124	107	100	127	123	122	131	70	1)	1,134
	<u>R</u>	EPRESE	NTATIVI	E IN CON	GRESS (	Fourth D	istrict) (V	ote for O	ne)		
No Nomination Write-Ins:											
David Cannata Scattered Write-Ins:	-	2 10	- 7	- 4	- 11	2	- 10	- 15	-	2 8	6 87
Blanks	9 110	112	100	102	116	8 113	112	120	9 87	69	1,041
TOTAL	119	124	107	106	127	123	122	131	96	79	1,134
		<u>!</u>	COUNCI	LLOR (S	econd Dis	trict) (Vo	te for On	<u>e)</u>			
No Nomination Write-Ins:											
Dashe Videira Scattered Write-Ins:	- 7	- 7	- 8	3	3 12	6 10	- 8	1 9	2 9	1 6	13 79
Blanks TOTAL	112 119	117 124	99 107	103 106	112 127	106 123	114 122	121 131	85 96	72 79	1,041 1,134
											1,134
SEN	ATOR IN	N GENER	RAL COU	RT (Norf	olk, Wor	cester & N	<u> Aiddlesex</u>	District)	(Vote for	One)	
Shawn C. Dooley Scattered Write-Ins:	76 1	85 0	67 0	68 0	79 0	69 2	73 0	94 1	62 2	55 0	728 6
Blanks TOTAL	42 119	39 124	40 107	38 106	48 127	52 123	49 122	36 131	32 96	24 79	400 1,134

TOWN OF NEEDHAM							TOW	N CLERK'	S RECORI	DS – 2022 S	STATE PRIMARY
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>	TOTAL
				REPUI	BLICAN I	PARTY					
Total # of Votes Cast	119	124	107	106	127	123	122	131	96	79	1,134
Total // of votes east	11)	124	107	100	127	123	122	131	70	,,	1,104
	REPRESEN	TATIVI	E IN GEN	ERAL CO	OURT (T	<u>hirteenth</u>	Norfolk I	District) (	Vote for C	<u>One)</u>	
No Nomination											
Scattered Write-Ins:	9	12	6	3	9	8	7	4	8	5	71
Blanks	110	112	101	103	118	115	115	127	88	74	1,063
TOTAL	119	124	107	106	127	123	122	131	96	79	1,134
		DIG	EDICE A	TTODAY	X7 (NI 6 :	u D	( <b>5</b> 7.4.6	•			
		DIS	TRICT A	TTORNE	Y (Norto	lk District	t (Vote for	· One)			
No Nomination											
Scattered Write-Ins:	8	9	6	2	11	7	6	3	5	6	63
Blanks TOTAL	111 119	115 124	101 107	104 106	116 127	116 123	116 122	128 131	91 96	73 79	1,071 1,134
IOTAL	119	124	107	100	127	123	122	131	90	19	1,134
			SHER	IFF (Norf	olk Coun	tv) (Vote	for One)				
				(-,-		-,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<u></u>				
No Nomination Scattered Write-Ins:	9	10	6	2	11	7	6	4	5	8	68
Blanks	110	114	101	104	116	116	116	127	91	8 71	1,066
TOTAL	119	124	107	106	127	123	122	131	96	79	1,134
		COUN	ТҮ СОМ	MISSION	NER (Nor	folk Coun	ty) (Vote	for One)			
No Nomination											
Scattered Write-Ins:	7	8	6	2	10	6	7	3	6	5	60
Blanks	112	116	101	104	117	117	115	128	90	74	1,074
TOTAL	119	124	107	106	127	123	122	131	96	79	1,134

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 9:39 P.M., September 6, 2022.

Theodora K. Eaton, MMC Town Clerk

A true Copy ATTEST

#### RECORD OF SPECIAL TOWN MEETING Monday, October 24, 2022

Pursuant to a Warrant issued by the Select Board September 13, 2022, 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 24, 2022, 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 216 voters, including 210 Town Meeting Members, were checked on the list as being present and 43 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Town Meeting Members were requested to rise and join the Moderator in honoring our country 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 announced the arrangement of the meeting space:

- 1. You have been admitted to this floor because of your status as a Town Meeting Member. The entire floor is reserved for 252 Town Meeting Members and certain elected and appointed officials. Please sit in the rows as marked and indicated by the Marshall. Registered voters may sit in the in the balcony. The Marshal, Mr. Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. As always, please wear your badges that identify you as a Town Meeting Member.
- 2. Once situated please remain in your seats and do not move your chair. Seats have been arranged with more than sufficient spacing for public health purposes.
- 3. The use of face masks is optional. Please make your own decision on use, but use is not required
- 4. As I described in my Informational Memorandum to Town Meeting Members, although we are back at Town Hall, we are still operating under conditions necessary to preserve and protect public health. Accordingly, no hard copy materials are available at the hall tonight. In addition, as with the last three meetings, video presentations from sponsors, other interested parties and the Finance Committee were posted to the Town's You Tube Channel in advance of this meeting and other materials -such as FAQs and supporting documents -- were posted to the Town's website. It is my sincere hope that you were able to view the presentations and related materials that were available prior to the meeting.
- 5. As with the previous the three meetings held during the public health emergency, the videos constitute the affirmative presentations for the Main Motions that will be on the floor this evening. I understand, however, that not everyone may have viewed the videos, or you may have viewed them some time ago. As Moderator, I want all Town Meeting Members to be informed,

so I informed the sponsors of Main Motions – and advised all of you in my Informational Memorandum – that IF THEY WISH, sponsors will be allowed to address Town Meeting for up to a maximum of **FIVE** minutes to **remind** you about what they stated in their video. This is a reminder or refresher only, not a complete repetition.

- 6. When we engage in Discussion, you may address Town Meeting only after being recognized by the Moderator. I ask you to rise, raise your hand and say "Mr. Moderator" to be recognized. Once recognized, please proceed to one of the microphones positioned around the meeting space for use by Town Meeting Members. Once again, these are no touch microphones. Please stand back from the microphone and do not touch the microphones or attempt to adjust them. If adjustment is necessary, the Marshal will assist you. Please know that due the masks, I may not recognize you and call you by name.
- 7. Depending on our progress, we may have a recess, or at least a stretch in place. Please feel free to use the restrooms while we are in session if necessary.
- 8. We are attempting to be efficient to minimize the time we must be convened as a large group. I appreciate your assistance in avoiding redundancy to promote our ability to complete this indoor meeting expeditiously. Thank you for your cooperation and your patience.

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

- 1. Please rise to be recognized, raise your hand and you may call out "Mr. Moderator." When a Member is recognized by the Moderator, proceed to the nearest microphone 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 or say "Mr. Moderator" please inform me so that appropriate accommodation may be made.
- 2. Anyone entering or exiting the meeting area during our session, for example to use the rest rooms, 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 relevant document or the warrant on your device. I know there is a football game going on in which some may be interested. There will be other games this year, but only one Special Town Meeting, so please devote your attention here.
- 4. No firearms or weapons may be brought into the meeting space except by law enforcement personnel.
- 5. As a sign of respect for this legislative chamber, no hats may be worn except for medical or religious purposes.
- 6. Members, non-member speakers and all attendees must observe our rules and practice civility. A speaker who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bounds of civility will be rules out of order. Please remember that we are ONE community and ONE Town Meeting 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.
- 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. 1.7 of the Needham General By-Laws.
- 9. 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 in 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 the 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 such 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 livestreamed and ultimately televised through the good efforts of the Needham Channel. Any inappropriate conduct involving the live coverage or cameras shall be deemed to be out of order addressed swiftly and definitively by the Moderator.
- 15. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate for this meeting:

There will be no full, affirmative presentations by proponents of articles, other interested parties and the Finance Committee, because the affirmative presentations have been posted to the Town's You Tube channel in advance of Special Town Meeting.

When I call an Article by its number, the corresponding Main Motion -- and any previously filed motion to amend or motion to refer -- will be placed on the floor by the Moderator.

At that time, proponents of the Main Motion have the option of speaking for up to five minutes for the sole purpose of reminding Town Meeting Members about the subject matter of the Main Motion.

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

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

Unanimous consent was granted to adopt the rules of practice concerning debate for this meeting.

In keeping with our tradition, I also seek your unanimous consent for a rule of procedure and debate for discussion under Article 3, Amendments to the Fiscal Year 2022 Operating Budget, as well as Articles 4 and 5 amendments to the Enterprise Fund Budget articles. 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 made the following announcements:

- 1. The schedule for Early In-Person Voting prior to the 2022 State Election is listed on the Town website under the Town Clerk's Department.
- 2. The Needham Exchange Club is having their annual Fruits & Chocolates sale to benefit their service projects.
- State Representative Denise Garlick recently had a knee replacement and will not attend tonight's meeting. We wish her a speedy recovery.
- 4. The Needham History Center and Museum is holding an exhibit on the works of long time Needham artist Robert Y. Larsen on Saturday, October 29, 2022.

The Moderator advised that the proponents no longer have an interest in Article 9 and requested unanimous consent to withdraw Article 9 and it was so withdrawn by unanimous consent.

The Moderator announced that Articles 10 is subject of a motion to amend or for other reasons cannot be passed by unanimous consent.

As is our custom, we come next to the Consent Calendar. After I read an eligible Article by its number, I ask anyone who desires that the Article be placed upon the floor for discussion, debate and possible motions, express their view by saying "Question" and raising their hand. Hopefully, prior to this meeting, Members have had the opportunity to view the presentations posted on the Town website, review the information

in the Warrant and information that was mailed to your homes, collect information, or pose questions to town officials. Accordingly, when considering the warrant and the business we have before us, please act thoughtfully, and consider which articles truly require discussion at this Meeting. Those Articles for which nothing is stated will, as is customary, be deemed adopted by unanimous consent.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 1. No Town Meeting Members responded with "question" or "debate" to Articles 1, 2, 3, 4, 5, 6, and 12. The Moderator then called the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was so unanimously voted, and the Town Clerk was requested to so record. As a result, thereof, said articles and the votes thereunder are as follows:

## ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN & TRADES INDEPENDENT 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 Building Custodian and Trades Independent 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 2023 and fiscal year 2024; or take any other action relative thereto.

<u>Article Information</u>: 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 Building Custodian and Trades Independent 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 2023 and fiscal year 2024.

ACTION: It was so voted by unanimous consent.

## ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEES 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 Independent Public Employees 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 2023; or take any other action relative thereto.

<u>Article Information</u>: 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 Independent Public Employees 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 2023.

ACTION: It was so voted by unanimous consent.

#### ARTICLE 3: AMEND THE FY2023 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Operating Budget adopted under Article 10 of the 2022 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>	Changing From	Changing To		
2	Debt Service	\$20,198,294	\$20,366,317		

or take any other action relative thereto.

Article Information: This article is to amend the Town's General Fund debt service budget by \$168,023. With rising interest rates, the Town opted to issue bonds related to the Public Safety Building project sooner and in a larger amount than was anticipated for FY2023 to lock in lower interest rates. Because the Public Safety Buildings were approved to be financed primarily by excluded debt, the lower interest rates benefit the taxpayers directly because the amount of debt to be paid by property taxes for the project are less than it would have been had the Town not bonded when it did. Consequently, the total debt service for FY2023 is higher than the original budget plan by \$168,023. However, the total excluded debt over the life of the existing bonds is \$8.7 million less than anticipated in the last capital improvement plan.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2023 Operating Budget adopted under Article 10 of the 2022 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>	Changing From	Changing To
2	Debt Service	\$20,198,294	\$20,366,317

ACTION: It was so voted by unanimous consent.

#### ARTICLE 4: AMEND THE FY2023 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Sewer Enterprise Fund adopted under Article 11 of the 2022 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

Line Item	<u>Appropriation</u>	Changing From	Changing To	
201D	MWRA Assessment	\$6,822,134	\$6,760,857	

or take any other action relative thereto.

<u>Article Information:</u> The final MWRA Sewer Assessment was received after the approval of the FY2023 Sewer Enterprise Fund Budget at the 2022 Annual Town Meeting. The final assessment is \$61,277 lower than the initial assessment and the budget has been reduced accordingly.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2023 Sewer Enterprise Fund adopted under Article 11 of the 2022 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>	Changing From	Changing To	
201D	MWRA Assessment	\$6,822,134	\$6,760,857	

ACTION: It was so voted by unanimous consent.

#### ARTICLE 5: AMEND THE FY2023 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Water Enterprise Fund adopted under Article 12 of the 2022 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u> <u>Appropriation</u>		<u>Changing From</u> <u>Changing To</u>		
301A	Salary & Wages	\$1,492,528	\$1,503,306	

or take any other action relative thereto.

<u>Article Information:</u> The proposed \$10,778 increase to the Water Enterprise Fund Budget will fund salary increases for non-union personnel. The amount of the general wage increase was not yet available when the budget was approved at the 2022 Annual Town Meeting.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2023 Water Enterprise Fund adopted under Article 12 of the 2022 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>	Changing From	Changing To	
301A	Salary & Wages	\$1,492,528	\$1,503,306	

ACTION: It was so voted by unanimous consent.

### ARTICLE 6: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$9,507.40 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 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 \$9,507.40 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager.

ACTION: It was so voted by unanimous consent.

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

## ARTICLE 7: APPROPRIATE FOR NEEDHAM CLIMATE ACTION PLANNING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$55,000 for the purpose of funding the development of a Climate Action Plan for the Town of Needham, 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 request would fund a consultant to work in partnership with the Climate Action Plan Committee (CAPC) to provide services related to the coordination and development of the Needham Climate Action Plan (CAP). In September, 202, the Select Board created the CAPC to guide the Town in developing a plan that meets or exceeds the State's climate mitigation and The Committee was asked to make resilience goals. recommendations to the Select Board on approval of a CAP. In addition, the October 25, 2021 Special Town Meeting approved a resolution asking the Select Board to consider a number of climate change initiatives. The nine-member committee has conducted regular meetings since April 2022, researched peer community climate action plans, and has developed a draft outline plan. The plan will need to be expanded upon with greater community input and research. The consultant will provide technical expertise needed to validate the recommendations and finalize the CAP.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$55,000 for the purpose of funding the development of a Climate Action Plan for the Town of Needham, to be spent under the direction of the Town Manager and to meet this appropriation that said sum be raised from the Tax Levy.

Kevin J. Keane, Member, addressed this proposal on behalf of the Select Board. He advised that this proposal would fund a consultant to work with the Climate Action Committee to come up with the Needham Climate Action Plan. He recommended adoption on behalf of the Select Board.

Louise L. Miller, member, advised that the Finance Committee has reviewed this article and recommends this article not be adopted.

In response to an inquiry from Carol I. Urwitz, (Precinct J), Stephen Anthony Frail (Precinct G) and Chair of the Climate Action Plan Committee, advised that the committee made speedy

progress and anticipates the need for funding beginning in January.

In response to an inquiry from Paul S. Alpert (Precinct C), Stephen Frail (Precinct G) and Chair of the Climate Action Plan Committee, advised that the committee has asked multiple towns regarding costs and this is an appropriate amount which is at the low end.

Lois Sockol and John D. Crimmins rose in support of this proposal.

Mr. Richard J. Lunetta suggested a reserve fund transfer.

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

## ARTICLE 8: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY

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

In Section 1.3 Definitions, by adding the following after the existing definition of "Basement" and before the existing definition of "Building (or part or parts thereof)":

"Brew Pub – Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and onpremises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license."

 In Section 1.3 <u>Definitions</u>, by adding the following after the existing definition of "Medical Services Building," and before the existing definition of "Mixed-Use Building":

"Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity and production of not more than fifteen thousand (15,000) barrels per year (a barrel being equivalent to thirty-one (31) gallons), and which may include as an accessory use preparation and/or sale of food for on-premises consumption or for take-out. Any such facility may also provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license."

#### TOWN OF NEEDHAM

3. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	HAB
Brew Pub	SP	SP*	SP	SP	N

\*Applies only to the portion of the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N."

4. In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.1, <u>Uses in the Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, <u>Apartment A-1</u>, <u>Apartment A-2</u>, <u>Apartment A-3</u>, <u>Institutional</u>, <u>Industrial</u>, <u>and Industrial-1 Districts</u>, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	RRC	<u>SRB</u>	<u>GR</u>	A-1,2	Ī	IND
	IND-1		SRA			<u>&amp;3</u>
Brew Pu	ıb N	N	N	N	N	SP*
	N		3.7	3.7	3.7	
Microbr	ewery		N	N	N	N
1	N SP**	SP				

\*Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary and the Industrial District that is located east of Rte. 95/128, otherwise N.

\*\*Applies only to the Industrial District that is located east of Rte. 95/128, otherwise N."

- 5. In Section 3.2.4 <u>Uses in the New England Business Center District</u>, Subsection 3.2.4.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery, allowable only in the portion of the New England Business Center District located west and south of Second Avenue." and new paragraph (l) that states "Brew Pub, allowable only in the portion of the New England Business Center District located west and south of Second Avenue."
- 6. In Section 3.2.5, <u>Uses in the Highland Commercial-128 District</u>, Subsection 3.2.5.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (q) that states "Microbrewery, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and a new paragraph (r) that states "Brew Pub, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and by renumbering former paragraphs (q), (r) and (s) as paragraphs (s), (t) and (u) respectively.
- 7. In Section 3.2.6, <u>Uses in the Mixed Use-128 District</u>, Subsection 3.2.6.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery" and a new paragraph (l) that states "Brew Pub" and by renumbering former paragraphs (k), (l) as paragraphs (m) and (n) respectively.

Or take any other action relative thereto.

Article Information: Article 8 provides for the establishment of Brew Pubs and Microbreweries within Needham. The Needham Zoning By-Law does not currently have any provisions for Brew Pubs or Microbreweries and because the noted uses are not specifically identified as permissible, they are prohibited. Accordingly, the proposed zoning amendment seeks to introduce Brew Pubs and Microbreweries as permitted uses in Needham and takes the following approach: 1) defines the terms "Brew Pub" and "Microbrewery;" 2) identifies the zoning districts in which a Brew Pub and/or Microbrewery will be allowed; and 3) establishes that a Brew Pub and Microbrewery will only be allowed by special permit either from the Planning Board or the Zoning Board of Appeals.

Brew Pub Definition. A Brew Pub is a hybrid between a restaurant and a Microbrewery. It sells at least 60% of its beer on-site with significant food services. At a Brew Pub the beer is primarily brewed for sale in the restaurant. Brew Pubs may sell beer to go or distribute to some off-site destinations. Under the proposed amendment a Brew Pub is defined as an eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

Microbrewery Definition. A Microbrewery is a brewery that produces 15,000 barrels or less of beer per year. A Microbrewery completes its primary sales using one or more of the following approaches: (1) Three-tier system: The brewer sells to a wholesaler who sells to a retailer who sells to the consumer; (2) Two-tier system: The brewer acts as a wholesaler and sells to the retailer who sells to the consumer. (3) Direct Sales: The brewer sells directly to the consumer for on-site consumption and/or for carry-out. Under the proposed amendment a Microbrewery is defined as a facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity and production of not more than fifteen thousand (15,000) barrels per year (a barrel being equivalent to thirty-one (31) gallons), and which may include as an accessory use preparation and/or sale of food for on-premises consumption or for take-out. Any such facility may also provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

District Location. The amendment would permit a Brew Pub by special permit in the Business District, Center Business District,

Avery Square Business District, portion of the Chestnut Street Business District located west of Chestnut Street and south of Keith Place, and the portion of the Industrial District located within 150 feet of the Arbor Street boundary. A Microbrewery would be permitted by special permit in the Industrial-1 District. A Brew Pub and a Microbrewery would be permitted by special permit in the Mixed Use-128 District, portion of the New England Business Center District located west and south of Second Avenue, the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue, and the portion of the Industrial District located east of Rte. 95/128.

Special Permit Requirement. Given the desire for close review, the amendment proposes to permit a Brew Pub and a Microbrewery by special permit from the Planning Board in circumstances where a Major Project Site Plan Review Special Permit is triggered and outside of those circumstances to name Zoning Board of Appeals as the special permit granting authority. The special permit requirement would allow for a meaningful review of design and transportation impacts, as well as a greater level of oversight and assurance that the facilities will be operated in a manner that is consistent with the intent of the zoning and other regulations.

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

In Section 1.3 Definitions, by adding the following after the existing definition of "Basement" and before the existing definition of "Building (or part or parts thereof)":

"Brew Pub – Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and onpremises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license."

 In Section 1.3 <u>Definitions</u>, by adding the following after the existing definition of "Medical Services Building," and before the existing definition of "Mixed-Use Building":

"Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity and production of not more than fifteen thousand (15,000) barrels per year (a barrel being equivalent to thirty-one (31) gallons), and which may include as an accessory use preparation and/or sale of food for on-premises consumption or for take-out. Any such facility may also provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise

permitted in the zoning district in which the microbrewery is located, if and as permitted by its license."

 In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.2, <u>Uses in Business</u>, <u>Chestnut Street Business</u>, <u>Center Business</u>, <u>Avery Square Business and Hillside Avenue Business Districts</u>, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

 "USE
 B
 CSB
 CB
 ASB
 HAB

 Brew Pub
 SP
 SP\*
 SP
 SP
 N

\*Applies only to the portion of the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N."

4. In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.1, <u>Uses in the Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, <u>Apartment A-1</u>, <u>Apartment A-2</u>, <u>Apartment A-3</u>, <u>Institutional</u>, <u>Industrial</u>, <u>and Industrial-1 Districts</u>, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	RRC	SRB	GR	A-1,2	I	<u>IND</u>	IND-1
	<u>SRA</u>			<u>&amp;3</u>			
Brew Pub	N	N	N	N	N	SP*	N
Microbrew	ery N	N	N	N	N	SP**	SP

\*Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary and the Industrial District that is located east of Rte. 95/128, otherwise N.

\*\*Applies only to the Industrial District that is located east of Rte. 95/128, otherwise N."

- 5. In Section 3.2.4 <u>Uses in the New England Business Center District</u>, Subsection 3.2.4.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery, allowable only in the portion of the New England Business Center District located west and south of Second Avenue." and new paragraph (l) that states "Brew Pub, allowable only in the portion of the New England Business Center District located west and south of Second Avenue."
- 6. In Section 3.2.5, <u>Uses in the Highland Commercial-128 District</u>, Subsection 3.2.5.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (q) that states "Microbrewery, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and a new paragraph (r) that states "Brew Pub, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue." and by renumbering former paragraphs (q), (r) and (s) as paragraphs (s), (t) and (u) respectively.
- 7. In Section 3.2.6, <u>Uses in the Mixed Use-128 District</u>, Subsection 3.2.6.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery" and a new paragraph (l) that states "Brew Pub" and by renumbering former paragraphs (k), (l) as paragraphs (m) and (n) respectively.

Adam J. Block, Chair, addressed this proposal on behalf of the Planning Board. He advised that this article modifies the Zoning By-Law of the Town of Needham by creating brew pubs and micro-breweries by special permit. These would be allowed in

several districts and would contribute to a vibrant mix for the town.

Carol A. Fachetti, Finance Committee member, advised that this proposal is an economical benefit for the Town. The Finance Committee unanimously recommends adoption of Article 8

Thomas M. Harkins (Precinct G) noted that he has visited 62 breweries and commends the Select Board and the Finance Committee and urged support of this proposal

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

### ARTICLE 9: APPROPRIATE FOR RIDGE HILL BUILDINGS DEMOLITION SUPPLEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$225,000 for the purpose of the demolition and removal of buildings at Ridge Hill Reservation, to be spent under the direction of the Permanent Public Building Committee and Town Manager and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: Two of the three buildings at Ridge Hill are in advanced stages of disrepair and pose potential health and safety risks to the public. In 2019, Town Meeting approved \$25,000 in feasibility funding for the demolition of the buildings, and the October 2021 Special Town Meeting appropriated \$603,091 for the completion of the project. The Town received three bids for the construction phase of the project, and the average bid including a contingency amount was significantly higher than the original estimate. It is expected that this request for \$225,000 in supplemental funding will allow the Town to move forward with the project. Bids are due prior to Town Meeting and additional information will be available at that time.

This project includes the demolition of the Ridge Hill Manor House and garage at 463 Charles River Street. The Manor House and garage have hazardous building materials within the existing structures that must be professionally handled, abated, and disposed of as part of the demolition project per Federal and State regulations. The demolition scope of work also includes removal of an underground fuel storage tank at the garage; complete removal of all building elements, foundations, portions of the exterior paved areas and utilities associated with the subject structures, and stabilization and restoration of the site following demolition.

**Article 9** was withdrawn at the beginning of the meeting.

## **ARTICLE 10:** APPROPRIATE FOR EMERY GROVER RENOVATION SUPPLEMENT

To see if the Town will vote to appropriate a sum for the renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$13,000 be transferred from Article 32 of the May 2018 Annual Town Meeting, that \$32,000 be transferred

from Article 6 of the May 2018 Special Town Meeting, that \$145,000 be transferred from Article 1 of the January 2019 Special Town Meeting, that \$150,000 be transferred from Article 21 of the June 8, 2020 Annual Town Meeting, that \$1,000,000 be transferred from Overlay Surplus, and that the Treasurer, with the approval of the Select Board, is authorized to borrow a sum under M.G.L., Chapter 44, Section 7, M.G.L. Chapter 44B, or any other enabling authority; or take any other action relative thereto.

Article Information: This article would provide additional funding for construction of a project to fully renovate the Emery Grover School Administration Building, at its present location on Highland Avenue. The additional funding request reflects construction price escalation. Not only are essential materials and skilled labor significantly more expensive, but supply chain pressures and shortages have made it difficult to secure needed construction materials.

This request supplements the \$19,400,000 budget for construction awarded at the 2022 Annual Town Meeting and the \$1,475,000 appropriated for design at the October 25, 2021 Special Town Meeting. Based on 60% Construction Documents, the updated project budget is estimated at \$25.330 million, which reflects an increases of \$4,455,000 over the May 2022 feasibility stage estimate of \$20.875 million. This increase is not unexpected; it was understood in May that total project costs could increase, based upon construction bids, and that the Town might need to seek additional funds to complete the project. Bids for the construction project are due prior to Town Meeting and additional information will be available at that time.

The scope of this 21,108 Gross Square Foot (GSF) renovation project remains unchanged from May and includes the following elements: historic renovation of the Emery Grover exterior (façade); renovation and modernization of the interior spaces; and minor modifications to the Hillside School, to serve as swing space during construction. The project scope modifies that originally described by BH+A Architects in the June 2020 Emery Grover Feasibility Study, which is available for review on the School Department's website. The revised concept reduces the original building scope by approximately one third from 34,717 GSF to generally fit within the building's existing envelope. It eliminates the 50ft. by 100ft., three-story 18,415 GSF addition that was originally proposed for the rear of the building, reflects a more efficient use of interior spaces (such as the use of shared spaces and common work areas), and relocates the educational technology/head end room function to other school buildings.

The Emery Grover construction project is anticipated to take 16 months. The Hillside School updates are in process and are expected to be completed in December 2022.

MOVED: That the Town vote to appropriate a sum for the renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$13,000 be transferred from Article 32 of the May 2018 Annual Town Meeting, that \$32,000 be transferred from Article 6 of the May 2018 Special Town Meeting, that \$145,000 be transferred from Article 1 of the January 2019 Special Town Meeting, that \$150,000 be transferred from Article 21 of the June 8, 2020 Annual Town Meeting, that \$1,000,000 be

transferred from Overlay Surplus, and that the Treasurer, with the approval of the Select Board, is authorized to borrow a sum under M.G.L., Chapter 44, Section 7, M.G.L. Chapter 44B, or any other enabling authority.

Marianne B. Cooley, Chair, Select Board, offered the following motion to amend:

MOVED: that the main motion under Article 10 be amended by deleting in the first line the words "a sum" and inserting in place thereof the sum "\$2,725,000", by deleting in the  $8^{TH}$  the sum "\$1,000,000" and inserting in place thereof the sum "\$1,090,000", and by deleting in the  $9^{th}$  and  $10^{th}$  lines the words "a sum" and inserting in place thereof the sum "\$1,295,000".

Marianne B. Cooley urged support of this article and the amendment on behalf of the Select Board.

John P. Connelly, Chair, advised that the Finance Committee voted to recommend adoption of the article.

In response to several questions from Barry S. Pollack (Precinct J), John P. Connelly advised that the Finance Committee is confident based on the bid from the General Contractor that this is the last request for more money to come before Town Meeting. There is a 17% contingency being held for change orders and on the capital and operating side, procurement for this process is like other processes in past projects.

In response to an inquiry from Georgina Arrieta-Ruetenik (Precinct J), Matthew Spengler, Chair, School Committee, advised that the same plan is in place for the technology currently at the former Hillside School.

In response to Mr. John D. Crimmings (Precinct G), Mr. Connelly noted that there is no question that there are many projects out there to affect the 10% debt limit.

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

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

VOTED: That the Town vote to appropriate \$2,725,000 for the renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$13,000 be transferred from Article 32 of the May 2018 Annual Town Meeting, that \$32,000 be transferred from Article 6 of the May 2018 Special Town Meeting, that \$145,000 be transferred from Article 1 of the January 2019 Special Town Meeting, that \$150,000 be transferred from Article 21 of the June 8, 2020 Annual Town Meeting, that \$1,090,000 be transferred from Overlay Surplus, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,295,000 under M.G.L., Chapter 44, Section 7, M.G.L. Chapter 44B.

## ARTICLE 11: APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote (i) to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, certain real property identified as 0 Charles River Street containing 130,680 s.f +/- as shown on Assessors Map 304, Block 0004 for conservation, open space and passive recreation purposes, a second parcel identified as 0 Charles River Street containing 130,680 s.f +/- as shown on Assessors Map 304, Block 0005 for conservation, open space and passive recreation purposes, and a portion of a third parcel identified as 484 Charles River Street containing approximately 58.28 acres +/- as shown on Assessors Map 304, Block 0002 of which the Town would acquire approximately 28 acres +/- for general municipal purposes, and (ii) to appropriate \$2,500,000 to pay costs of such acquisition, including the payment of all other costs incidental and related thereto, to be spent under the direction of the Town Manager, and that to meet this appropriation, the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7(1); or take any other action relative thereto.

Article Information: This article will provide authorization for the Select Board to acquire approximately 34 acres of open space in a partnership with Northland Residential that would provide public access to the Charles River, walking trails, and recreational opportunities. This land is a portion of the Castle Farm Property owned by the Foster Estate. If funded, the Town will acquire two parcels of land totaling approximately six acres along Charles River Street and an additional approximately 28 acres of meadowland along the Charles River. Each of these parcels directly abuts a portion of the existing Ridge Hill Reservation that was acquired by the Town in 1981. The acquired land will allow the Town to retain its existing trail network (a portion of which travels across currently private land along Charles River Street), preserve the scenic road view for residents and passersby, and expand public access to the Charles River. This proposed acquisition is consistent with the resolution approved at the October 25, 2021 Special Town Meeting, asking that the Select Board consider developing policies that protect Needham's trees, forests, and open spaces because they draw carbon from the atmosphere, and provide life-sustaining food and shelter to other species.

The Select Board has collaborated with Northland Residential on the plan to purchase the entire approximately 64.16 acre-Castle Farm, a partnership critical to preserving 34 acres from development. Northland has proposed building a residential development (including an affordable component) on an approximately 14-acre parcel and setting aside approximately 14 additional acres to serve as an open space buffer and setback from Whitman Road. In total, the envisioned partnership is projected to keep an estimated 48 acres, or 75 percent of the current property as open space, and prevents the type of clear cutting of trees that could take place if the land was sold to a private developer for the construction of a conventional subdivision.

The proposed acquisition would be subject to a conservation restriction on all of the property along Charles River Street (approximately six acres) creating a buffer to any future development. The balance of the parcel will be acquired for general municipal use with the express intent that it will be held perpetually as open space.

As of the printing of the Warrant, the developer and seller were finalizing the Purchase & Sale Agreement. If Town Meeting approves the Town's acquisition of a portion of the property, and Northland satisfactorily completes its review period, it will close

on one of the three-acre parcels. Northland has until the spring of 2023 to complete its permits and approvals (from the Commonwealth and the Town) and the balance of the property would be conveyed by late spring, 2023.

MOVED: That the Town vote (i) to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, certain property identified as 0 Charles River containing 130,680 s.f +/- as shown on Assessors Map 304, Block 0004 for conservation, open space and passive recreation purposes, a second parcel identified as 0 Charles River Street containing 130,680 s.f +/- as shown on Assessors Map 304, Block 0005 for conservation, open space and passive recreation purposes, and a portion of a third parcel identified as 484 Charles River Street containing approximately 58.28 acres +/- as shown on Assessors Map 304, Block 0002 of which the Town would acquire approximately 28 acres +/- for general municipal purposes, and (ii) to appropriate \$2,500,000 to pay costs of such acquisition, including the payment of all other costs incidental and related thereto, to be spent under the direction of the Town Manager, and that to meet this appropriation, the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7(1).

Marianne B. Cooley, Chair, Select Board, explained that the Foster Property was on the list since 2010 but the price was too high at that time, but then an offer from a builder made it more affordable. Purchasing these 34 acres for open space with river access for the town is a once in a generation opportunity.

Mr. John P. Connelly, Chair, advised that the Finance Committee needs more information.

R. Cynthia Landau (Precinct C), moved to refer the subject matter of Article 11 back to the Select Board for further study and due diligence. Referral is to ascertain no later than February 27, 2023, or such other date that the SB chooses when it has completed its work and is prepared to call a Special Town Meeting for discussion and a vote.

Mr. Paul S. Alpert (Precinct C) rose in support of this proposal noting that this property borders on Ridge Hill.

Mr. Maurice P. Handel, (Precinct I) strongly urged support of this proposal. He explained that the town has completed projects with Chapter 40B and arrived at Needham's 10% affordable housing.

Mr. Jim McGaugh, resident for twenty-two years on Whitman Road expressed concern that the neighbors do not have enough information. There is a need for thorough due diligence and there has been no transparency and no communication with the neighbors.

Janet Bernardo, Chair of the Conservation Committee advised that this property is beautiful open space and a unique opportunity. The Trustees of Reservations reach out to the Conservation Committee because they could not purchase this land with donations.

Lois Sockol (Precinct I) rose in support of this proposal.

Mr. William Kettyle advised that he and his family live in a farmhouse on the property and have been taking care of this meadow for many years with Charles Foster. The Kettyle's have continued to take care of the property after Charles Foster was deceased. They did not hear of this proposal until just before the press release.

Kathleen Cahill, Chair, Trustees of Needham Public Library, encouraged everyone to look at this beautiful property. She advised Town Meeting not to pass up this opportunity.

Holly Anne Clarke (Precinct D) expressed shock that there was no public hearing to receive input from the public and that there was no discussion with the Whitman residents who are most affected. She urged support of the motion to refer.

Select Board Chair Marianne B. Cooley advised that there is land that could be needed or wanted for Conservation land and sometimes swaps are useful, but the select Board would have to approve of any land proposition.

One resident from Precinct C advised that the decision on this property will be made in March so there is time to review this proposal. He supported the motion to refer.

Mr. Joseph S. Matthews (Precinct I) advised that tonight Town Meeting members are just being asked for the appropriation. The Town is fortunate to have this opportunity and he urged a yes vote on this article.

In response to an inquiry from William J. Paulson (Precinct E), Marianne B. Cooley, Chair, advised that the Select Board supports this proposal for residential units which will be discussed with state and local government.

Mr. Thomas Lankford, resident, 395 Charles River Street, advised that he lives across from this land and the first letter he received from the Town regarding this purchase arrived today

Mr. Peter B. Benfield (Precinct B) rose in support of this proposal. He noted that his family had similar dealings with Northland in Carlisle.

A motion to amend was offered by Henry G. Ragin (Precinct J) that Article 11 be amended by inserting, after the words "28 acres +/-for general municipal purposes," the statement: "provided that said parcel shall be made subject to a conservation restriction on terms approved by the Select Board at the completion of the development project on the neighboring 28 acres +/- parcel."

In response to an inquiry from Henry G. Ragin, Finance Chair advised that the no more than 3% of general fund revenues would be spent on town revenues and 10% includes monies spent on both borrowing and debt exclusion.

 $$\operatorname{Mr}$$  William B. King (Precinct B) rose in support of Article 11.

Mr. Ben Levine from Greendale Avenue stated that his grandmother said if something is too good to be true, then it probably is and suggested the need to look at the big picture.

Belle Vondergoltz, former resident of 590 Charles River Street, advised of fast cars on Charles River Street. She suggested that the developer has done a good selling job and urged everyone not to vote on this proposal tonight. She indicated that there has

been a paper trail of this land for 50 years and the Town had no previous interest. Much of the land is wetlands.

Mr. David Eisenberg, (Precinct C) concurred that the area is wetlands and the entrance to the area from Charles River Street is narrow and curvy.

Jeanne S McKnight, (Precinct F and Planning Board member) rose in support of this purchase she noted that it is a beautiful walk She noted that the Board of Appeals will hear this project. There will be additional hearings on this property.

A secondary motion to amend Mr. Ragin's motion to amend was offered by Margaret Abruzese that Article 11 be amended to insert, after the words "28 acres +/- for general municipal purposes," the statement: "provided that said parcel shall be made subject to a conservation restriction on terms approved by the Select Board [no later than] the completion of the development project on the neighboring 28 acre +/- parcel."

Marianne B. Cooley, Chair, Select Board, advised that the Zoning Board of Appeals will be public hearings.

Artie R. Crocker (Precinct I) rose in support of the motion to refer. He suggested Town Meeting needs to look after the best interest of the town.

In response to an inquiry from Michael L. Niden (Precinct E), regarding what would happen if this article is not voted on favorably, Marianne B. Cooley, Chair, Select Board, advised that the proposal is supposed to be in place by March 15, 2023. The Select Board would go back to the sellers.

Mr Jeffrey D. Heller (Precinct F) rose in support of the purchase and against all the amendments.

Mr. Daniel P. Matthews (Precinct I) advised that the Select Board has worked on this for a year, and it should only go forward.

A motion to move the previous question on the main motion and all motions to amend was offered by Mr. Ford H. Peckham (Precinct E). The motion was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

R. Cynthia Landau's motion to refer was presented but it failed to pass on a voice vote declared by the Moderator.

Henry G. Ragin's motion to amend was presented, but it failed to pass on a voice vote declared by the Moderator.

Margaret Abruzese's secondary motion to amend under Mr Ragin's motion was presented, but it failed to pass on a voice vote declared by the Moderator.

ACTION: The main motion which requires a two-thirds vote for borrowing, was presented, but the Moderator was in doubt. The Moderator swore in the following tellers: Cynthia J. Wolfe, Heinz R. Brinkhaus, Jane B. Murphy, Richard A. Zimbone, Paula R. Callanan, and Eric J. Bailey. The motion was again presented and carried by a count of hands. The hand count was Yea 164 – Nay 33 (131 votes required for passage).

#### ARTICLE 12: RESCIND DEBT AUTHORIZATIONS

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Public Works Storage Facility (Jack Cogswell Facility)	2018 ATM	35	\$3,503,000	\$2,218,000
Total				\$2,218,000

or take any other action relative thereto.

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.

MOVED: That the Town vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Public Works Storage Facility (Jack Cogswell				
Facility)	2018 ATM	35	\$3,503,000	\$2,218,000
Total				\$2,218,000

Article 12 was adopted by unanimous consent earlier this evening.

## ARTICLE13: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$351,662 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.

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 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 July 31, 2022 was \$1,102,238.

MOVED: That the Town vote to raise, and/or transfer and appropriate the sum of \$351,662 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.

Marcus A. Nelson, Vice Chair, recommended adoption on behalf of the Select Board.

Richard M. Reilly, member, recommended approval of this article on behalf of the Finance Committee.

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

## ARTICLE 14: AUTHORIZE COMMUNITY ENERGY AGGREGATION

To see if the Town will vote to grant the Select Board authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation; or take any other action relative thereto.

Article Information: Community Electricity Aggregation (CEA) is the process by which, under state law, a town or city purchases electricity in bulk from a competitive supplier on behalf of the residents and businesses within the community. A CEA allows cities and towns to pool the purchasing power of residents and businesses to directly purchase energy from competitive power suppliers and secure a cleaner mix of energy at tiered rates for the community. Over 170 cities and towns in Massachusetts currently

have a CEA in place. Resident and business participation in a CEA is voluntary, and those who participate still receive a single electricity bill from Eversource, who will continue to deliver the electricity, maintain poles, and wires, and provide other customer services. Customers who choose not to participate in a CEA will continue to receive Eversource's basic electricity service.

The October 25, 2021 Special Town Meeting approved a resolution asking the Select Board to prioritize climate change initiatives and in particular projects that reduce greenhouse gas emissions. The Climate Action Plan Committee – approved by the Board in 2021 - has identified a CEA as the single most impactful step that Needham can take in the immediate term to reduce greenhouse gas emissions. Needham can enter into an aggregation with no cash expenditure by the Town, and residents and businesses may opt out of the aggregation program at any time, without restriction or penalties. A vote of Town Meeting is required to authorize the Select Board to start the process, which will take several months to complete. Specific details about the structure of the plan will be developed and communicated, and public input will be sought by the Select Board. The Town may also choose not to finalize a contract for a CEA if the bids received from competitive electricity suppliers are unfavorable.

MOVED: That the Town vote to grant the Select Board authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation.

Kevin J. Keane, Clerk, addressed this proposal and recommended adoption on behalf of the Select Board.

Louise L. Miller, Vice Chair, recommended adoption on behalf of the Finance Committee.

Lois Sockol (Precinct J) rose in favor of green energy. In response to an inquiry from Lois, Kevin J. Keane advised that an individual resident and business can opt-out of this aggregate.

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

At this time the Moderator advised that he just learned that the Town Treasurer/Tax Collector, Evelyn M. Poness, recently retired after 45 years of service and offered his congratulations on her many years of service to the Town of Needham.

At 11:53 P.M. Ms. Marianne B. Cooley, on behalf of the Select Board moved to dissolve the Special Town Meeting with the following Resolution:

#### THE FOLLOWING RESOLUTION

#### was offered

WHEREAS:

Carl J. Lueders was born in Saint Louis, Missouri in 1922. He graduated from Rensselaer Polytechnical Institute with an engineering degree after serving in the U.S. Navy during the Second World War; and

#### TOWN OF NEEDHAM

WHEREAS: Carl worked for General Electric in Lynn

before starting his own business, Carl J. Lueders & Company, a manufacturer's representative of industrial control products;

and

WHEREAS: Carl and his wife, the late Lois (Harney)

Lueders settled in Needham where they raised their four children Carl, Wallace, Karen, and Mark. He and Lois were members of the St.

Joseph's Parish community; and

WHEREAS: Carl was blessed with 11 grandchildren and

four great-grandchildren. After Lois' passing, Carl shared life with his companion, Patricia

Kyler; and

WHEREAS: Carl was a lover of tennis, classical music, and

puzzles - both literary and natural - which

befitted his engineering pedigree; and

WHEREAS: Carl served as a Town Meeting Member from

1997 to 2006 and again from 2012 to 2018.

**NOW THEREFORE**, be it resolved by this body that the October 24, 2022 Special Town Meeting be dissolved in honor of the civic and community contributions of Carl Lueders to the Town of Needham.

ACTION: At 11:53 P.M. on Monday, October 24, 2022, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC Town Clerk

A true copy ATTEST:

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#### RECORD OF THE STATE ELECTION Tuesday, November 8, 2022

The ballot box returns in the Precincts were as follows:

Pursuant to a Warrant issued by the Select Board
October 11, 2022, 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 eighth
day of November in the year 2022 at seven o'clock in the
forenoon for the purpose of nominating Federal, State and Country
officers. The polls remained open until 8:00 o'clock in the
afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and 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 – Needham Golf Club – 49 Green Street
Precinct F – Rosemary Complex – Community Room
Precinct G – Rosemary Complex – Community Room
Precinct H – Needham Golf Club – 49 Green Street
Precinct I- William Mitchell School - Gymnasium
Precinct J- William Mitchell School - Gymnasium

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

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

PRECINCTS	<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.	41	49	40	63	66
9:00 A.M.	107	125	100	121	128
10:00 A.M	161	197	152	208	196
11:00 A.M.	203	269	195	275	360
12:00 NOON	250	374	271	351	454
1:00 P.M.	288	442	347	443	585
2:00 P.M.	345	483	430	483	621
3:00 P.M.	405	658	500	560	673
4:00 P.M.	510	670	551	599	710
5:00 P.M.	582	737	649	664	773
6:00 P.M.	664	786	734	743	833
7:00 P.M.	730	873	827	839	960
8:00 P.M.	777	913	940	906	1005
8:15 P.M.	-	-	-	-	1013
		_		_	_
<u>PRECINCTS</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	62	74	52	55	51
9:00 A.M.	161	155	124	142	111
10:00 A.M.	281	255	184	235	188
11:00 A.M.	358	381	268	332	266

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 11:30 P.M., November 8, 2022.

The total number of votes cast was as follows:

12:00 NOON

1:00 P.M.

2:00 P.M.

3:00 P.M.

4:00 P.M.

5:00 P.M.

6:00 P.M.

7:00 P.M.

8:00 P.M.

<b>Precinct</b>	<b>Precinct</b>	Early/Absentee	<b>TOTAL</b>
Precinct A	790	505	1,295
Precinct B	915	644	1,559
Precinct C	949	604	1,553
Precinct D	924	548	1,472
Precinct E	1028	613	1,641
Precinct F	919	582	1,501
Precinct G	1009	650	1,659
Precinct H	1006	610	1,616
Precinct I	1048	662	1,710
Precinct J	881	611	1,492
TOTAL	9,469	6,029	15,498

#### TOTAL VOTE CAST -15,498

#### (64.33x% of 24,091 Registered Voters

Total Vote Cast includes 15,498 Precinct, Early and Absentee ballots, and 27 UOCAVA Ballots from outside the United States

(Added to these totals are 83 votes from ballots postmarked by November 8, 2022, and received by 5:00 P.M. Saturday, November 12, 2022)

These ballots were tallied in a public meeting of the Board of Registrars on Monday, November 21, 2022.

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>	Ī	<u>J</u>	<b>TOTAL</b>
Total # of Votes Cast	1,295	1,559	1,553	1,472	1,641	1,501	1,659	1,616	1,710	1,492	15,498
		<u>G</u>	overnor a	and Lieut	enant Go	vernor (V	ote for O	<u>ne)</u>			
Diehl and Allen Healey and Driscoll Reed and Everett Scattered Write-Ins	354 916 15 2	398 1,122 19 2	354 1,146 30 4	374 1,067 12 2	401 1,191 25 4	325 1,131 17 2	383 1,236 24 3	412 1,173 16 1	341 1,324 22 5	329 1,130 16 0	3,671 11,436 196 25
Blanks	8	18	19	17	20	26	13	14	18	17	170
				ttomov. C	Samanal (X	Isto for O	<b>1</b> 50)				
			<u>A</u>	ttorney G	renerai ( <b>v</b>	ote for O	<u>(ne)</u>				
Andrea Joy Campbell James R. McMahon, III Scattered Write-Ins	888 374 0	1,099 419 0	1,096 410 2	1,020 419 0	1,146 443 1	1,108 266 1	1,179 437 1	1,131 436 3	1,262 387 0	1,112 351 3	11,041 4,023 11
Blanks	33	41	45	33	51	45	42	46	61	26	423
			C.	4	£ 54-4- (X	7.4. <b>f</b> o <b>0</b>	<b>)</b>				
			<u>S</u>	ecretary o	of State (V	ote for O	<u>ne)</u>				
William Francis Galvin Rayla Campbell Juan Sanchez	978 267 22	1,200 305 29	1,204 290 24	1,122 296 23	1,265 314 26	1,167 266 36	1,283 303 34	1,251 313 22	1,381 253 31	1,182 244 43	12,033 2,851 290
Scattered Write-Ins	0	0	3	0	1	0	0	0	0	0	4
Blanks	28	25	32	31	35	32	39	30	45	23	320
				Treasu	rer (Vote	for One)					
Deborah B. Goldberg	985	1,194	1196	1,107	1,246	1,135	1,276	1,234	1,351	1,184	11,908
Christina Crawford	196	235	214	233	231	208	219	229	210	194	2,169
Scattered Write-Ins Blanks	4 110	6 124	7 136	4 128	1 163	6 152	6 158	4 149	3 146	5 109	46 1,375
				Audite	or (Vote f	or One)					
Anthony Amore Diana DiZoglio	392 757	468 932	474 906	469 846	516 951	424 905	519 967	513 932	468 1,027	378 947	4,621 9,170
Gloria A. Caballero-Roca Dominic Giannone, III	25 8	21 17	25 6	24 13	26 6	28 14	31 9	29 11	28 25	38 21	275 130
Daniel Riek	25	31	22	20	31	22	26	23	23 37	27	264
Scattered write-Ins Blanks	0 88	0 90	1 119	0 100	0 111	1 107	0 107	0 108	1 124	0 81	3 1,035

	<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>	<b>TOTAL</b>
Total # of Votes Cast	1,295	1,559	1,553	1,472	1,641	1,501	1,659	1,616	1,710	1,492	15,498
		Repre	esentative i	in Congr	ess (Fou	rth Distric	ct) (Vote f	or One)			
Jake Auchincloss Scattered Write-Ins Blanks	993 25 277	1,201 32 326	1,206 25 322	1,138 34 300	1,244 31 366	1,142 24 335	1,303 34 322	1,220 30 366	1,374 30 306	1.184 24 284	12,005 289 3,204
			Council	llor (Seco	ond Distr	ict) (Vote	for One)				
Robert L. Jubinville Dashe M. Videira Scattered Write-Ins Blanks	860 327 2 106	1,071 380 1 107	1,065 347 1 140	990 368 1 113	1,120 371 2 148	1,066 301 2 132	1,135 372 1 151	1,099 392 2 123	1,239 313 1 157	1,088 309 2 93	10,733 3,480 15 1,270
,,,,,,,/	Senator	in Genera	al Court (N	Norfolk, V	Worceste	er & Midd	llesex Dist	rict) (Vot	te for One	<u>)</u>	
Rebecca L. Rausch Shawn C. Dooley Scattered Write-Ins Blanks	909 351 1 34	1,086 428 2 43	1,062 430 0 61	1,012 420 1 39	1,132 458 0 51	1,085 373 2 41	1,130 474 1 54	1,118 447 1 50	1,253 400 2 55	1,106 346 0 40	10,893 4,127 10 468
	Repr	esentative	e in Genera	al Court	(Thirtee	nth Norfo	lk Distric	t) (Vote fo	or One)		
Denise C. Garlick Scattered Write-Ins Blanks	1,043 18 234	1,237 28 294	1,263 23 267	1,166 32 274	1,310 29 302	1,197 25 279	1,355 25 279	1,293 17 306	1,441 16 253	1,238 20 234	12,543 233 2,722
		Ī	District Att	orney (N	orfolk D	istrict) (V	ote for O	<u>ne)</u>			
Michael W. Morrissey Scattered Write-Ins Blanks	983 19 293	1,181 23 355	1,193 19 341	1,106 23 343	1,225 21 395	1,135 15 351	1,262 19 378	1,214 15 387	1,372 15 323	1,165 24 303	11,836 193 3,469
			<u>Sherif</u>	f (Norfol	k Count	y) (Vote fo	or One)				
Patrick W. McDermott Scattered Write-Ins Blanks	976 16 303	1,171 22 366	1,178 20 355	1,097 19 356	1,215 20 406	1,113 18 370	1,231 17 411	1,201 18 397	1,353 13 344	1,173 20 299	11,708 183 3,607
		<u>Cor</u>	ınty Comn	nissioner	(Norfoll	<u>k County)</u>	(Vote for	One)			
Peter H. Collins Matthew J. Sheehan Scattered Write-Ins Blanks	838 316 3 138	1,034 372 1 152	1,005 359 5 184	939 350 5 178	1,037 412 2 190	1,000 316 4 181	1,077 375 5 202	1,017 421 2 176	1,170 367 2 171	1,046 302 7 137	10,163 3,590 36 1,709
Question #1 (Additional Tax on Income Over One Million Dollars)											
Yes No Blanks	621 634 39	691 796 72	593 910 50	610 814 48	670 900 71	741 706 54	726 878 55	685 890 41	724 926 60	733 703 56	6,794 8,158 546

	<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>	<b>TOTAL</b>
Total # of Votes Cast	1,295	1,559	1,553	1,472	1,641	1,501	1,659	1,616	1,710	1,492	15,498
			Question	n #2 (Reg	ulation of	Dental II	nsurance)				
Yes No Blanks	963 280 52	1,116 363 80	1,093 399 61	1,074 348 50	1,142 403 96	1,097 333 71	1,206 382 71	1,168 385 63	1,285 354 71	1,141 281 70	11,285 3,528 685
	Question	1 #3 (Exp	anded Av	<u>ailability</u>	of Licenso	es for the	Sale of Ale	coholic B	everages)		
Yes No Blanks	610 606 79	766 695 98	759 703 91	777 621 74	774 748 119	727 671 103	837 733 89	747 766 103	919 683 108	715 687 90	7,631 6,913 954
			Question	n #4 (Elig	ibility for	Driver's	Licenses)				
Yes No Blanks	807 444 44	988 510 61	1,012 492 49	942 485 45	1,034 536 71	1,008 439 54	1,113 495 51	1,010 556 50	1,162 486 62	964 473 55	10,040 4,916 542

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 11:38 P.M., November 8, 2022.

Theodora K. Eaton, MMC Town Clerk

A true Copy ATTEST

#### RECORD OF THE ANNUAL TOWN ELECTION Tuesday April 11, 2023

Pursuant to a Warrant issued by the Select Board March 14, 2023, 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 Eleventh day of April in the year 2023 at seven o'clock in the forenoon for the purpose of nominating Town Officers and Town Meeting Members. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero-report printed. The boxes were then locked and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - The Center at the Heights

Precinct B - The Center at the Heights

Precinct C - Newman School - Gymnasium

Precinct D - Newman School - Gymnasium

Precinct E - Needham Golf Club - Community Room

Precinct F – Rosemary Complex

Precinct G – Rosemary Complex

Precinct H - Needham Golf Club - Community Room

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.

#### 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;

One Assessor for Two Years;

Two Members of School Committee for Three Years;

One Trustee of Memorial Park (trustee of soldiers' Two

Constables for Three Years;

 $memorials-\quad veteran) \ for \ Three \ Years;$ 

Three Trustees of Needham Public Library for Three Years;

One Member of Board of Health for Three Years;

One Member of Planning Board for Five Years;

One Member of Needham Housing Authority for Five Years.

One Commissioner of Trust Funds for Three Years;

One Member of Park and Recreation Commission for Three Years:

Two Constables for Three Years;

Ballot Question #1 Shall the Town of Needham Remove the Chief of Police and Police Department from Civil Service?

Ballot Question #2 Shall the Town of Needham Grant Additional Licenses for the Sale of All Alcoholic Beverages

Eight Town Meeting Members from Precinct A for Three Years; One Town Meeting Member from Precinct B for Three Years; Eight Town Meeting Members from Precinct C for Three Years; Eight Town Meeting Members from Precinct C for One Year; Eight Town Meeting Member from Precinct D for Three Years; One Town Meeting Members from Precinct D for Three Years; Eight Town Meeting Members from Precinct E for Three Years; Eight Town Meeting Members from Precinct F for Three Years; Eight Town Meeting Members from Precinct G for Three Years; Eight Town Meeting Members from Precinct H for Three Years; Eight Town Meeting Members from Precinct I for Three Years; One Town Meeting Member from Precinct I for One Year; Eight Town Meeting Members from Precinct J for Three Years; One T

The ballot box returns in the Precincts were as follows:

PRECINCTS	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
7:00 A.M.	0	4	0	0	0
8:00 A.M.	10	4	11	22	16
9:00 A.M.	35	14	48	36	54
10:00 A.M.	54	34	119	128	109
11:00 A.M	98	53	134	144	135
12:00 NOON	113	122	148	167	156
1:00 P.M.	133	177	173	181	178
2:00 P.M.	151	201	191	203	199
3:00 P.M.	166	219	212	223	223
4:00 P.M.	179	248	236	235	244
5:00 P.M.	196	276	268	258	271
6:00 P.M.	211	298	302	296	292
7:00 P.M.	236	321	344	333	337
8:00 P.M.	244	339	367	354	354
PRECINCTS	F	G	н	T	J
PRECINCTS 7:00 A M	$\frac{\mathbf{F}}{0}$	<u>G</u>	$\frac{\mathbf{H}}{0}$	<u>I</u>	<u>J</u>
7:00 A.M.	0	0	0	0	0
7:00 A.M. 8:00 A.M.	0 20	0 26	$\frac{\overline{0}}{33}$	0 15	0 12
7:00 A.M. 8:00 A.M. 9:00 A.M.	0 20 30	0 26 66	0 33 74	0 15 87	0 12 58
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M.	0 20 30 116	0 26 66 170	0 33 74 91	0 15 87 138	0 12 58 102
7:00 A.M. 8:00 A.M. 9:00 A.M.	0 20 30 116 132	0 26 66 170 193	0 33 74 91 107	0 15 87 138 159	0 12 58 102 105
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON	0 20 30 116 132 157	0 26 66 170 193 226	0 33 74 91 107 119	0 15 87 138 159 179	0 12 58 102 105 132
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M.	0 20 30 116 132 157 180	0 26 66 170 193 226 251	0 33 74 91 107 119 142	0 15 87 138 159 179 194	0 12 58 102 105 132 158
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON	0 20 30 116 132 157 180 193	0 26 66 170 193 226 251 282	0 33 74 91 107 119 142 175	0 15 87 138 159 179 194 218	0 12 58 102 105 132 158 176
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M. 2:00 P.M. 3:00 P.M.	0 20 30 116 132 157 180 193 229	0 26 66 170 193 226 251 282 303	0 33 74 91 107 119 142 175 193	0 15 87 138 159 179 194 218 234	0 12 58 102 105 132 158 176 188
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M. 2:00 P.M.	0 20 30 116 132 157 180 193	0 26 66 170 193 226 251 282	0 33 74 91 107 119 142 175	0 15 87 138 159 179 194 218	0 12 58 102 105 132 158 176
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M. 2:00 P.M. 3:00 P.M.	0 20 30 116 132 157 180 193 229 250	0 26 66 170 193 226 251 282 303 333	0 33 74 91 107 119 142 175 193 203	0 15 87 138 159 179 194 218 234 259	0 12 58 102 105 132 158 176 188 213
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M. 2:00 P.M. 3:00 P.M. 4:00 P.M. 5:00 P.M.	0 20 30 116 132 157 180 193 229 250 272	0 26 66 170 193 226 251 282 303 333 377	0 33 74 91 107 119 142 175 193 203 229	0 15 87 138 159 179 194 218 234 259 285	0 12 58 102 105 132 158 176 188 213 236
7:00 A.M. 8:00 A.M. 9:00 A.M. 10:00 A.M. 11:00 A.M. 12:00 NOON 1:00 P.M. 2:00 P.M. 3:00 P.M. 4:00 P.M. 5:00 P.M.	0 20 30 116 132 157 180 193 229 250 272 307	0 26 66 170 193 226 251 282 303 333 377 406	0 33 74 91 107 119 142 175 193 203 229 252	0 15 87 138 159 179 194 218 234 259 285 319	0 12 58 102 105 132 158 176 188 213 236 266

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:35 P.M., April 11, 2023.

Blanks

Blanks

John S. Gallello

Scattered Write-Ins

The total number of votes cast was as follows:

#### **Total**

Precinct A	244
Precinct B	340
Precinct C	367
Precinct D	354
Precinct E	358
Precinct F	368
Precinct G	483
Precinct H	296
Precinct I	375
Precinct J	317

**TOTAL** 3,502

(The Early In-Person Ballots and Absentee Ballots are included in the Total Vote plus 16 hand count ballots and 1 provisional ballots) TOTAL VOTE CAST -

(14.57 % of the 24,041 Registered Voters)

**TOWN OFFICES** 

The result of the balloting was as follows:

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

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	Ī	<u>J</u>	<b>TOTAL</b>
Total # of Votes Cast	244	340	367	354	358	368	483	296	375	317	3,502
SELECT BOARD (for the	ree years)	(Vote for l	Not More	Than Two	)						
Marianne B. Cooley	114	227	207	218	238	242	354	186	230	174	2,190
Catherine Reid Dowd	102	184	220	184	222	222	330	204	230	181	2,079
Joshua W. Levy	139	146	201	172	144	155	172	135	196	174	1,634
Scattered Write-Ins	4	2	0	2	0	1	4	0	3	1	17
Blanks	129	121	106	132	112	116	106	67	91	104	1,084
ASSESSOR (for three year	rs) (Vote f	or One)									
Michael L. Niden	168	247	258	239	238	234	344	207	266	218	2,419
Scattered Write-Ins	1	4	0	1	0	1	1	0	3	3	14
Blanks	75	89	109	114	120	133	138	88	106	96	1,069
ASSESSOR (for two years	(Vote fo	r One)									
John A. Bulian	172	241	252	236	229	238	325	213	273	231	2,410
Scattered Write-Ins	9	3	0	1	1	1	1	0	4	3	23
Blanks	63	96	115	117	128	129	157	83	98	83	1,069
SCHOOL COMMITTEE	(for three	years) (V	ote for No	ot More Th	nan Two)						
Michael J. Greis	173	253	255	233	249	259	343	202	265	231	2,463
Matthew J. Spengler	164	241	246	215	222	225	319	187	259	209	2,287
Scattered Write-Ins	1	2	0	2	0	1	2	0	4	2	14

2,240

2,412

1,084

	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>	<b>TOTAL</b>
Total # of Votes Cast	244	340	367	354	358	368	483	296	375	317	3,502
TRUSTEE OF NEEDHA	M PUBL	IC LIBRA	<b>ARY</b> (for	three years	s) (Vote fo	or Not Mo	re Than T	hree)			
Erhardt Graeff	156	222	230	207	208	217	293	184	258	186	2,161
Michael D. O'Neal	156	238	238	216	226	220	321	196	263	203	2,277
Meghan W. Small	155	234	242	212	217	217	305	185	259	201	2,227
Scattered Write-Ins	2	2	0 391	0	0	1	0 520	1	3	2	11
Blanks	263	324	391	427	423	449	530	322	342	359	3,830
BOARD OF HEALTH (f	or three ye	ears) (Vote	e for One)								
Edward V. Cosgrove III	171	250	256	236	245	250	333	206	269	215	2 ,431
Scattered Write-Ins	1	2	0	1	0	0	2	0	1	2	9
Blanks	72	88	111	117	113	118	148	90	105	100	1,062
PLANNING BOARD (for	r five vear	s) (Vote fo	or One)								
Adam J. Block	59	161	164	187	206	179	269	145	159	127	1,656
Robert S. Dangel	174	140	179	140	124	156	184	128	193	178	1,596
Scattered Write-Ins	1	2	0	0	0	1	0	0	1	2	7
Blanks	10	37	24	27	28	32	30	23	22	10	243
NEEDHAM HOUSING A	AUTHOR	ITY (for i	five year)	(Vote for	One)						
Penelope W. Kirk	169	246	256	230	231	230	326	194	268	212	2,362
Scattered Write-Ins	1	2	0	7	0	0	0	0	1	1	12
Blanks	74	92	111	117	127	138	157	102	106	104	1,128
COMMISSIONER OF T	RUST FU	J <b>NDS</b> (for	three vea	s) (Vote f	or One)						
Daniel Burns	166	239	249	229	222	231	323	188	266	203	2,316
Scattered Write-Ins	1	2	0	1	0	1	0	0	1	2	8
Blanks	77	99	118	124	136	136	160	108	108	112	1,178
PARK & RECREATION	I COMMI	ISSION (4	for three v	ears) (Vot	e for one)						
	167				222	229	321	184	265	207	2,304
Scattered Write-Ins	1	2	4	0	3	1	0	1	1	2	15
Blanks	76	96	115	135	133	138	162	111	109	108	1,183
CONSTABLE (for three y	vanrs) (Vot	ta for <b>N</b> ot	More The	n Two)							
Richard Eugene Graham	155	223	220	206	209	210	297	171	244	185	2,120
Paul F. Hunt	149	220	237	220	224	217	303	177	255	198	2,200
Scattered Write-Ins	1	3	0	0	1	0	0	0	1	2	8
Blanks	183	234	277	282	282	309	366	244	250	249	2,676
Question #1 (Shall the ac	ccentance	by the T	own of N	eedham <i>o</i>	of Chante	er 39 of fl	ne Acts of	f 1924 en	ntitled "A	n Act nla	cing the chief of
police and members of the $\frac{1}{2}$							11003 UI	. 1/27, 01	TION THE	ict pia	one one on
YES	155	254	264	241	260	267	353	227	290	224	2,535
NO	77	62	75	76	65	72	78	62	68	82	717
Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	0	0
Blanks	12	24	28	37	33	29	52	7	17	11	250

TOWN OF NEEDHAM						TOW	N CLERK'	S RECOR	DS – 2023 /	ANNUAL T	OWN ELECTION
	<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>	TOTAL
Total # of Votes Cast	244	340	367	354	358	368	483	296	375	317	3,502
Question #2 (Shall an a additional licenses for the										own of No	eedham to grant
additional ficenses for ti	ie saie oi a	iii aiconoii	ic beveraş	ges not to	De ul ulik	on the pi	emises b	е ассери	<b>:u:</b> )		
YES	121	200	239	197	201	180	296	150	210	147	1,941
NO	116	123	114	131	130	169	153	139	155	161	1,391
Scattered Write-Ins Blanks	0 7	0 17	0 14	0 26	0 27	0 19	0 34	0 7	0 10	0 9	0 170
* Not Elected ** Tie Vote											
			<u>T</u>	OWN MI	EETING	MEMBE!	<u>RS</u>				
	TOWN M	EETING	MEMBE	RS FRON	M PRECI	NCT A (V	ote for N	ot More	Than Eigl	nt)	
			Pl	RECINCT	Γ A (For	Three Yea	ars)				
John D. Genova				152			one (Decl				2
Samuel Hart, Jr. Walter D. Herrick				154 143		** Benjar	min Specto A Velde	or			1 1
Norman F. O'Brien, Jr.				145			s Bickford	(wrong p	orecinct)		1
Rhonda K. Spector				167		**Thoma	s M. Totte	en			1
Nicholas P. Sterling Write-Ins:				142		** Dory	Fish (Doro	otny C. O <sub>l</sub>	openheim)		1
	Т	OWN ME	EETING I	МЕМВЕІ	RS FROM	I PRECI	NCT A (V	ote for O	ne)		
			I	PRECINC	CT A (For	One Yea	r)				
Write-Ins:	1\			2		*C 1	b i	•			2
**Aimee Stone (Declined	1)			2		*Carlos.	Javier Rod	riguez			2
	TOWN M	EETING	МЕМВЕ	RS FROM	M PRECI	NCT B (V	ote for N	ot More	Than Eigl	nt)	
			Pl	RECINC	ΓB (For	Three Yea	ars)				
Stuart B. Agler				200		Write-In	s:				
Orr Y. Bernstein				211			DeRiemer				75
Marianna Borrelli Mark N. Dorfman				212 208			rd Pollack : Edward C				2
Thomas M. Jacob				208			L. Mozell	_	5		2 2
Sara R. Levy				206		**Karan		•			2
•						**Matth	ew Hagge	rty			2
	TOWN M	EETING	MEMBE	RS FRON	M PRECI	NCT C (V	ote for N	ot More	Than Eigl	nt)	
			Pl	RECINCT	ΓC (For	Three Yea	urs)				
Carlos Agualimpia				168		Irene Ber					168
Mark J. Gluesing				163			lose Danne	enberg			190
Paul David Isenberg James D. Masterman				179 174		*Todd No	eil Eyler Ann Lang	rford			148 165
Paul B. Tillotson				163			D. Pevear				116
								•			

247

Jennifer L. Geraci

Marcus Jonathan Hughes

283

237

Kenneth B. Freundlich

	<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>	<b>TOTAL</b>
Total # of Votes Cast	244	340	367	354	358	368	483	296	375	317	3,502

- \* Not Elected
- \*\* Tie Vote

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

#### PRECINCT H (For Three Years)

Molly Kastory Carter	150	*John A. Kingston	122
Lynn Sara Feigenbaum	144	Kumrae Helbig Lee	151
Thomas Edward Gillogley	125	Eileen K. Orscheln	161
Michael C. Kardok	145	Amy M. Wixon	131
		Gregory John Dunn, Jr.	130

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

#### PRECINCT I (For Three Years)

James S. Bonasia	188	David Paul Supple	200
Claire Dee Ecsedy	194	Elizabeth H. Handel	250
Joel S. Golden	188	John A. Kalin	141
Glenn Alan Mulno	208	John A. Terry	206
Peter J. Pingitore	223		

#### TOWN MEETING MEMBERS FROM PRECINCT I (Vote for One)

#### PRECINCT I (For One Year)

David J. Ecsedy 236

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

#### PRECINCT J (For Three Years)

Georgina A. Arrieta-Ruetenik	170		
David P. Montgomery	140	*Wesley S. Soper	103
Jane B. Murphy	166	Sidonie Mia Xavier Granadillo	137
Henry G. Ragin	156	Lorraine M. Murphy	131
James R. Ruetenik	151	Gilad Skolnick	131
Lauren Soper	145		

The ballots cast in the several precincts were returned to the Town Clerk in 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 11:15 P.M., April 11, 2023.

Theodora K. Eaton, MMC Town Clerk

A true copy ATTEST

\*\*\*\*\*

0 Votes

(To break A Tie Vote in Precinct A Of Four Candidates for a Three-Year Term) Thursday, April 20, 2023 7:00 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct F was held on Thursday, April 20, 2023, at 7:30 P.M. for the purpose of electing two of four candidates receiving tie votes to fill the three-year term. The ballots were cast with the following results:

Dory Fish (Dorothy C. Oppenheim), 22 Hewett Circle 10 Votes Benjamin Spector, 79 Sunnyside Road 8 Votes

Thomas M. Totten, 370 Central Avenue Ronit A. Velde, 40 Homsy Lane - Declined 3 Votes

\*\*\*\*\*\*

(To break A Tie Vote in Precinct B Of Five Candidates for a Three-Year Term) Thursday, April 20, 2023 7:15 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct F was held on Thursday, April 20, 2023, at 7:15 P.M. for the purpose of electing one of five candidates receiving tie votes to fill the three-year term. The ballots were cast with the following results:

Richard J. Pollack, 32 Crescent Road Albert Edward Gelsthorpe, 20 Briarwood Circle 4 Votes Robin L. Mozell, 32 Crescent Road Karan Bhagat, 290 West Street 1 Votes Matthew Haggerty, 110 Pine Grove Street 0 Votes

(To break A Tie Vote in Precinct JF Of Two Candidates for a Three-Year Term) Thursday, April 20, 202 7:45 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct F was held on Thursday, April 20, 2023, at 7:45 P.M. for the purpose of electing one of two candidates receiving tie votes to fill the three-year term. The ballots were cast with the following results:

Gilad Skolnick Lorraine M. Murphy 7 Votes 3 Votes

\* \* \* \* \* \* \* \* \*

#### RECORD OF THE ANNUAL TOWN MEETING Monday, May 1, 2023

Pursuant to a Warrant issued by the Selectmen February 14, 2023 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall at the Needham Town Hall, Monday, May 1, 2023, 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  $\underline{232}$  voters, including  $\underline{226}$  Town Meeting Members, were checked on the list as being present and 24 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. He introduced the Boy Scouts of America, Troup 10, to present the colors and lead Town Meeting in the Pledge of Allegiance.

The Moderator advised that the call for spiritual guidance is a valuable part of our tradition and due to the pandemic, we have not been able to observe this important transition since the 2019 Annual Town Meeting. The Moderator invited the leadership of the Needham Interfaith Clergy Association to lead us in our Call for Spiritual Guidance this year and is delighted to restore this tradition. The Moderator welcomed Rev. Catie Scudera, Minister, First Parish in Needham, Unitarian Universalist and Co-President, Needham Interfaith Clergy Association, who provided this evening's spiritual guidance.

The Town Meeting Members were sworn to the faithful performance of their duties by the Town Clerk.

The Moderator declared that a quorum is 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 announced the following arrangement of the meeting space:

#### ARRANGEMENT OF THE MEETING SPACE

- 1. You have been admitted to this meeting space because of your status as a Town Meeting Member. The entire floor is reserved for Town Meeting Members and certain elected and appointed officials. Registered voters may sit in the balcony. The Marshal, Mr. Jacques, will assist you and enforce the limits of this dedicated space for Town Meeting Members. As always, please wear your badges that identify you as a Town Meeting Member. Once situated please remain in your seats and do not move your chair.
- Proponent of Main Motion may use the center podium to address Town Meeting.
- When we engage in discussion, you may address
  Town Meeting only after being recognized by the
  Moderator. I ask you to rise, raise your hand and

say "Mr. Moderator" to be recognized. Once recognized, please proceed to one of the microphones positioned around the meeting space for use by Town Meeting Members. Please stand back from the microphone. If adjustment is necessary, the Marshal will assist you.

4. Face masks are optional. They may be worn by anyone who chooses to do so.

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

- 1. Please rise to be recognized, raise your hand and you may call out "Mr. Moderator." When a Member is recognized by the Moderator, proceed to the nearest microphone 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 or say "Mr. Moderator" please inform me so that appropriate accommodation may be made.
- Anyone entering or exiting the meeting area during our session, for example to use the rest rooms, 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 relevant 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. As a sign of respect for this legislative chamber, no eating or drinking in the hall.
- No hats may be worn except for medical or religious purposes.
- 7. Members, non-member speakers and all attendees must observe our rules and conduct themselves with respect for others and engage in civil discourse. Any speaker who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bounds of civility, will be ruled out of order by the Moderator. Please remember that we are ONE community and ONE Town Meeting with one common goal: the best interests of our town.
- 8. The Moderator shall enforce all rules. 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. 1.7 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, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

Special Notice on Zoning Articles: Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memo to Town Meeting Members and consistent with past practice in both Annual and Special Town Meetings, anyone who wishes to tender a substantive (as opposed to a procedural) motion under a Zoning Article must confer in advance with the Planning Board, and if necessary Town Counsel and the Moderator to address questions and work with the Planning Board to address wording and the impact of any amendments.

- 11. Short motions and procedural motions need not be in writing.
- 12. Rule concerning action under Budget Articles: In keeping with our tradition, I seek your unanimous consent for a rule of procedure and debate concerning budget articles, specifically, Articles under Article 12, the FY 2024 Operating Budget, Articles 13 and 14, the Enterprise Fund Budgets, Article 25, General Fund Cash Capital and Articles 30 and 31, Enterprise Cash Capital. That rule would provide that a motion to amend under these articles that 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.
- 13. Parliamentary motions such as "point of information" and "point 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.

#### RULES OF PROCEDURE

- 14. Limits on debate shall be enforced by the Moderator.
- Questions asked for general informational purposes unrelated to the matter under consideration by the Meeting shall be ruled out of order.
- 16. As stated in the Moderator's Memorandum to Town Meeting Members in connection with this Annual Town Meeting, this meeting is being livestreamed and ultimately televised through the good efforts of The Needham Channel. Any inappropriate conduct involving the live coverage or cameras shall be deemed to be out of order, addressed swiftly and definitively by the Moderator.
- 17. I seek unanimous consent to adopt the following rules of practice concerning debate:

Affirmative presentations by proponents of articles, recommendations of the Finance Committee, Committee Chairpersons, attorneys engaged for the purpose of addressing Town Meeting, **12 Minutes in total**. At the discretion of the proponents, the 12 minutes may be allocated among more than one speaker.

Time limits for discussion: Motions (including to amend) Town Meeting Members, non-TMMS, visitors other than attorneys:

(5 minutes each, all-inclusive per article).

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

I seek your unanimous consent for the adoption of these rules of procedure and practice for this Annual Town Meeting.....hearing no objection I find unanimous consent that the rules of procedure and practice as described by the Moderator are voted and adopted and the Town Clerk will so record.

#### ANNOUNCEMENTS

#### 1. Needham Community Farm Announcement

The Needham Community Farm would like all of you to know that the Community Gardening Beds are open and looking for gardeners. There are still some gardening beds available. If you are interested in renting a bed for the season, please visit needhamfarm.org and click on Community Beds.

- 2. The Needham Climate Action Planning Committee (chartered under the Select Board) is co-hosting an Electric Vehicle showcase on Saturday, May 13, at the Sunita Williams School. The Town's co-hosts are Green Needham and the New England Electric Auto Association. There will be several electrical vehicles and eBikes on hand for test drives including free Abbott's frozen custard!
- 3. Cathy M. Freedberg announced that the Frances Perkins Center is on display here at the Town Hall.
- 4. The Moderator announced that State Representative Denise Garlick is attending the Dover Town Meeting tonight as they are a 1-night meeting. She will miss the Medfield Town Meeting, which is also tonight, and will see you and all our neighbors on Wednesday May 3, 2023.
- The Moderator announced that State Senator Becca Rausch is in attendance tonight.

There are two non-substantive changes in the affirmative main motions as follows:

- 1. Article 13, Appropriate for FY2024 Sewer Enterprise Fund Budget. The main motion contains a line-item budget chart which was inadvertently omitted from the warrant similar to the one found in Article 14, Water Enterprise fund Budget, and
- 2. Article 37 Amend General By-Laws Non-Criminal Dispositions, has a typographical error in the warrant and the word "Offence" has been changed to "Offense" throughout in the motion.

The Moderator announced that the proponents are no longer interested in Articles 17 and 28 and those articles are hereby withdrawn.

The Moderator announced that Articles 37 and 39 are subject to motions to amend or other motions from the proponents or for other reasons cannot be passed by unanimous consent.

As is our custom, we come next to the Consent Calendar. After I read an eligible Article by its number I ask anyone who desires that the Article be placed upon the floor for discussion, debate and possible motions, express their view by saying "question" or "debate" and raising their hand. Hopefully, prior to this meeting, Members have had the opportunity to view the presentations posted on the Town website, review information in the warrant and information that was mailed to your homes, collect information, or pose questions to town officials. Accordingly, when considering the warrant and the business we have before us, please act thoughtfully, and consider which articles truly require discussion at this Meeting. Those articles for which nothing is stated will, as is customary, be deemed adopted by unanimous consent.

The Moderator noted that Article 1 was the Annual Town Election and has already been disposed of and there will be the report of the Finance Committee 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, 5, 7, 9, 11, 13, 21, 22, 23, 25, 26, 27, 30, 31, 32, 33, 35, 36, and 38. 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 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, 2023, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$77,610
Town Clerk with 6 years of service in that position	\$116,802 (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 \$10,513, 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 \$80,326. The annual salary of \$116,801.85 includes compensation for seven (7) 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 \$17,139. 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 \$17,139; 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, 2023, as required by Massachusetts General Laws, Chapter 41. Section 108:

Town Clerk	\$77,610
Town Clerk with 6 years of service in that position	\$116,802 (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 \$10.513, the accumulation of 15 days of nonoccupational 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 \$80,326. The annual salary of \$116,801.85 includes compensation for seven (7) 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 \$17,139. 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 \$17,139.

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 5: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 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 \$300,000 be transferred from Free Cash and that \$700,000 be raised from the Tax Levy; or take any other action relative thereto.

<u>Article Information</u>: This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos

abatement, duct cleaning, painting, electrical and mechanical systems, HVAC, lighting, flooring, carpentry work, and other repairs and upgrades.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 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 \$300,000 be transferred from Free Cash and that \$700,000 be raised from the Tax Levy.

ACTION: So voted by unanimous consent on May 1, 2023.

# **ARTICLE 7:** APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, 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 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 buyback programs for all classes of employees, although an unfunded liability remains. The balance in the fund as of July 1, 2022 was \$714,270.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, 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 on May 1, 2023.

# ARTICLE 9: APPROPRIATE FOR TEMPORARY STAFFING SERVICES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$40,000 for the purpose of funding temporary staffing services, 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: These funds would be used for short-term, temporary assistance to fill unexpected vacancies in critical staff positions while the formal hiring process takes place. Such funds approved by the 2020 Town Meeting were instrumental in supporting Town departments impacted by vacancies caused by worker illness, internal promotions, military activation, and other unexpected situations. The funding is expected to support staffing services for two years.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$40,000 for the purpose of funding temporary staffing services, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 11: APPROPRIATE FOR FLEET REFURBISHMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$300,000 for Fleet refurbishment, to be spent under the direction of the Town Manager, and to meet this appropriation that \$150,000 be transferred from Free Cash and \$150,000 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Article Information: In FY2018, the Fleet Division implemented a refurbishment program for Fleet assets and related components. The goal of this program is to extend the life cycle of the vehicles, increase operational safety, and eventually reduce reactive maintenance. The funding requests are spread out to allow the Fleet Division time to plan multiple repairs at once, follow procurement practices, and have the work completed. Rehabilitation work includes corrosion abatement, treatment, and refinishing, replacing corroded chassis, air brake tanks or brake valves, rebuilding primary components, replacing suspension and brakes, updating lighting and reflective striping, and other life-cycling extending repairs.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$300,000 for Fleet refurbishment, to be spent under the direction of the Town Manager, and to meet this appropriation that \$150,000 be transferred from Free Cash and \$150,000 be transferred from Sewer Enterprise Fund Retained Earnings.

ACTION: So Voted by unanimous consent on May 1, 2023.

# ARTICLE: 13: APPROPRIATE THE FY2024 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 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½: and to meet this appropriation that \$8,564,773 be raised from Sewer Enterprise Fund receipts, and that \$500,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$810,358 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

<u>Article Information:</u> 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 ten 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 24 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in ten 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.

The total operating budget of \$9,875,131 for FY2024 is \$567,336 more than the current FY2023 budget, an increase of 6.1%. The increase is primarily due to a \$436,363 increase in the preliminary MWRA assessment for the Town's sewerage and wastewater disposal. The \$7,197,220 preliminary assessment represents a 6.5% increase over FY2023. The increase in the MWRA sewer assessment accounts for approximately 77% of the total increase. The final assessment from the MWRA will be affected by the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor.

The FY2024 sewer operations portion of the budget is \$539,906 higher, an increase of 6.3% over the current year. As noted above, the MWRA assessment increase is the primary driver of the change for FY2024. The FY2024 drains operations portion of the budget is \$27,430 more than the FY2023, an increase of 3.5%.

The total salary and wages line is \$1,144,544 for FY2024, an increase of \$64,297 (6.0%). The sewer division has 11 full-time employees all of whom are members of the NIPEA union. The increase is due to a combination of changes in personnel and that the Town and the Union settled a new contract which runs through June 30, 2024. This contract was previously approved by Town Meeting, but the current budget was not amended to reflect the increase wages for FY2023 so the FY2024 recommended budget is accounting for two years of increases. The approved contract provides a two percent wage increase for FY2023 and FY2024.

The total expense line for FY2024 is \$823,367 which is \$52,676 or 6.8% more than the FY2023 budget. Energy expenses (electric and natural gas) to operate the sewer pump stations are \$5,117 more than the current year, and fuel cost for sewer vehicles and equipment is \$6,558 higher. Contracted services for repairs and maintenance are \$21,471 more than the current year, an increase of 18.7%. Many service contracts have risen due to higher labor and material costs which the contractors are incurring and passing on to customers. The expense for public works supplies has increased by \$7,294 and is reflective of the higher costs for many items that the public works uses regularly, such as, manhole frames and covers, precast concrete, asphalt, pump replacement parts, and small tools. Contracted services for maintenance, repairs, sweeping, collection, and disposal of catch basin debris are \$4,766 more than FY2023. The allowance for details is \$6,270 more than the current year. The cost of parts and shop supplies for sewer enterprise vehicles and equipment is \$1,000 more than FY2023. The balance of the increase for next year (\$200) is related to testing services for chemicals such as sulfide, which testing is mandated by the MWRA.

The operating capital line is \$14,000 more than FY2023, an increase of 27.5%. 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 increase is indicative of the higher cost for most all equipment in general. The reserve fund is level dollar for FY2024. The sewer debt service budget line is also level dollar for FY2024 at \$610,000.

The budget plan relies on \$500,000 in sewer retained earnings for FY2024 operating budget. The \$810,358 to be transferred from the tax levy is to pay for drains-related programs; this is an increase of \$27,430 from FY2023.

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 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 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½: and to meet this appropriation that \$8,564,773 be raised from Sewer Enterprise Fund receipts, and that \$500,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$810,358 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund.

# Sewer Enterprise FY2024

Line #	Description	FY2022		FY2023		FY2024	
		Expended	FTE	Current Budget	FTE	Recommended	FTE
201A	Salary & Wages	\$887,688	11.0	\$1,080,247	11.0	\$1,144,544	11.0
201B	Expenses	\$437,215		\$770,691		\$823,367	
201C	Capital Outlay	\$44,600		\$51,000		\$65,000	
201D	MWRA Assessment	\$6,614,690		\$6,760,857		\$7,197,220	
201E	Debt Service	\$603,693		\$610,000		\$610,000	
202	Reserve Fund	Transfers Only		\$35,000		\$35,000	
	TOTAL	\$8,587,886	11.0	\$9,307,795	11.0	\$9,875,131	11.0
	FY2024 Budget Percentage Change from FY2023 Budget				6.1%		

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 16: 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 2024 beginning on July 1, 2023 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 Law Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2023 Spending Limit	FY2024 Spending Limit
Public Facility Use	Public Works Department	\$250,000	\$250,000
Tree Replacement	Public Works Department	\$25,000	\$25,000
School Transportation	School Committee	\$819,000	\$819,000
Home Composting	Public Works Department	\$3,000	\$3,000
Water Conservation	Public Works Department	\$10,000	\$10,000
Immunization Program	Health and Human Services Department	\$25,000	\$125,000
Traveling Meals	Health and Human Services Department	\$75,000	\$100,000
Needham Transportation Program	Health and Human Services Department	\$60,000	\$10,000
Aging Services Programs	Health and Human Services Department	\$90,000	\$75,000
Youth Services Programs	Health and Human Services Department	\$25,000	\$5,000

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2023 Spending Limit	FY2024 Spending Limit
Memorial Park Activities	Memorial Park Trustees	\$4,100	\$4,100

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 M.G.L 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. The proposed changes in spending limits are based on prior year trends and future forecasts.

MOVED: That the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 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 Law Chapter 44, Section 53E½

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2023 Spending Limit	FY2024 Spending Limit
Public Facility Use	Public Works Department	\$250,000	\$250,000
Tree Replacement	Public Works Department	\$25,000	\$25,000
School Transportation	School Committee	\$819,000	\$819,000
Home Composting	Public Works Department	\$3,000	\$3,000
Water Conservation	Public Works Department	\$10,000	\$10,000
Immunization Program	Health and Human Services Department	\$25,000	\$125,000
Traveling Meals	Health and Human Services Department	\$75,000	\$100,000
Needham Transportation Program	Health and Human Services Department	\$60,000	\$10,000
Aging Services Programs	Health and Human Services Department	\$90,000	\$75,000
Youth Services Programs	Health and Human Services Department	\$25,000	\$5,000
Memorial Park Activities	Memorial Park Trustees	\$4,100	\$4,100

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 21: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY 2024 Community Preservation Fund revenues, or to set aside certain amounts for

future appropriation, to be spent under the direction of the Town Manager, as follows:

### **Appropriations:**

A. Administrative and Operating Expenses of the Community Preservation Committee \$82,000

#### **Reserves:**

B. Community Preservation Fund Annual Reserve \$ 1,749,706

C. Community Housing Reserve	\$955,633
D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$477,817

or take any other action relative thereto.

Town Meeting and voters approved the Article Information: Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% of the estimated fiscal year receipts to account for any changes to the revenue estimate or State match that may occur during the year. The CPC has voted to increase the amount set aside in the Community Housing Reserve to 22% of the estimated revenue for the year to ensure that at a minimum of 20% of the actual CPA receipts are appropriated or reserved for future appropriation for Community Housing. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Fund.

MOVED: That the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY 2024 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

### **Appropriations:**

A. Administrative and Operating Expenses of the Community Preservation Committee \$82,000

# Reserves:

B. Community Preservation Fund Annual Reserve \$ 1,749,706

C. Community Housing Reserve \$955,633

D. Historic Resources Reserve \$0 E. Open Space Reserve.

ACTION: So voted by unanimous consent on May 1, 2023.

#### ARTICLE 22: APPROPRIATE TO **COMMUNITY** PRESERVATION FUND SUPPLEMENT

To see if the Town will vote to raise and/or transfer and appropriate an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$33,732 for future appropriation to the Historic Resources Reserve, \$33,732 to the Open Space Reserve, and \$67,464 to the Community Housing Reserve, and that to meet this appropriation that \$134,928 be transferred from the FY2023 CPA General Reserve; or take any other action relative thereto.

Article Information: During FY2022 and FY2023, the Town received additional state matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the reserves are funded at the legally required amount. With respect to the Community Housing Reserve, the CPC has voted to increase the amount set aside in the Community Housing Reserve to a minimum of 20% of the actual CPA receipts for each of these fiscal years.

MOVED: That the Town Will vote to raise and/or transfer and appropriate an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$33,732 for future appropriation to the Historic Resources Reserve, \$33,732 to the Open Space Reserve, and \$67,464 to the Community Housing Reserve, and that to meet this appropriation that \$134,928 be transferred from the FY2023 CPA General Reserve.

ACTION: So voted by unanimous consent on May 1, 2023.

#### APPROPRIATE FOR NEEDHAM ARTICLE **AUTHORITY** HOUSING **SEABEDS** COOK **PRESERVATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$241,052 for the Needham Housing Authority Seabeds Cook Preservation Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

The Needham Housing Authority is Article Information: requesting funding for pre-development costs for work needed to preserve the properties located at Seabeds Way and Captain Robert Cook Drive. These properties provide deeply affordable housing to seniors, families, and the disabled.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$241,052 for the Needham Housing Authority Seabeds Cook Preservation Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash.

ACTION: So voted by unanimous consent on May 1, 2023.

#### APPROPRIATE FOR GENERAL FUND CASH CAPITAL **ARTICLE 25**:

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,936,607 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.

\$477,817

Group	Description	Recommended	Amendment
Community	Action Sports Park Feasibility Study	\$35,000	
Community	Center at the Heights Generator	\$250,000	
Community	Mcleod Field Renovation	\$1,310,000	
Community	Video Projection Equipment Rosemary Recreation Complex	\$55,000	
General	Public Facility Replacement Furniture (Town Offices)	\$40,000	
General	Telephone System Replacement	\$50,000	
General	Town Building Switches	\$130,000	
Public Safety	LIFEPAK 15 Defibrillator/Monitor	\$30,185	
Public Safety	Personal Protective Equipment	\$51,030	
Public Works	Recycling and Transfer Station Property Improvements	\$135,000	
Schools	School Copiers	\$69,379	
Schools	School Furniture	\$25,000	
Schools	School Technology	\$460,750	
Stormwater	NPDES Support Projects	\$260,000	
Transportation Network	Traffic Improvements	\$50,000	
Utilities	Energy Efficiency Upgrades	\$250,000	
Multiple	Fleet Program	\$2,735,263	
		\$5,936,607	

### Article Information:

# Action Sports Park Feasibility Study

This funding request is for a feasibility study relative to a potential Action Sports Park. Over the past two years, the Park & Recreation Commission and Park & Recreation Department have received numerous requests from residents for various amenities to be added to the Town. The Park & Recreation Commission along with the Needham Select Board have created a Working Group to take a wholistic look at all locations, current amenities, and ongoing requests from the residents. The Active Recreation Assets Working Group will serve in an advisory capacity to guide the Town in space planning for the future of active recreational opportunities in Needham. The feasibility study will look at both action sports complex and pickleball court options.

# Center at the Heights Generator

This funding would support the construction of a new permanent generator to be installed at the Center at the Heights (CATH). The CATH has been designated as an appropriate location for a shelter and warming space (including a restaurant-grade kitchen) to support residents in need during an emergency. The CATH was not designed or built with an emergency generator. A portable generator has been in place at the building, which is insufficient as it does not support the full electrical load of the building and must be manually activated. The design was funded in FY2023. The new generator, when installed, will have the capacity to supply the entire building with emergency power and will be installed in a more appropriate location. It will also include an automatic transfer switch, eliminating the need for staff to manually operate the generator in case of the loss of power.

# McLeod Field Renovation

The Departments of Public Works and Park and Recreation have developed a maintenance plan for all fields, which includes new construction, total reconstruction, partial renovation, irrigation, drainage improvements, and equipment replacement or repair (bleachers, fences/backstops, player benches, and miscellaneous equipment) for multi-use fields and ball diamonds. Since McLeod Field was renovated in 2009, there have been several drainage issues related to the 4-foot drainpipe that runs through the field. This has caused sink holes that require emergency repair for the field to be safely used and has caused the field to fail prematurely. The design for this full renovation was funded in FY2022. Over the course of several public meetings between residents and Town officials, the decision was made to convert the field from a baseball field to better serve community needs.

#### Video Projection Equipment Rosemary Recreation Complex

This funding request is for the replacement of video projection equipment in the Rosemary Recreation Complex (RRC). RRC Smart TVs and display monitors were included in the base construction of the building. Normally, the Information Technology Center works on a five-year replacement cycle for this hardware – FY2024 will represent year six for this equipment. The ITC will coordinate with the Health and Human Services and Park and Recreation Departments to find replacement equipment that represents the needs of both departments. This request includes purchase and estimated costs for installation and training.

### Public Facility Replacement Furniture

This funding request is for the replacement of furniture in Town Hall and the Public Services Administration Building. These facilities were equipped with new furniture when they reopened and opened in 2011 and 2010 respectively. In FY2024, the furniture will be well over 10 years old, and many items require replacement due to heavy wear and tear. Inventory and requests for input on the status of furniture is conducted periodically, most recently in August 2022. In FY2023, furniture and equipment most in need of repair will be replaced using funding appropriated for this purpose at the 2022 Annual Town Meeting. The August 2022 review also yielded a large amount of furniture and equipment in need of replacement as soon as possible, for which remaining funding was not available in FY2023.

### Telephone System Replacement

The Town's existing telephone system is outdated and no longer supported. This funding would support the investigation of alternative means of telephone communication, including voice over internet protocol (VOIP) and cloud-based solutions. An investigation could include an analysis and a trial case of a new technology.

#### Town Building Switches

This funding request is to replace communication switches in Town Facilities. Switching is an important aspect of the communications between the multiple buildings supported by the Information Technology Center (ITC). This request is to upgrade and replace switches in Town Hall, the Center at The Heights, and the Rosemary Recreation Complex – a total of seven switches. The most significant of these is the core switch managed in Town Hall. Because of the increased data transfer speeds between the buildings, it is important to maintain a current level of switching. Many of the current switches within the buildings today are five to six years old and will require replacement in the near future. This project will replace switches at one time to ensure that they are all at the same level of make and model and going forward having a regular routine for replacement for these buildings.

# Lifepak 15 Defibrillator Monitor

This funding request will replace lifesaving hardware for public safety personnel. The Physio Lifepak 15 (LP15) is the cardiac monitor/defibrillator that the Department uses on frontline rescues. The Department has two frontline rescues with two backup units. The average lifespan for this piece of lifesaving equipment is estimated to be about five years. At the time of this request, the Town currently has only one operating LP15. The Town was notified that the manufacturer no longer has parts or services for older generation models. As a result, the Town is currently using a "loaner" LP15. Having an additional LP15 would enable the Town to act swiftly if one of the main LP15 devices were to have a service issue.

### Personal Protective Equipment

This funding request will replace Personal Protective Equipment (PPE) – known as "bunker gear" – for 20% of all firefighting personnel on an annual basis. This is to ensure that the lifespan of the equipment does not exceed the 10-year guideline. All line personnel now have two sets of PPE available. By having a second set of PPE, fire personnel are able to clean one set after an incident while remaining in service for other emergencies. Properly maintaining PPE helps ensure its expected longevity and can significantly reduce long term health risks faced by personnel.

### Recycling and Transfer Station Property Improvements

This funding will support ventilation repairs to the recycling and transfer station building. The project would include repairing and/or replacing the existing eight air vents in both the tipping floor and loading pit area. The vents are responsible for pulling dust and particulate matter up and out through the roofs but are currently not operating correctly.

### School Copiers

This funding request is to replace eight copiers in the following locations: Eliot School (2), High School (1), Mitchell School (1), Newman School (2), and Sunita Williams School (2). School photocopiers in all school buildings are used both by administrative and teaching staff. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at seven years, although planned replacement ages range from five to nine 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. This analysis also assumes that copiers are re-deployed around the District as needed, to better match projected usage with equipment capacity.

#### School Furniture

This funding request is a recurring capital item to replace furniture in poor and fair condition and to provide new classroom furniture as needed for new enrollment or replacement purposes.

#### School Technology

This funding request is a recurring capital item to fund the School Department technology replacement program. This program funds replacement of 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. The FY2024 School Technology request includes \$347,750 for hardware and \$113,000 for infrastructure replacement.

### 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 55% 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 and 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 watershed area number four. This evaluation will include known flooding areas, identifying potential illicit discharge detection and elimination locations, recommendations for potential improvements, advise on the phosphorous control plan, and education and public outreach areas. It will address designing improvements previously identified in watershed area number two, including the reduction of impervious areas, proposing drainage, and retrofitting infiltration practices. Funding may be used for additional or alternative watershed areas, as necessary.

### Traffic Improvements

This funding request supports projects recommended by the Traffic Management Advisory Committee (TMAC). The annual request 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, or pedestrian improvements. The goal of the TMAC is to ensure the safety of pedestrians, motorists, and bicyclists.

#### Energy Efficiency Upgrades

In 2011, the Town conducted an engineering study for energy upgrades on the ten oldest buildings. The results of this study guided the Town's investment in energy efficiency over the past decade. This funding would allow the Town to replace boiler #3 at Needham High School. The existing boiler is out of service due to poor condition. This new boiler would be better suited for summertime reheat functions, utilizing less energy. This new boiler would allow the Town to increase the heating capacity of the larger boilers more efficiently. It would also be better suited during the shoulder season.

# Fleet Program

### General Fund Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
82	Ford F-150	Community Development	2011	Pick-Up	53,706
453	Ford Focus	Building Inspector	2016	SUV Hybrid	49,432
454	Ford Fusion	Building Inspector	2014	SUV Hybrid	49,432
455	Ford Focus	Building Inspector	2016	SUV Hybrid	49,432
456	Ford Fusion	Building Inspector	2014	SUV Hybrid	49,432
458	Ford Fusion	Building Inspector	2014	SUV Hybrid	49,432
701	Ford E-250 Pick-Up	DPW Building Maintenance	2014	Work Truck Class 3	92,216
CO1	Chevrolet Tahoe	Fire	2020	Public Safety Response Vehicle	70,114
Van 09	Toyota Sienna	School	2014	Passenger Van	71,698
Van 10	Toyota Sienna	School	2015	Passenger Van	71,698

### General Fund Fleet Replacement - Specialized Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
9	International 7400	DPW Highway	2012	Heavy Duty Truck Class 8	347,431

# TOWN OF NEEDHAM

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
	Series			Large Dump	
41	Ford F-250	DPW Parks	2016	Work Truck Class 3	92,216
53	International S600 Roll Off	DPW RTS	2013	Work Truck Class 6	337,155
66	Ford F-550	DPW Highway	2015	Work Truck Class 5	142,050
68	Addition to Fleet	DPW Engineering	N/A	Pick-Up	99,410
73	Ford F-550	DPW Parks	2016	Work Truck Class 5	142,050
75	Ford F-550 Dump Truck	DPW Parks	2016	Work Truck Class 5	142,050
90	Specter Refuse Trailer	DPW RTS	2016	Specialty Trailer	120,797
R03	Ford E450 Ambulance	Fire	2016	Ambulance (Renumber as R01)	498,951
112	Prinoth	DPW Highway	2011	Sidewalk Plow	206,561

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$5,936,607 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

Group	Description	Recommended	Amendment
Community	Action Sports Park Feasibility Study	\$35,000	
Community	Center at the Heights Generator	\$250,000	
Community	Mcleod Field Renovation	\$1,310,000	
Community	Video Projection Equipment Rosemary Recreation Complex	\$55,000	
General	Public Facility Replacement Furniture (Town Offices)	\$40,000	
General	Telephone System Replacement	\$50,000	
General	Town Building Switches	\$130,000	
Public Safety	LIFEPAK 15 Defibrillator/Monitor	\$30,185	
Public Safety	Personal Protective Equipment	\$51,030	
Public Works	Recycling and Transfer Station Property Improvements	\$135,000	
Schools	School Copiers	\$69,379	
Schools	School Furniture	\$25,000	
Schools	School Technology	\$460,750	
Stormwater	NPDES Support Projects	\$260,000	
Transportation Network	Traffic Improvements	\$50,000	
Utilities	Energy Efficiency Upgrades	\$250,000	
Multiple	Fleet Program	\$2,735,263	
		\$5,936,607	

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 26: APPROPRIATE FOR FIRE LADDER TRUCK

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,000,000 for the acquisition of a Fire Department ladder truck, to be spent under the direction of the Town Manager, and to meet this appropriation that \$700,000 be transferred from Overlay Surplus and \$1,300,000 be transferred from Free Cash; or take any other action relative thereto.

Article Information: This funding request supports the procurement of a new ladder truck for the Needham Fire Department. The new truck would be able to support complex recoveries that current inventory is unable to perform. Additionally, the ladder truck would incorporate a platform bucket to permit horizontal and vertical transportation of firefighters and equipment. These improvements along with improved reliability would allow for increased operational capabilities and improved safety for firefighters. The current ladder truck is a 2004 model.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$2,000,000 for the acquisition of a Fire Department ladder truck, to be spent under the direction of the Town Manager, and to meet this appropriation that \$700,000 be transferred from Overlay Surplus and \$1,300,000 be transferred from Free Cash.

ACTION: So voted by unanimous consent on May 1, 2023.

# ARTICLE 27: APPROPRIATE FOR ROOFTOP UNIT REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$9,000,000 for the replacement of rooftop units at the Broadmeadow and Eliot Schools, including the payment of costs incidental or related thereto, to be spent under

the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

Article Information: This funding request will support the construction phase of a project to replace the current roof top units (RTUs) at the Broadmeadow and Eliot Schools. The current units (five units at the Broadmeadow and four units at the Eliot) are past the end of their useful life and are becoming increasingly inefficient, ineffective at dehumidifying, and costly to maintain. They do not feature industry standard energy recovery mechanisms that reduce energy costs. Additionally, some of the existing RTUs at these locations have compressors that run on an obsolete refrigerant called "R22", which is no longer produced in the U.S. and cannot be imported due to its environmental impact, resulting in costly supply challenges. The RTUs also have furnaces that are starting to fail and need to be replaced. The HVAC systems' connection to the existing boilers compromises efficiency, particularly during the summer. The boilers help reheat overcooled dehumidified air coming in from the RTUs, but the current boilers are not designed for this purpose due to their larger size. In the summer, the systems use large amounts of energy to sustain the reheating than would be required by smaller, dedicated boilers. The feasibility and design funding for this project was awarded in FY2023. This funding would allow for the replacement of RTUs at both schools with more appropriate RTUs.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$9,000,000 for the replacement of rooftop units at the Broadmeadow and Eliot Schools, including the payment of costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44. Section 7.

ACTION: So voted by unanimous consent on May 1, 2023.

### ARTICLE 30: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$584,641 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	Cooks Bridge Sewer Pump Station	\$54,000	
Sewer	Fleet Replacement Program	\$400,641	
Sewer	Sewer System Infiltration and Inflow	\$130,000	
		\$584,641	

### Article Information:

# Cooks Bridge Sewer Pump Station

This funding request would allow the Town to conduct a feasibility study to evaluate potential locations for the replacement pump station, as well as the possibility of switching to a gravity system. The current canister-style pump station at Cooks Bridge is beyond its designated life cycle and requires constant maintenance.

#### Fleet Replacement Program

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
11	Ford Explorer	Sewer	2013	SUV Hybrid	52,059
17	Ford F-550	Sewer	2012	Work Truck Class 5	148,477
103	Deere Backhoe	Sewer	2012	Backhoe	200,105

#### Sewer System Infiltration and Inflow

Since 2016, the Town has been undertaking projects identified in a study that are targeted at inflow and infiltration removal from the sewer systems. This funding would allow the Town to replace the existing sewer flow monitoring system throughout Town. The current system is past its useful life and would be replaced with a more modern system requiring less maintenance.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$584,641 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings.

Group	Description	Recommended	Amendment
Sewer	Cooks Bridge Sewer Pump Station	\$54,000	
Sewer	Fleet Replacement Program	\$400,641	
Sewer	Sewer System Infiltration and Inflow	\$130,000	
		\$584,641	

ACTION: So voted by unanimous consent on May 1, 2023.

### ARTICLE 31: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$771,633 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	Charles River Water Treatment Plant HVAC Upgrades	\$34,000	
Water	Water Supply Development	\$595,500	
Water	Fleet Replacement Program	\$142,133	
		\$771,633	

# Article Information:

# Charles River Water Treatment Plant HVAC Upgrades

This funding would allow the Town to design an upgrade to the existing heating, ventilation, and air conditioning (HVAC) system at the Charles River Water Treatment Plant. The design would look to update the existing equipment and boilers, address the inefficient layout of the boiler room, include a dehumidification system, and upgrade equipment to be more energy efficient.

# Water Supply Development

The Charles River Well Field currently has three wells operating when at full capacity. The Town uses MWRA water to compensate when there is an increased need or reduction in production. This funding request would allow for the design of a fourth, redundant well. A fourth well would allow the Town to maximize the water taken out from the well field during periods of routine or unforeseen maintenance.

### Fleet Replacement Program

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
21	Ford F-250	Water	2016	Work Truck Class 2 Pick-Up	90,074

#### TOWN OF NEEDHAM

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
846/78	Ford Escape Hybrid	Water	2011	Pick-Up	52,059

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$771,633 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.

Group	Description	Recommended	Amendment
Water	Charles River Water Treatment Plant HVAC Upgrades	\$34,000	
Water	Water Supply Development	\$595,500	
Water	Fleet Replacement Program	\$142,133	
		\$771,633	

ACTION: So voted by unanimous consent on May 1, 2023.

### ARTICLE 32: APPROPRIATE FOR WATER SYSTEM DISTRIBUTION IMPROVEMENTS – SOUTH STREET

To see if the Town will vote to raise, appropriate and/or transfer the sum of \$6,500,000 for Water Distribution System Improvements, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$2,500,000 be transferred from Water Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,000,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; or take any other action relative thereto

Article Information: In order to ensure a continual supply of water to the public, the Department of Public Works must partake in a rehabilitation program including maintenance, repair, and replacement of aging pipes. Replacement of water pipes is prioritized, taking into consideration the condition of the pipe, water break history, and adequacy of water flow to fire hydrants. This funding would allow for the construction phase of the 16" water main replacement located at South Street from Charles River Street to Chestnut Street. The design phase was funded in FY2022.

MOVED: That the Town will vote to raise, appropriate and/or transfer the sum of \$6,500,000 for Water Distribution System Improvements, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$2,500,000 be transferred from Water Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,000,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project.

**ACTION:** So voted by unanimous consent on May 1, 2023.

# ARTICLE 33: RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	<u>Article</u>	Authorized	Rescind
Mitchell School Restroom Upgrades	2020 ATM (June)	23	\$676,700	\$200,000

Total \$200,000

or take any other action relative thereto.

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.

MOVED: That the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	<u>Article</u>	Authorized	Rescind
Mitchell School Restroom Upgrades	2020 ATM (June)	23	\$676,700	\$200,000
Total				\$200,000

ACTION: So voted by unanimous consent on May 1, 2023.

### ARTICLE 35: 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 5B 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 FY2024 beginning on July 1, 2023; or take any other action relative thereto.

Article Explanation: The Select Board is proposing 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 is considering implementation of a Community Stormwater Mitigation 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 it does, what the proposed assessment would be.

MOVED: That the Town will vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5B 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 FY2024 beginning on July 1, 2023.

ACTION: So voted by unanimous vote.

### **ARTICLE 36:** TOWN HALL SATURDAY HOURS

To see if the Town will vote, pursuant to Massachusetts General Law Chapter 41, Section 110A, that Town Hall remain closed on Saturdays, for the purpose of allowing the last day of voter registration, which under Chapter 92 of the Acts of 2022 is ten days prior to any such election, to occur on a Friday; or take any other action relative thereto.

Article Information: Chapter 92 of the Acts of 2022, "The VOTES Act," requires registrars to hold a continuous session to register voters from 9:00 a.m. to 5:00 p.m. on the last day for registration. For town elections, the last day for registration is 10 days prior to the election. In Needham, which holds its elections on Tuesday, this last day for registration falls on a Saturday when Town Hall is closed and professional staff are not in attendance. The Elections Division has provided guidance that a vote by Town Meeting to close Town Hall on Saturdays in accordance with M.G.L. c.41, §110A will cause the final day for voter registration to move back from Saturday to the preceding Friday. This will allow for the newly required all-day registration sessions to be held on a Friday, 11 days before the election, a day on which Town Hall is open for business.

MOVED: That the Town will vote, pursuant to Massachusetts General Law Chapter 41, Section 110A, that Town Hall remain closed on Saturdays, for the purpose of allowing the last day of voter registration, which under Chapter 92 of the Acts of 2022 is ten days prior to any such election, to occur on a Friday.

ACTION: So voted by unanimous vote.

# ARTICLE 38: AMEND GENERAL BY-LAWS - TRANSPORTATION COMMITTEE

To see if the Town will vote to amend the General Bylaws by deleting Section 2.7.1 in its entirety and renumbering the remaining sections within Section 2.7 in numerical order to account for said deletion; or take any other action relative thereto.

Article Information: The Select Board created a Transportation Planning Review Committee to advise the Board in developing and maintaining plans and recommending policies for the future of mobility-related infrastructure in the Town. The Committee consisted of two Select Board Members, one member of the Transportation Committee, one member of the Rail Trail Advisory Committee, one member of the Traffic Management Advisory Committee, one representative appointed by the Planning Board, the Town's Designated Representative to the MBTA Advisory Board, the Town's Designated Representative to the Regional Transportation Advisory Council, the Town Moderator or Designated Representative, and two Members at Large. The committee met on seven occasions in 2022 and made the following

recommendations: renaming the Traffic Management Advisory Committee to be the Transportation Safety Committee, and updating the purpose and charge; updating the charge of the Rail Trail Advisory Committee; and creating the charge and composition of the Mobility Planning & Coordination Committee. The Committee will advise the Select Board in developing and maintaining transportation plans, will recommend policies for the future of mobility-related infrastructure, and will oversee a semi-annual Joint meeting of all committees involved in transportation. Town Meeting action is required to eliminate the existing Transportation Committee. The Transportation Committee unanimously supported these recommendations.

MOVED: that the Town will vote to amend the General By-laws by deleting Section 2.7.1 in its entirety and renumbering the remaining sections within Section 2.7 in numerical order to account for said deletion.

ACTION: So voted by unanimous consent on May 1, 2023.

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

### **Article 2: COMMITTEE AND OFFICER REPORTS**

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

The Moderator announced that John P. Connelly, Finance Committee Chair, would present its review of the FY2024 budget.

Thank you, Mr. Moderator, and good evening, once again, fellow Town Meeting members.

Thank you, Mr. Moderator, and good evening fellow Town Meeting members.

While the Finance Committee has not recently reported to Town Meeting under Article 2, we felt that given the Town's current capital plan, we need to provide Town Meeting with information on the Town's current debt position, and to present Town Meeting with the financial challenges that lie ahead as we undertake planning for upcoming major capital projects.

There are two parts to the Town's capital plan. The first part is the prioritization of capital projects. The second part is the financing plan that lays out how the projects will be paid for by the Town.

As Town Meeting members, you may have seen us at recent Town Meetings addressing the pros and cons of various capital projects and the Finance Committee's concerns regarding the impact of the projects on the Town's debt service. While the Finance Committee and Town Meeting review and consider each proposed capital project on its own merits, we believe the analysis cannot stop there. We must also consider that specific capital projects in the context of the entire Capital Improvement Plan and in our Town's ability to pay for not just the one project but all of the projects that have been prioritized by the Select Board and the School Committee over the next many years. That is why the Finance Committee requested on multiple occasions for a Debt Financing Plan, that would show Town Meeting members whether our Town (and taxpayers) would be able to pay for "all" of the intended projects – and whether such Plan would be in compliance with the Town-approved Debt Management Policies. In providing this critical information, we believe a fully informed decision can be made on that one particular project.

Then there is the desire of many of us to take actions that will make the Town more affordable and diverse. One key building block for doing so is to keep our citizens' tax bills as reasonable as possible – that is why the Finance Committee believes so strongly in our Town's agreed-upon Debt Management Policies. We must keep our current and future debt position reasonable so as not to adversely impact our fellow citizen's tax burden, which will then impact the affordability of our housing stock

The Town's Capital Improvement Plan is key to maintaining the infrastructure to provide each of us, and all the residents of the Town, with the level of services that we, as Town Meeting Members, vote for every year; the schools, the roads, the fields, the buildings. To provide the infrastructure for the services that the Town provides, we pay cash or we borrow money. The purpose of this presentation is to review for you the Town's borrowing position and to give you a roadmap when we look at the various projects that come before us.

I will start with Slide #2, which shows the various ways that the Town borrows money. The first way is when we borrow within the tax levy; that is, we pay the borrowing costs (the amount borrowed plus the interest on that borrowing) through General Fund revenue, the primary source of which comes from the real estate property taxes which are levied on the residential and commercial properties in our Town.

The second way is when we do a debt exclusion override; where the voters approve in a Town-wide election a temporary increase in the Town's levy limit to exclude the payment of debt from Proposition 2 1/2. The debt service is added to the levy limit for the life of the debt, typically 20 years. We generally do debt exclusion overrides for large capital projects costing over \$20 million, with recent examples being the Public Safety Complex, the new Sunita Williams School, the reconstruction of Needham High School, and the Broadmeadow and Eliot Schools.

The third way is when we borrow funds through the Community Preservation Act program, which was done to pay for the Town Hall project and most recently for a portion of the Emery Grover Building presently under construction. CPA debt is repaid through the CPA surcharge amounts on our property tax bills

And the fourth way is when we borrow funds within the Water and Sewer Enterprise Funds to finance the construction of water and sewer capital projects.

Slide #3 shows the Town's Debt Management Policies. We have two such policies, which have been in place for many years and which have allowed the Town both to remain financially stable, and to maintain the highest possible AAA bond rating since the year 2000. The first is what we call the 3% Policy, which is that the Town will allocate no more than 3% of projected General Fund revenue (which is property taxes less debt exclusions, state aid and local receipts) for debt service. The second is what we call the 10% Policy, which is that the Town will limit total debt service, including debt exclusions and debt under the General Fund, to 10% of gross revenues. Put simply, the 3% and 10% Policies allow us to address our capital needs without mortgaging away our future. Debt is a non-negotiable obligation that must be repaid according to the agreed-upon terms. The risk of exceeding

these debt policies is that in hard times, debt payment cannot be reduced; instead, salaries, staffing and services may suffer.

Slide #4 shows current authorized projects which are being paid through General Fund borrowing, which includes all projects approved by Town Meeting, including the \$2.5 million which Town Meeting voted last October for purchase of the Foster Property. In total, this authorized debt totals approximately \$31.5 million.

Slide #5 shows future capital projects contained in the Town's 5-year Capital Improvement Plan which are proposed to be paid for through General Fund debt. As you can see, these projects range from ones which we will take action on at this Town Meeting - new rooftop units at the Broadmeadow and Eliot Schools in Article 27, and the water main rehabilitation on South Street in Article 32 - to projects scheduled to be acted upon 5 years from now in 2028, and the expected debt for these projects totals approximately \$41 million. NOT included in this list is a new DPW complex which the Select Board has also included in the 5-year Capital Improvement Plan at a total cost of \$60 million. If that DPW project were to be pursued, it would increase the total for all projects proposed to be funded through General Fund debt over the next 5 years to over \$100 million. You can see right there that such borrowing could not be undertaken without far exceeding our 3% General Fund debt policy. So where does that leave us? How can we pay for the DPW Complex, and keep our DPW operating, if we cannot see how to finance the DPW Complex within our current levy.

So we turn to capital projects which require debt exclusion overrides. All projects that cannot be funded within the annual tax levy require a debt exclusion override. Looking at the five-year capital plan, we see that the most recent presented Schools Master Plan relies on debt exclusion overrides for funding.

Slide #6 contains a summary of the most recent Schools Master Plan options. Our understanding that Option D on this Slide #6 is the preferred option of the Schools, which calls for Pollard to be the first project to proceed, as a renovated school to house grades 6-8, followed by High Rock School as a renovated school to become a sixth K-5 grade elementary school, and then a new Mitchell School This Option D has a total projected cost of \$334.2 million, and would take 12 years from the start of the design through construction for all 3 schools to be constructed.

Our purpose here is not to debate the merits of Option D, we expect that there will be much of that in the months to come, but rather to provide Town Meeting with a snapshot of where we are from a debt point of view. That takes us to Slide #7, which shows what the 3% and 10% Debt Service Ratios would look like if we fund all the capital projects currently proposed. You will see that using a conservative 7% interest rate assumption, the 3% General Fund debt limit would be exceeded for 9 straight years beginning in 2026, with a high of 5% in 2028, with respect to the 10% Total debt limit, you can see that it would be exceeded for 12 straight years beginning in 2028, with a high of 15.1% in 2030. Suffice it to say that the Town has never exceeded its debt policy limits for such lengths of time and in such amounts ever before.

Will the current and future projects so far surpass the 3% and 10% of debt limits for a number of years, so the Finance Committee is concerned not just about the impact of our fellow

citizen's tax burdens, but also on how the rating agencies will then view our Town's debt position and current AAA rating, which only 20 to 25 cities and towns, out of 351, have in the Commonwealth.

Lastly, we will look at how these projections translate into the Average Single Family Home, which we refer to as ASFH, annual tax bill. In this Fiscal Year 2023, the ASFH annual tax bill is \$14,528, based on an ASFH value of \$1,114,084.

Slide #8 shows what the incremental amounts would be added over the next 20 years to the ASFH tax bills for the existing excluded debt, and for the new excluded debt using Option D from the Schools Master Plan. As you can see, while the existing debts amounts will go down as existing projects are completed and their debt paid off, the new debt will more than take their place. Under this scenario, the incremental excluded debt on the ASFH tax bill would peak at an additional \$3,101 in fiscal year 2035. This would be on top of any customary increases in property taxes (up to 2 ½% per year, plus new growth) to fund the increased cost of services for the Town.

Slide #9 shows what the historical tax bills for the ASFH have been. In 2010, the ASFH annual tax bill was \$7,379. This year, it is \$14,528.

Slide #10 is the last slide, and it shows what the ASFH annual tax bills would in 2024 through 2037, adding in the incremental excluded debt from the proposed projects, and assuming a 5% annual increase in the base tax accounting for new growth and the restrictions of Proposition 2 ½ on what how much we can increase the tax rate each year. Here, you can see that if we do all the proposed projects at their current projected costs, and on their current projected timelines, the impact of the all the added debt will result in the ASFH annual tax bill exceeding \$20,000 by 2029, and then reaching \$29,375 by 2037.

The Finance Committee makes this presentation to remind Town Meetings members of the challenging planning ahead. We look forward to working with the many stakeholders to arrive at a plan that addresses the Town's capital needs in a prudent, measured and affordable way, keeping in mind the ages and economic means of all of our Town residents. As we continue the planning process, the Finance Committee will also take into account other potential sources of funding for capital projects, such as use of the Debt Service Stabilization Fund and partnering with the Massachusetts School Building Authority as we have done in the past to provide funding for our schools projects.

Thank you, Mr. Moderator, and thank you Town Meeting members, for your time and attention to these important matters to our Town.

**Article 3** was previously adopted by unanimous consent.

# ARTICLE 4: 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 Overlay Surplus; or take any other action relative thereto.

Article Information: The Property Tax Assistance Program helps 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 at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,345 in FY2022.

MOVED: That 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 Overlay Surplus.

Catherine Reid Dowd, Member, addressed this proposal on behalf of the Select Board. She advised that this program was established in 2009 to help seniors pay their real estate taxes. The Select Board unanimously recommends adoption of this proposal.

Carli Hairston, member, addressed this proposal on behalf of the Finance Committee. She advised that the Finance Committee vote unanimously to recommend adoption of this article.

In response to an inquiry from Lisa Cherbuliez, Carlie Hairston advised that a donation envelope is put in the real Estate Tax bills and it is publicized at the Senior Center.

In response to an inquiry from Artie R. Crocker (Prec. J), Catherine Reid Dowd stated that the funds are awarded all at once in the Spring.

Paul S. Alpert questioned the number of applications. The Town funds \$50,000 and received \$16,000 in donations. Catherine Dowd advised that people ask for help.

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

Article 5 was previously adopted by unanimous consent.

# ARTICLE 6: APPROPRIATE FOR SMALL REPAIR GRANT 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 Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor

plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

Marcus A. Nelson, member, addressed this proposal on behalf of the Select Board. The Select Board unanimously recommends adoption of the Small Repair Grant Program.

Carol Smith Fachetti, member, advised that this article seeks to raise the small repair grant program to over 60 years or older, handicapped, with limited income. She advised that the Finance committee unanimously recommended adoption.

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

<u>Article 7</u> was previously adopted by unanimous consent.

# ARTICLE 8: APPROPRIATE FOR OUTSIDE RECRUITMENT SERVICES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$60,000 for the purpose of funding outside recruitment services, to be spent under the direction of the Town Manager, and to meet this appropriation that \$28,500 be transferred from Overlay Surplus and \$31,500 be raised from the Tax Levy; or take any other action relative thereto.

Article Information: These funds would support targeted recruitment for high-level vacancies within Town government. Given the structural changes in the labor market since the pandemic and the decision of numerous retirement-eligible managers to leave the workforce, outside assistance has been vital to hiring managers for recent vacancies. The funding is expected to support recruitment efforts for two years.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of 60,000 for the purpose of funding outside recruitment services, to be spent under the direction of the Town Manager, and to meet this appropriation that 28,500 be transferred from Overlay Surplus and 31,500 be raised from the Tax Levy.

Marcus A. Nelson, member, addressed this proposal on behalf of the Select Board. These funds would help support recruitment for high level vacancies over the next several years the select Board unanimously recommends adoption of this proposal.

James G. Healy, member, recommended adoption on behalf of the Finance Committee.

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

Article 9 was previously adopted by unanimous consent.

# ARTICLE 10: APPROPRIATE FOR TOWN-OWNED LAND SURVEYS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding surveys of Town-owned land, 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: Over the past 300 years, the Town has acquired land that has never been surveyed or has incomplete surveys. In recent years, when the Town has begun the design process for construction on such parcels, survey data has been unavailable or incorrect, resulting in delays and added costs to projects. This funding will allow the Town to conduct land surveys, including title research, field work, analysis, installation of bounds or markers, drafting work, and recording of completed plans. Areas scheduled to be surveyed in FY2024 include, but are not limited to, the Dedham Avenue parking lot, Vesta Park, and Hatfield Park.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding surveys of Town-owned land, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

Heidi R. Frail addressed this article on behalf of the Select Board. She explained that this is a renewal article and includes multiple areas for this year. The Select Board recommends adoption.

Mr. Richard M. Reilly, member, stated that there are eleven parcels left to survey at a cost of approximately \$250,000.

Jeanne S. McKnight (Prec. F) asked if this article includes who has jurisdiction over the land. Ms. Frail advised that it is not specifically included for this survey work, but the Town is working on it with Town Counsel.

Paul S. Alpert (Prec. C and Planning Board member) advised that there are seven projects within this article.

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

Article 11 was previously adopted by unanimous consent.

# ARTICLE 12: APPROPRIATE THE FY2024 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 \$3,597,105, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$27,668, and \$1,078,631 to be raised from CPA receipts; and further that

the Town Manager is authorized to make transfers from line item 9 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 postemployment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

MOVED: 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 \$3,597,105, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$27,668, and \$1,078,631 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 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 postemployment health and life insurance benefits for eligible retirees from the fund established for that purpose.

The Moderator announced that John P. Connelly, Finance Committee Chair, would present its review of the FY2024 budget.

Thank you, Mr. Moderator, and good evening, once again, fellow Town Meeting members.

On behalf of the Finance Committee I am proud to present for your review and adoption the FY24 General Fund Operating Budget. The subject of our committee's work these last seven months could not have been achieved without the cooperative effort of many hands, Town employees, elected citizens, and volunteer boards and committees. It truly does take a village, or in our case a town, to assemble what we are about to discuss and ultimately vote on in just a few moments.

As you know, a detailed accounting of this work is represented in the Finance Committee's Annual Report to Town Meeting found on pages 1 through 13 in the Warrant you hold in your hands. This evening, however, by way of an introduction to Article 12, I will focus at the macro level, if you will, on four areas: projected revenue and expenses in this operating budget, percent of allocations by department, a review of the Town's reserve funds and a few closing reflections.

Let's begin with Slide # 1 as I direct your attention to the slide displayed on the screen behind me titled Revenue. General Fund Revenue projections for FY24 include increases in all three principal sources of revenue: 1) property taxes, at \$183.728 million, comprising approximately 80% of our overall Town revenue; 2) state aid, at \$15.802 million, comprising approximately 80% of our overall Town revenue; and 3) local receipts, at \$12.908 million, comprising approximately 6% of our overall Town revenue.

The first item, property taxes, which as you can see is the largest source of revenue to the Town is projected to increase by 2.7% or approximately \$4.8 million over FY24. This increase represents increases to the base levy and new growth.

Moving down the slide, State Aid, which is primarily composed of Cherry Sheet Revenue, is expected to remain flat at \$15.8 million. Local receipts made up of primarily motor vehicle taxes, hotel and meal taxes, license fees and permitting fees, are up 4% or \$500,000 over FY24.

Moving further down the slide, we project that \$15 million of Free Cash and almost \$2 million in unused Overlay Surplus funds are available for appropriation for FY24, and also that reimbursement for Community Preservation Act debts will be approximately \$1.1 Million and that reimbursements for costs related to Water and Sewer Enterprise Funds will amount to \$1.2 Million, all adding up to a total amount of approximately \$231.67 million available to cover General Fund expenditures in FY24.

Thus, the expected total FY24 General Fund Revenue or \$231.670 million is a 1.9% increase over FY23.

Let's turn now to Slide #2. Once the total General Fund Revenue amount is arrived at, provisions are made for certain appropriations for items such as cash capital, financial warrant articles, various assessments, abatements and other required payments. The total of these items, all of which are detailed on page 17 of the warrant, is slightly over \$17 million, leaving approximately \$214.275 million for our operating budget. This is an increase over the FY23 operating budget by 3.9%. A detailed discussion of how these funds are allocated is contained in the Finance Committee's report to Town Meeting on pages 1 through 13 in the Warrant. The actual line items can be found on pages 18 through 20 also in the warrant.

Moving now to slide #3 we capture the three major components of the operating budget: Personnel, Debt Service, and Purchased Goods and Services. As you can see, we allocated \$158,551 million or 74% of the FY24 budget to personnel related costs. This number is up 4.8 % from FY23. Unlike manufacturing, the Town does not make anything. A railroad car does not pull up alongside Town Hall and unload raw materials that Town employees turn into widgets. Rather, as we all know, the Town provides a multitude of services to its citizens. Therefore, it is not surprising that the cost of labor associated with both active employees and retirees should be the Town's largest expenditure from an operating budget perspective.

Debt service, the second largest expenditure, at 8.2% of the FY24 budget, is down 13.9% or \$2.823 Million from FY23. This is due primarily to reductions in the amounts owed for excluded debt and CPA debt. This is the second year in a row where the Debt Service line item has decreased. However, it should be noted that the decrease in debt service payments for excluded debt lowers revenue as well, since the excluded debt is directly supported by additional tax assessments. When those debt payments decrease, the Town collects less.

The third and last major component, Purchased Goods and Services, comprising 1.6% of the FY24 budget, is an increase of 10.4% or \$1.6 million from FY23.

The next slide (slide #4) shifts the focus to the townwide services covered by the proposed FY24 budget and shows Townwide Expenses and the five major categories of Town departments. There is a lot of information on this slide, so let me first direct your attention to the FY23 and FY24 pie charts representing the departments by their percentage allocations within the operating budget. As you can see, Education in blue at 43% and 43.8%, respectively holds the lion's share, followed by Townwide Expenses in dark red at 31.9% and 30.9%, respectively.

Education includes the costs of the School Department, as well as the assessment for the Minuteman School. Townwide expenses are those expenses that are incurred by the Town or apply across many or all departments such as insurance or energy costs. A listing of the components of Townwide Expenses can be found on page 18 of your warrant. All other departments follow with their represented percentages accordingly: Public Safety in olive, Public Facilities and Public Works in purple, General Government, which includes central functions such as the office of the Town Clerk and the Finance Department, in lighter blue, and Community Services, which includes services such as the library and public health, in orange.

Returning now to the lower portion of the slide behind me, the proposed FY24 appropriations for Townwide Expenses and the five major categories are listed along with the FY23 numbers and their respective percentage changes year over year. I point out once again that a detailed description of the expenses associated with each department can be found in the Finance Committee's report to Town Meeting on pages 1 through 13 in the Warrant, and by the line items on pages 16 through 70 also in the warrant.

The final two slide (#5 and #6) show the current balances in the Town's existing special purpose stabilization funds, the recommended targets for these funds, as well as the recent appropriations made to these funds by the Town Meeting over the past five years. These slides are shown for information purposes. For these funds that have a recommended target, you will see that while the Town is making progress towards these funding targets, we are not there yet. We expect to bring to you at the October Special Town Meeting additional requests to add to some of these funds after we close out the current fiscal year and see where things stand. And looking back to my previous report on Article 2, we expect to be look at the Debt Services Stabilization Fund as part of an overall finance plan for some future larger building projects by setting aside new revenue that would be generated by the redevelopment as the former Muzi site to support Debt Service and help keep the Town in compliance with our debt management policies.

#### Closing Reflections

In closing, after having walked through these slides depicting projected revenue and proposed allocations, the Finance Committee views the major takeaways from the FY24 operating budget to be as follows: 1) while the Town has retained its solid financial condition despite the COVID-19 pandemic that deeply affected the Town and its residents through the past 3 years, we see headwinds ahead with inflation, and uncertainties in the financial markets, which mean that the robust revenue which we have benefitted from over the past several years will most likely not continue; 2) we have seen in putting together the FY24 operating budget that we are experiencing increases in fuel and energy costs which undoubtedly will continue; 3) the Town's operational needs continue to present themselves as more complex and varied and consequently more expensive; 4) the School Department continues to seek more resources to address shifts in enrollment, increased special education expenses, additional state and federal mandates, and expanding technology needs; and 5) large facility expenses loom on our horizon which will require intense and focused financial planning.

However, in spite of these challenges, the Town continues to respond smartly guided by our five core principles: First, current revenue must be sufficient to support current expenditures; Second, debt must not be used to fund on-going operating expenses; Third, the use of Free Cash to fund operations

should be minimized; Fourth, adequate contingency funds should be maintained; and Fifth, sufficient maintenance and replacement funds should be allocated to ensure that facilities and equipment are properly maintained. This emphasis on sustainability - meeting the needs of the present without compromising the ability of future generations to meet their own needs - is both fiscally prudent and strategically wise. Our continued vigilance, careful planning and controlled spending, all with a clear eye to sustainability, will serve to make a vibrant and financially strong Needham even stronger.

On behalf of the Finance Committee, I would like to express our appreciation for the hard work and dedication of the Town Manager, the Assistant Town Manager/Director of Finance, the Assistant Town Manager/Director of Operations, the Superintendent of Schools, the Director of Financial Operations for the Schools, and the department heads and managers. Every one of us on the Finance Committee benefits greatly from both their diligence and their open, honest and constructive approach to resolving competing operational needs. The Finance Committee would also like to thank the members of the Select Board and the School Committee for working with us as we strive to balance both the short and long term interests of the Town and its residents. Although we have not always agreed, we recognize that strong advocacy, probing questions and vigorous discussions are the hallmark of our Town government.

And finally, as I said when I began, it took many hands to craft the balanced budget we have before us. I urge you all to accept this work and to adopt Article 12.

 $\label{eq:theory of the model} Thank \ you, \ fellow \ Town \ Meeting \ members, \ and \ thank \ you, \ Mr. \ Moderator.$ 

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

Under Line Item 4, Needham Electric, Light & Gas Program, Mr John P. Connelly, Chair, Finance Committee, advised Mr. Artie R. Crocker (Prec. I) that the jump is due to increased energy costs. Mr. A. Michael Diener advised that electricity costs did not increase too much, but fossil costs increased.

Mr Connelly noted that it was a combination of use and cost.

Under Line Item 5, Retiree Insurance & Insurance Liability Fund, Mr. Michael A. Diener asked how much to fund both items. Unanimous consent was given to allow Town Manager and non-resident, Kate Fitzpatrick, to address Town Meeting. She advised that eventually costs will come down but there will always be some liability.

Under Line Item 11A, Select Board and the Office of the Town Manager – Salary & Wages, Mary E. Keane-Hazzard (Prec. A) questioned the status of the vacant position of Public Information Officer. Select Board Chair, Marianne B. Cooley, advised that the Town is actively interviewing for the position at about the same salary of \$70,000 as before but the individual will also engage in community activity.

Under Line Item 13B, Legal Services – Expenses. In response to an inquiry regarding when the Town incurs additional expenses for Town Counsel, Marianne B. Cooley advised that the Town pays Town Counsel by the hour, but only certain departments are allowed to call.

Under Line Item 17A, Police Department, Salary & Wages, Lawrence J. Cohen (Prec. A) questioned what changes the Police Department has made since the Henry lawsuit. Marianne B. Cooley, Chair, Select Board, asked the Police Chief to join us and report on what changes are being made. Ms. Cooley advised that there have been many changes in policy and procedures. Unanimous consent was given to allow Police Chief and non-resident, John Schlittler, to address Town Meeting. The Chief advised that there have been meetings and additional training at both the local and state level as well as adjusting our polices to meet accreditation standards which are consistent with best practices in MA. In addition, we are working with NUARI and the Needham resiliency network. It is a long and ongoing process.

Under Line Item 19A, Building Department, Salary & Wages, Artie R. Crocker questioned what the amount is based on a year in which we have vacancies. Mr. John P. Connelly advised that this department is fully staffed. If other departments have vacancies, the remaining salaries are turned back and rolled into Free Cash.

Under Line Item 21, Needham Public Schools, Andrea E. Longo Carter, Chair, School Committee, presented the FY2024 School Budget.

Andrea E. Longo Carter thanked the Moderator and fellow Town Meeting Members. On behalf of the School Committee, thank you for the opportunity to share this update on the Needham Public Schools.

After 3 years of COVID disruptions, our schools are settling back into familiar routines, and there is a renewed focus on our "Portrait of a Needham Graduate" strategic vision. The Portrait is grounded in the principles of equity and anti-racism, and is the foundation for our work district-wide.

(Slide) "Portrait of a Needham Graduate" works to ensure all children build competencies in 5 areas. We want our students to be:

Creative Thinkers & Problem Solvers Communicators & Collaborators Socially & Culturally Responsive Contributors Responsible & Resilient Individuals, and Empowered Learners

As we embed the Portrait vision and competencies into all aspects of a Needham Public Schools education, we do so in the context of rising enrollment and increasingly complex student needs.

(Slide) Nationwide, public schools experienced a decline in enrollment during the pandemic. Needham's enrollment is down 3% relative to pre-pandemic levels. However, unlike nearby communities, we expect to add 68 students next year and a total of 235 students over the next 15 years. To put this in perspective, 235 students is roughly half the size of Mitchell Elementary School. Importantly, these enrollment projections reflect status quo zoning regulations, and do not incorporate any potential housing or enrollment growth that would be associated with Needham's implementation of the MBTA Communities Law or the stated desire among many in Town and this body to increase and diversify Needham's housing stock.

(Slide) As our enrollment has grown, so to have student needs. This chart shows the growth over the last 10 years in our students who receive special education services, those for whom English is not their first language, and those classified as economically disadvantaged. This year, we have 630 students who speak over 30 different primary languages. We also have 452 students who are considered economically disadvantaged – equal to the entire student population at Mitchell Elementary School.

As this data indicates, our students have more needs in both an absolute and relative sense, and we are still dealing with the impact of COVID's disruptions to academic learning, social-emotional development, and mental health.

(Slide) The school department's FY24 operating budget request is \$92.2 million. This represents a 5.6% increase over the current year. 95% percent of the additional funds requested are for contractual salary increases and level service requests. These allow us to open the doors in September with similar class sizes, caseloads, and programs to those we have today. We are asking for a small increase to fund program improvements. The largest expenditure in this area is to add a grade 7-12 Guidance Director to build greater capacity for post-secondary planning and address the significant mental health challenges our adolescent students are experiencing. The budget adds staff, while still keeping Needham's student to staff ratio in the middle of our comparison districts.

(Slide) As we look beyond planning for the upcoming school year, the most significant challenge facing our schools is implementing the School Master Plan. My family moved to Needham in 2008. At the time, I kept hearing about the need to renovate Hillside, Mitchell, and Pollard. 15 years later, we've completed one of these school projects, but are still in the beginning stages of addressing the significant needs of Mitchell and Pollard.

(Slide) In 2020, we completed a School Master Plan with broad representation from the schools and Town Boards and Committees. The goal of the Master Planning process was to assess the infrastructure, educational programming, and classroom capacity needs at our elementary and middle school buildings, and to develop different options to comprehensively address any identified needs.

The Master Plan highlighted several challenges facing Needham: Unsurprisingly, there are significant building infrastructure and programming deficiencies at Pollard and Mitchell.

High Rock is undersized for the current and forecasted student population and lacks adequate programming space.

Additional elementary classrooms are needed to meet current enrollment forecasts. And, as mentioned before, our forecasts do not incorporate enrollment growth that is expected to result from zoning changes that increase housing diversity and affordability.

While the Master Plan explored multiple scenarios to address the identified needs, one option was clearly preferred by the School Committee and Permanent Public Building Committee.

(Slide) Under the "High Rock as an Elementary School" option, we would:

First, renovate and expand the Pollard School to create a 6-8 middle school. We will create a "school within a school" at Pollard to maintain the unique character and advantages of the current 6th grade experience, while also capitalizing on the significant educational, social-emotional and operational benefits of having all of our middle level students together.

When the Pollard project for grades 6-8 is complete, we will move Mitchell students into High Rock while we construct a new, 3-section per grade Mitchell School. This has a large financial benefit to the Town, because it avoids constructing costly temporary swing space during the Mitchell project. Finally, when the new Mitchell School is complete, we plan to open High Rock as a 6th elementary school to increase our elementary classroom count. At this point, we believe Needham would have sufficient capacity to handle enrollment growth, as well as space for more programming flexibility or universal preschool.

(Slide) We strongly believe the "High Rock as an Elementary School" Master Plan scenario solves all of the District's current building and educational programming needs for the foreseeable future, as outlined here. This scenario also has the lowest cost, fastest timeline, and provides more square footage compared to other options.

That said, even as the fastest, lowest cost option, these projects will still take over 10 years to complete, with a cost in excess of \$330 million. This is a huge financial investment for Needham taxpayers, and we are committed to working closely with the Select Board and Finance Committee to do all we can to make these projects affordable.

Last month, in partnership with the Select Board, we submitted Statements of Interest to the Massachusetts School Building Authority (or MSBA) for Pollard and Mitchell. This is the first step in a potential partnership with the State for partial funding of these projects. However, there is no guarantee the MSBA will partner with Needham for even one of these projects, and we expect to bring a proposal forward to Town Meeting next year that will allow us to begin implementing the Master Plan.

As Town Meeting is aware, delaying construction doesn't make building problems go away, it just makes fixing them more expensive. Given the deficiencies at Pollard and Mitchell, further delays will continue to increase the cost and complexity of maintaining these buildings, while failing to address the programming challenges that negatively impact our students.

(Slide) While there is always more to do, Needham is well-positioned to realize our Portrait of a Graduate strategic vision for all students. We are fortunate to have dedicated teachers, talented staff and an outstanding Superintendent who works with our students every day. Further, we are grateful to all those in Town Government - especially the Town Manager, Select Board, Finance Committee and PPBC, as well as the Building Design and Construction and Public Works departments, and Town Meeting - for working collaboratively with the schools to support our work with Needham's outstanding young people. Thank you.

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

VOTED: 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

\$36,850

¢242.200

funded by a transfer from Free Cash in the amount of \$3,597,105, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$27,668, and \$1,078,631 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 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 postemployment health and life insurance benefits for eligible retirees from the fund established for that purpose.

### **Townwide Expenses**

1. Casualty, Liability, Property & Self Insurance	
Program	\$922,490
2. Debt Service	\$17,543,250
3. Group Health Insurance, Employee Benefits	
Assessments & Administrative Costs	\$17,599,022
4. Needham Electric, Light & Gas Program	\$5,655,057
5. Retiree Insurance & Insurance Liability	
Fund	\$8,199,280
6. Retirement Assessments	\$12,319,665
7. Workers Compensation	\$779,255
8. Injury on Duty & 111F	\$159,415
9. Classification Performance & Settlements	\$998,000
10. Reserve Fund	\$2,000,000

# Townwide Expense Total \$66,175.434

### Select Board & the Office of the Town Manager

11A Salary & Wages	\$1,060,329
11B Expenses	255,076

Total \$1,315,405

### Office of the Town Clerk & Board of Registrars

office of the Town Clerk & Bourd of Registrars	
12A Salary & Wages	\$406,546
12B Expenses	\$81,720

Total \$488,266

#### <u>Legal Services</u> 13A Salary & Wages

1911 Sullary Co Wages	
13B Expenses	<u>\$329,140</u>

Total \$329,140

### Finance Department

14A Salary & Wages	\$2,315,869
14B Expenses	\$1,331,273
14C Capital	\$95,000

Total \$3,742,142

# **Finance Committee**

15A Salary & Wages	\$41,904
15B Expenses	\$1,460

Total \$43,364

# **Planning and Community Development**

16A Salary & Wages \$515,949

# Total \$552,799

# General Government \$6,471,116

# **Police Department**

16B Expenses

17A Salary & Wages	\$7,135,569
17B Expenses	\$507,827

17C Capital <u>\$257,884</u>

Total \$7,901,280

# Fire Department

18A Salary & Wages	\$9,403,525
18B Expenses	\$445,467
18C Capital	\$35,334

Total \$9,884,326

### **Building Department**

19A Salary & Wages	\$797,717
19B Expenses	<u>\$51,040</u>

Total \$848,757

# Public Safety Total \$18,634,363

# Minuteman Regional High School

ASS	essment	
20	Assessment	\$1,367,739

TOTAL \$1,367,739

### **Needham Public Schools**

21 Needham Public School Budget \$87,277,798

TOTAL \$87,277,798

Education Total \$88,645,537

### **Building Design & Construction Department**

ZZA Salary & wages	\$342,389
22B Expenses	\$15,175

Total \$357,564

### **Department of Public Works**

23A Salary & Wages	\$10,270,980
23B Expenses	\$8,167,639
23C Capital	\$115,499
23D Snow & Ice	<u>\$433,139</u>

Total \$18,987,257

Public Facilities and Public Works Total \$19,344,821

#### **Municipal Parking Program**

24 Program Budget <u>\$151,818</u>

Total \$151,818

#### **Health and Human Services Department**

TOWN OF NEEDHAM		TOWN CLERK'S RECORDS – 2023 ANNU	JAL TOWN MEETING
25A Salary & Wages	\$1,985,557	29B Expenses	\$263,336
25B Expenses	\$455,73 <u>5</u>		
		Total	\$1,294,964
Total	\$ 2,420,292		
		Memorial Park	
Commission on Disabilities			\$ <u>750</u>
26A Salary & Wages	1,500		
26B Expenses	<u>550</u>	Total	<b>\$750</b>
Total	\$2,050	Needham Council for Arts and Culture	
			40.00
Historical Commission	1.050		<u>\$8,300</u>
27	<u>1,050</u>	m . 1	do 200
T. 4.1	¢1.0 <b>5</b> 0	Total	\$8,300
Total	\$1,050	TOTAL COMMUNITY SERVICES	φ <sub>C</sub> 420 242
Needbare Dublic Library		TOTAL: COMMUNITY SERVICES	\$6,430,243
Needham Public Library 28A Salary & Wages	\$1,725,936	DEPARTMENT BUDGET TOTAL	\$148,099,663
•	\$390,863	DEPARTMENT BUDGET TOTAL	\$140,099,003
28B Expenses	<u>\$390,803</u>	TOTAL OPERATING BUDGET	\$214,275,097
Total	\$2,116,799	TOTAL OF ERATING BUDGET	\$214,273,097
Total	\$2,110,733		
Park & Recreation Department			
29A Salary & Wages	\$1,031,628		
2)11 Salary & Wages	ψ1,031,020	Article 13 was previously adopted by unaning	nous consent
		Titude 10 was proviously adopted by anamin	nous consent.

### ARTICLE 14: APPROPRIATE THE FY2024 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 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½:

# Water Enterprise FY2024

F 12027						
Description	FY2022		FY2023		FY2024	
	Expended	FTE	Current Budget	FTE	Recommended	FTE
Salary & Wages	\$1,229,013	17.0	\$1,503,306	17.0	\$1,598,687	17.0
Expenses	\$1,126,065		\$1,361,349		\$1,564,469	
Capital Outlay	\$28,715		\$0		\$53,605	
MWRA Assessment	\$1,670,433		\$1,464,186		\$1,886,141	
Debt Service	\$849,218		\$1,250,000		\$1,250,000	
Reserve Fund	Transfers Only		\$75,000		\$75,000	
TOTAL	\$4,903,443	17.0	\$5,653,841	17.0	\$6,427,902	17.0
FY2024 Budget Percentage Change from FY2023 Budget 1					13.7%	
	Salary & Wages Expenses Capital Outlay MWRA Assessment Debt Service Reserve Fund	Expended  Salary & Wages \$1,229,013  Expenses \$1,126,065  Capital Outlay \$28,715  MWRA Assessment \$1,670,433  Debt Service \$849,218  Reserve Fund Transfers Only  TOTAL \$4,903,443	Description         FY2022           Expended         FTE           Salary & Wages         \$1,229,013         17.0           Expenses         \$1,126,065           Capital Outlay         \$28,715           MWRA Assessment         \$1,670,433           Debt Service         \$849,218           Reserve Fund         Transfers Only           TOTAL         \$4,903,443         17.0	Description         FY2022         FY2023           Expended         FTE         Current Budget           Salary & Wages         \$1,229,013         17.0         \$1,503,306           Expenses         \$1,126,065         \$1,361,349           Capital Outlay         \$28,715         \$0           MWRA Assessment         \$1,670,433         \$1,464,186           Debt Service         \$849,218         \$1,250,000           Reserve Fund         Transfers Only         \$75,000           TOTAL         \$4,903,443         17.0         \$5,653,841	Description         FY2022         FY2023           Expended         FTE         Current Budget         FTE           Salary & Wages         \$1,229,013         17.0         \$1,503,306         17.0           Expenses         \$1,126,065         \$1,361,349           Capital Outlay         \$28,715         \$0           MWRA Assessment         \$1,670,433         \$1,464,186           Debt Service         \$849,218         \$1,250,000           Reserve Fund         Transfers Only         \$75,000           TOTAL         \$4,903,443         17.0         \$5,653,841         17.0	Description         FY2022         FY2023         FY2024           Expended         FTE         Current Budget         FTE         Recommended           Salary & Wages         \$1,229,013         17.0         \$1,503,306         17.0         \$1,598,687           Expenses         \$1,126,065         \$1,361,349         \$1,564,469           Capital Outlay         \$28,715         \$0         \$53,605           MWRA Assessment         \$1,670,433         \$1,464,186         \$1,886,141           Debt Service         \$849,218         \$1,250,000         \$1,250,000           Reserve Fund         Transfers Only         \$75,000         \$75,000           TOTAL         \$4,903,443         17.0         \$5,653,841         17.0         \$6,427,902

and to meet this appropriation that \$5,927,902 be raised from Water Enterprise Fund receipts, and that \$500,000 be transferred from Water Enterprise Fund Retained Earnings; 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 15,494 installed meters as of June 30, 2022.

The overall operating budget for FY2024 is \$6,427,902 or \$774,061 (13.7%) more than the FY2023 budget. The higher budget is largely due to the \$421,955 increase in the MWRA assessment for the Town's use of water and the \$53,605 recommended for operating capital. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2024 water assessment is based on CY2022 water use. The Town's use of MWRA water was up 33.2% from the prior year, 427 million gallons compared to 321 million gallons of water. During CY2020, approximately 29.7% of the total water production came from the MWRA; during CY2021, 27.1% of production came from the MWRA; during CY2022, approximately 32.5% of production came from the MWRA (see table). The preliminary water assessment for FY2024 is \$1,886,141 which is an approximately 28.8% increase in the assessment. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	CY2020	CY2021	CY2022
Water Production*	1,305.6	1,185.0	1,313.7
Water Production from MWRA	387.8	320.7	427.0
Water Production from Town Wells	917.8	864.3	886.7
Percentage from MWRA	29.7%	27.1%	32.5%
*millions of gallons			
Water meters replaced**	385	564	500
Percentage of the total number of water meters in place for that year	2.5%	3.6%	3.2%

The FY2024 salary and wage expense line is \$1,598,687, an increase of \$95,381 (6.3%) 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 ITWA and NIPEA unions expire on June 30, 2024. Similarly, to the Sewer Enterprise Fund Budget, the salary and wage increase is due to a combination of changes in personnel and that the Town and the NIPEA Union settled a new contract. The FY2023 budget was not amended to reflect the increase to wages for NIPEA employees for FY2023, so the FY2024 recommended budget is accounting for two years of increases. The budget includes step and longevity increases for employees who are members of the unions, based on the collective bargaining agreements, and for non-represented personnel in accordance with the Town's personnel policies.

The water expense line of \$1,564,469 is \$203,120 higher than the FY2023 budget, approximately 14.9% more. The largest increase in terms of dollars (\$118,981) is for public works supplies and drinking water treatments. Many of the treatment chemicals increased in price by 10%, 20%, or more than 40%. The cost for water system parts, such as gate valves, hydrants, water main sleeves, and brass and copper fittings has also increased by 10% to 20%. Overall the increase for public works supplies was 22.6% over the current budget. Contracted and other services have increased by \$32,693, primarily for electrical and mechanical related services. The cost of electricity and natural gas are higher with a combined increase of \$29,967. The cost of fuel for vehicles and equipment is also higher by \$11,156, an increase of more than 28.7% from the current year. Professional and technical expenses increased by \$6,000 driven primarily by additional water quality testing requirements. The balance of the increase (\$4,323) is for required traffic details when water-related repair work is performed in the public way.

The operating capital line for FY2024 is recommended at \$53,605. There was no appropriation for FY2023. The department needs to replace actuator valves (\$40,000). Actuator valves control whether the effluent pipes are opened or closed, allowing air to be pushed through the filter to break down and clean possible impurities without contaminating the distribution system. The existing actuator valves are past their useful life. The other planned expense (\$13,605) is for a replacement trailer to transport excavation equipment. This would replace an existing trailer which should no longer be used. The debt service line is level-funded at \$1,250,000. The Town has several large-scale water infrastructure projects that will impact the enterprise debt budget in the out years. The water reserve fund at \$75,000 is level dollar for FY2024.

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 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 2024, under the provisions of M.G.L. Chapter 44, Section  $53F \frac{1}{2}$ :

# Water Enterprise FY2024

Line #	Description	FY2022		FY2023		FY2024	
		Expended	FTE	Current Budget	FTE	Recommended	FTE
301A	Salary & Wages	\$1,229,013	17.0	\$1,503,306	17.0	\$1,598,687	17.0
301B	Expenses	\$1,126,065		\$1,361,349		\$1,564,469	
301C	Capital Outlay	\$28,715		\$0		\$53,605	
301D	MWRA Assessment	\$1,670,433		\$1,464,186		\$1,886,141	
301E	Debt Service	\$849,218		\$1,250,000		\$1,250,000	
302	Reserve Fund	Transfers Only		\$75,000		\$75,000	
	TOTAL	\$4,903,443	17.0	\$5,653,841	17.0	\$6,427,902	17.0
FY2024 Budget Percentage Change from FY2023 Budget							13.7%

and to meet this appropriation that \$5,927,902 be raised from Water Enterprise Fund receipts, and that \$500,000 be transferred from Water Enterprise Fund Retained Earnings.

Ms. Heidi R. Frail, member, recommended adoption on behalf of the Select Board.

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

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

# ARTICLE 15: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

In response to an inquiry from Holly Anne Clarke (Prec. D), Mr. Keane explained that the repaying of a portion of Central

To see if the Town will vote to authorize the Town Manager to permanently scores attact prejects struct it resilir becops when the part of the part of

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 for FY2024 is \$909,058. Unless circumstances require otherwise, this Chapter 90 allocation will be directed towards additional infrastructure projects, such as intersection improvements, roadway reconstruction of Marked Tree Road, sidewalk improvements, and the design and construction of the downtown infrastructure improvement project.

MOVED: That 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.

Mr. Kevin J Keane, Vice Chair, addressed this proposal on behalf of the Select Board. He advised that the town is authorized to accept these funds. The Select Board unanimously recommends adoption of this article.

Carol A. Fachetti, member, explained that the Town needs to accept these funds. The Finance Committee unanimously recommends adoption of this article.

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

Article 16 was previously adopted by unanimous consent.

ARTICLE 17: AMEND ZONING BY-LAW ACCESSORY 3-CAR GARAGE USE IN SINGLE RESIDENCE B, GENERAL RESIDENCE, BUSINESS AND INDUSTRIAL DISTRICTS

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

1. In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by deleting from the first sentence of the first paragraph the words "and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars" so that the sentence shall now read as follows:

"There shall be permitted as an accessory use on residential property in the Single Residence A, Rural Residence – Conservation, and Institutional districts garage space for not more than three (3) cars."

 In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

> "There shall be permitted as an accessory use on twofamily residential property in the General Residence and Business districts garage space for not more than two (2) cars per dwelling unit.

> There shall be permitted as an accessory use on singlefamily residential property in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than three (3) cars, provided that the third garage shall be designed and located as follows:

- (a) the garage-space door shall be on the façade of a dwelling, which façade faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented, for purposes of this Section 6.1.2 referred to as the front façade; or
- (b) the garage-space door shall be on the front façade of a dwelling, provided (i) that the garage is set back at least five (5) feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or
- (c) the additional garage space shall be located in an accessory building where the accessory building is separate from and set back at least five (5) feet from the portion of the front façade of the principal structure that has the longest length."
- 3. In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by ordering the second paragraph as paragraph four and revising the first sentence of said paragraph to read as follows (new language underlined):

"Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence — Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3) garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;

(a) will not alter the character of the premises in which it is located,

- (b) will not have a material adverse effect on the value of the land and buildings or structures in the neighborhood, or on the amenities thereof, and
- (c) will not produce noise, odors or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property."

Or take any other action relative thereto.

Article Information: Presently in the Single Residence B, General Residence, Business and Industrial districts, single family residential property is permitted to contain, as an accessory use, garage space for up to two (2) cars by-right with one (1) additional garage space (total three (3) garage spaces) permitted by Special Permit. Under the terms of the amendment, garage space for up to three (3) cars would now be permitted by-right in the above-named districts on single-family residential property as an accessory use provided such third car garage space is designed and located as follows: (1) the garage-space door is located on the façade of the dwelling which faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented; or (2) the garage-space door is located on the front façade of a dwelling, under the following conditions (i) the garage is set back at least five feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or (3) the additional third garage space is located in an accessory building where the accessory building is separate from and set back at least five feet from the portion of the front façade of the principal structure that has the longest length. A third car garage space not meeting the above described design terms would be required to seek a Special Permit from the Zoning Board of Appeals.

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

- 1. In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by deleting from the first sentence of the first paragraph the words "and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars" so that the sentence shall now read as follows:
  - "There shall be permitted as an accessory use on residential property in the Single Residence A, Rural Residence Conservation, and Institutional districts garage space for not more than three (3) cars."
- 2. In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

"There shall be permitted as an accessory use on twofamily residential property in the General Residence and Business districts garage space for not more than two (2) cars per dwelling unit.

There shall be permitted as an accessory use on singlefamily residential property in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than three (3) cars, provided that the third garage shall be designed and located as follows:

- (a) the garage-space door shall be on the façade of a dwelling, which façade faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented, for purposes of this Section 6.1.2 referred to as the front facade; or
- (b) the garage-space door shall be on the front façade of a dwelling, provided (i) that the garage is set back at least five (5) feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or
- (c) the additional garage space shall be located in an accessory building where the accessory building is separate from and set back at least five (5) feet from the portion of the front façade of the principal structure that has the longest length."
- 3. In Section 6.1, <u>Accessory Uses</u>, Subsection 6.1.2, by ordering the second paragraph as paragraph four and revising the first sentence of said paragraph to read as follows (new language underlined):

"Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence — Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3) garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;

- (a) will not alter the character of the premises in which it is located,
- (b) will not have a material adverse effect on the value of the land and buildings or structures in the neighborhood, or on the amenities thereof, and
- (c) will not produce noise, odors or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property."

ACTION: This Article was withdrawn at the beginning of the Annual Town Meeting on May 1, 2023.

A motion to postpone Article 18 to a time certain specifically 7:30 PM on Wednesday May 3, 2023, was offered by Evan F. Rausch.

Lois Sockol, (Prec. I), rose in support of the motion to postpone.

The motion to postpone was presented and carried by majority vote declared by the Moderator on a voice vote.

At 10:55 P M Mr. William R. Dermody moved that the Annual Town Meeting stand adjourned to Wednesday May 3, 2023, at 7:30 P.M. at the James Hugh Powers Hall, Town Hall. The motion was presented and passed by unanimous vote.

Theodora K. Eaton, MMC Town Clerk

A true copy Attest:

#### ADJOURNED ANNUAL TOWN MEETING

\*\*\*\*\*

Wednesday, May 3, 2023

Pursuant to adjournment of the Annual Town Meeting held May 1, 2023, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Wednesday, May 3, 2023 at 7:30 P.M.

Check lists were used and 225 voters were checked on the list as being present, including 218 Town Meeting Members. 32 Town Meeting Members were absent.

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

At this time discussion commenced under Article 18.

# ARTICLE 18: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

 In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.1 <u>Intent</u>, by revising the Subsection to read as follows (new language underlined):

"The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, 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 ADU remains subordinate to the principal use of the property as a single-family detached dwelling."

- 2. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 <u>Definitions</u>, by revising subparagraphs (a), (b), (c), and (d) to read as follows (new language underlined):
  - "(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment 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 a single-family dwelling or a single-family dwelling with an accessory building.
  - (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 an Owner's Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person's primary residence, or an adult employed by an Owner to provide childcare to one or more of an Owner's Family members.
  - (c) "Family" as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle 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 <u>primary</u> 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. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.2 <u>Definitions</u>, by adding a new subparagraph (e) to read as follows:
  - "(e) "Lessee" shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of

- an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee."
- 4. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):

# "3.15.3.1 Use Regulations for ADU within a Single-family Dwelling"

- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations for ADU within a Single-family Dwelling</u>, by revising the first sentence to read as follows:
  - "An ADU within a single-family detached dwelling shall be permitted under the following use regulations:"
- 6. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):
  - "(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner's Family or a Caregiver and such Caregiver's Family or a Lessee and such Lessee'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 and occupancy of the ADU shall be limited to three persons.
  - (d) The size of the ADU shall be limited to <u>900</u> square feet of living space and shall have no more than one bedroom.
  - (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-Law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.
  - (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 to an ADU 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 to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the

<u>property.</u> An interior doorway shall be provided between the principle dwelling unit and the ADU 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 <u>ADU</u> and principal <u>dwelling unit</u>, along with a certified site plan, shall also be submitted with the application to the Building Commissioner."
- 7. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).
- 8. In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement, to read as follows:

# "3.15.3.2 <u>Use Regulations for ADU within an Accessory Building</u>

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 sq. ft.
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.
- (d) Any accessory building used as an ADU must comply with all current requirements of the Zoning By-Law applicable to accessory structures in the district in which the property is located, or be a lawfully preexisting nonconforming structure as of the effective date of this By-Law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity.
- (e) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as

- an ADU, provided that such accessory building complies with section (d) above.
- (f) Notwithstanding any exception contained in the definition of Floor Area Ratio in Section 4.2, for purposes of this Section any finished habitable basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space.

# 3.15.3.3 <u>Maintenance of Appearance of Single-family Property</u>

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-Law.

### 3.15.3.4 Occupancy and Enforcement

(a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month

of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.

- (b) In the case that the ADU is in violation of the terms of this By-Law 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."
- 9. In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by adding after the first sentence of the second paragraph a new sentence to read as follows:
  - "The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-Law."
- In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by revising the second sentence of the third paragraph to read as follows (new language underlined):

"Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for "Minor Projects" under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits."

Or take any other action relative thereto.

Article Information: Article 18 seeks to amend Needham's current Accessory Dwelling Units (ADUs) Zoning By-Law provisions by expanding the circumstances under which ADUs would be permitted in Town with the goal of further diversifying the Town's housing stock through the production of additional smaller, more affordable housing units.

#### **Background**

The October 2019 Special Town Meeting approved a Zoning By-Law amendment to permit the creation of ADUs in single-family homes by Special Permit of the Board of Appeals subject to specified standards and procedures. The By-Law limited the units to single-family homes where the units are occupied "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 older, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance." The By-Law also defined the ADU as "an apartment in a single-family detached dwelling that is a second, selfcontained 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." Over the course of approximately three years, twelve ADUs have been permitted as of March 2023.

Major provisions of the current By-Law include the following: (1) ADUs are available by Special Permit from the Board of Appeals, good for 3 years, renewable by Special Permit. If there is a new owner of the home, they have to go through the Special Permitting process to keep the ADU. (2) At least one of the units (the primary residence or the ADU) must be owner-occupied and occupancy of the second residence must be limited to a member of the owner's family or a caregiver and such caregiver's family. (3) No more than five persons who are not family members of the owner can live in the primary residence and the ADU combined. (4) There can be no more than one ADU on a lot, and it must be located within the single-family detached dwelling and not in a separate building. (5) To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. No stairs for access to upper floors of the ADU shall be on the outside. There must be an interior doorway between each living unit for safety purposes in an emergency. (6) The size of the ADU is limited to 850 square feet, and it can have no more than one bedroom. (7) Occupancy of the ADU and principal dwelling unit combined is limited to five persons who are not family of the owner. (8) Off-street parking must be provided with at least one parking space per dwelling unit

# Amendment Description

Article 18 proposes the following changes to the current use and permitting framework of the By-Law: (1) Allows ADUs in a singlefamily dwellings by-right rather than by Special Permit, while still requiring that the building and design guidelines contained in the current By-Law be met. ADUs located in a single-family dwelling will continue to be required to meet all zoning dimensional requirements for a single-family home as specified in the underlying zoning district. Needham homeowners who want to add an ADU to their home under the current By-Law must obtain a Special Permit, which involves considerable and unnecessary time for both the applicant and the Zoning Board of Appeals. Review of proposed building plans for attached or interior ADUs by the Building Commissioner should suffice to ensure compliance with the By-Law both dimensionally and in terms of maintaining the general appearance of a single-family dwelling. In circumstances where the Building Commissioner is in doubt as to compliance with the above-noted design guidelines, the By-Law further provides for the issuance of an advisory report as to the issue of compliance from the Design Review Board upon the Building Commissioner's request. (2) Expands the residency requirements of an ADU as contained in the definition of "Caregiver" to include "an adult employed by an Owner to provide childcare to one or more of an Owner's Family members" for use by example of a Nanny or Au-Pair, etc. (3) Expands the residency requirements of an ADU as contained in the definition of "Family" to include "a grandparent, aunt or uncle". (4) Allows a homeowner to rent the ADU with a minimum 6-month written lease, subject to owner occupancy of the property. The minimum 6-month lease term is designed to prevent short-term high frequency leases. (5) Increases the size limit for an ADU from a maximum of 850 square feet of living space to a maximum of 900 square feet of living space.

Additionally, Article 18 would allow ADUs in detached accessory buildings on the same lot as a single-family detached dwelling upon the issuance of a Special Permit by the Board of Appeals subject to the following conditions. (1) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 square feet. (2) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building. (3) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner. (4) Any accessory building used as an ADU must comply with all current requirements of the Zoning By-Law applicable to accessory structures in the district in which the property is located or be a lawfully preexisting nonconforming structure as of the effective date of this By-Law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity. In the residential districts, such stand-alone accessory detached ADU units are required to be setback a minimum of five (5) feet from the side and rear lot lines of the lot unless the structure exceeds fifteen (15) feet in height in which case the setback must comply with the underlying district's increased rear or side setback requirements. A minimum distance of ten (10) feet is required between the ADU detached dwelling and any other structure or building on the lot. (5) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as an ADU, provided that such accessory building complies with item (4) above. (6) Any finished basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space. The purpose of the Special Permit requirement for a detached ADU is a) to provide notice to abutters, and, b) to provide an opportunity for the Board of Appeals to evaluate impacts within the scope of the Special Permit criteria set out in Section 7.5.2.1 of the By-Law as a result of the construction and use of the ADU.

Finally, the article establishes occupancy and enforcement standards. Occupancy of the detached ADU shall not take place without proof of a recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (1) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (2) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family

member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (3) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner and a copy of any current lease, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the above requirements the Building Commissioner within thirty (30) days of a written request may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building may also revoke the Special Permit for the

### Public Policy Objective

ADUs provide a number of important benefits to the community while diversifying the housing stock and allowing Needham to be part of a regional effort to contribute to the urgent need for additional smaller, more affordable housing unit production. As documented in the December 2022 Needham Housing Plan, Needham's housing is increasingly less affordable without a sufficient range of housing choices that offer smaller unit sizes with more affordable rental costs for employees, new residents or families, or for existing, mostly senior, residents. While the current By-Law which limited occupancy to family members or caregivers promoted greater housing diversity in the community by allowing small apartments in existing dwellings, enabling extended family members to live together, and also providing opportunities for live-in support for people with disabilities, much more can be accomplished. The goal of this amendment is to now expand this opportunity to a larger population base so that more local housing needs can be met.

It is anticipated that the proposed amendment could address the following local housing needs: (1) ADUs could provide additional, affordable studio and one-bedroom rentals, by expanding the housing opportunities for older adults and other residents to remain in their homes, young adults who want to stay in or return to Needham, employees of Needham businesses, and potential newcomers to the Needham community. (2) ADUs could allow homeowners to stay in their homes by providing needed rental income to assist with housing costs including taxes, utilities and other housing expenses. (3) Homeowners of small homes that cannot easily be enlarged could benefit from ADU income by converting a smaller building on their lot, such as a detached garage, into an ADU. (4) ADUs could provide additional housing while maintaining existing single-family neighborhoods. (5) Owners will be responsible landlords because they must reside in the property and always provide emergency egress freely through the main unit from the ADU. (6) ADU occupants can provide important services for the owner such as snow removal or errands for older adults or babysitting for families for example. Furthermore, ADUs are encouraged by the Massachusetts Executive Office of Energy and Environmental Affairs and advocated for by the Needham Council on Aging, Board of Health and Department of Public Health and Human Services.

ADUs are allowed in many Massachusetts communities. example, of the 100 cities and towns in the Metropolitan Area Planning Council (MAPC) region outside the City of Boston, 37 allow a homeowner to create an accessory apartment and rent it to persons other than family members or caregivers. Moreover, in the last decade, almost half of the 100 Boston-area municipalities have adopted either a master plan or a housing production plan that recommends allowing ADUs with fewer restrictions. For example. Belmont and Hudson voted to allow ADUs unrestricted to relatives. Arlington, Carlisle, Dedham, Lexington, Lincoln, Newton, Wayland, Wellesley and Weston, and other municipalities voted to allow ADUs in detached structures. Burlington, Bedford, and Acton, among other towns, allow ADUs by-right. Most recently, Wellesley's Town Meeting voted to adopt an ADU By-Law without any residency restrictions, allowing both attached and detached ADUs by right with a maximum unit size of 900 square feet.

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

- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.1 <u>Intent</u>, by revising the Subsection to read as follows (new language underlined):
  - "The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, 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 ADU remains subordinate to the principal use of the property as a single-family detached dwelling."
- 2. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b), (c), and (d) to read as follows (new language underlined):
  - "(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment 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 a single-family dwelling or a single-family dwelling with an accessory building.
  - (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 an Owner's Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person's primary residence, or an adult employed by an Owner to

provide childcare to one or more of an Owner's Family members.

- (c) "Family" as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle 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 <u>primary</u> 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. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.2 <u>Definitions</u>, by adding a new subparagraph (e) to read as follows:
  - "(e) "Lessee" shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee."
- 4. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3 <u>Use Regulations</u>, by revising the section heading to read as follows (new language underlined):
  - "3.15.3.1 Use Regulations for ADU within a Single-family Dwelling"
- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations for ADU within a Single-family Dwelling</u>, by revising the first sentence to read as follows:
  - "An ADU within a single-family detached dwelling shall be permitted under the following use regulations:"
- 6. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations for ADU within a Single-family Dwelling</u>, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):

- "(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner's Family or a Caregiver and such Caregiver's Family or a Lessee and such Lessee'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 and occupancy of the ADU shall be limited to three persons.
- (d) The size of the ADU shall be limited to <u>900</u> square feet of living space and shall have no more than one bedroom.
- (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-Law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.
- (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 to an ADU 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 to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior doorway shall be provided between the principle dwelling unit and the ADU 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 <u>ADU</u> and principal <u>dwelling unit</u>, along with a certified site plan, shall also be submitted with the application to the Building Commissioner."
- 7. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations within a Single-family Dwelling</u>, by deleting subparagraphs (j) and (k).
- 8. In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement, to read as follows:
  - "3.15.3.2 <u>Use Regulations for ADU within an Accessory Building</u>

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 sq. ft.
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.
- (d) Any accessory building used as an ADU must comply with all current requirements of the Zoning By-Law applicable to accessory structures in the district in which the property is located, or be a lawfully preexisting nonconforming structure as of the effective date of this By-Law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity.
- (e) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as an ADU, provided that such accessory building complies with section (d) above.
- (f) Notwithstanding any exception contained in the definition of Floor Area Ratio in Section 4.2, for purposes of this Section any finished habitable basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space.

# 3.15.3.3 <u>Maintenance of Appearance of Single-family Property</u>

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any

such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-Law.

#### 3.15.3.4 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.
- (b) In the case that the ADU is in violation of the terms of this By-Law 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."

9. In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by adding after the first sentence of the second paragraph a new sentence to read as follows:

"The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-Law."

In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by revising the second sentence of the third paragraph to read as follows (new language underlined):

"Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for "Minor Projects" under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits."

Adam J Block, Chair, Planning Board, addressed this zoning amendment as follows:

Thank you, Mr. Moderator, and fellow Town Meeting Members:

At the October 2019 town meeting, this body approved the creation of accessory dwelling units, (or ADUs), primarily to help seniors and persons with special needs. Over the last 3.5 years, the town has permitted a total of 12 ADUs, or 4 per year, which is in line with similarly situated communities and ADU bylaws.

During this period, the deteriorating regional housing crisis has come into focus for the Commonwealth and for municipalities. While multi-family housing will be the primary and driving solution, municipalities and the Commonwealth also see ADUs as a still meaningful though secondary solution. (Slide, please)

### Article 18 modifies our current ADU bylaw:

- To diversify the town's housing stock
- To create low impact affordable housing options
- To expand options for seniors and others on a fixed income.
- To enable local workforce housing for those who teach our children, for those who keep us safe; and for our critical healthcare workers
- To help single persons in town remain connected to family and friends
- To ease the regulatory burden for homeowners

All while preserving the single-family appearance of the town. (Slide, please)

The current bylaw allows for an attached 1 bedroom ADU, up to 850 sf, by special permit. The main motion would allow an attached 1-bedroom ADU, up to 900 sf, by right. The

main motion would also allow a detached ADU up to 900 sf, by special permit from the Zoning Board of Appeals.

(Slide, please)

Under the current bylaw, the ADU is permitted for:

- limited family members: related to the owner by blood, adoption or marriage; and,
- caregivers for persons with special needs.

The main motion expands family access to include:

- Grandparents
- Aunts/Uncles

It also includes child caregivers such as a nanny or an au-pair.

While the current bylaw does not allow ADU rentals, the main motion <u>would</u> allow homeowners to rent an ADU for a minimum rental term of 6 months. A written lease is required to be submitted to the building commissioner together with an annual certification of the occupants of the primary dwelling and the accessory dwelling. The bylaw requires the property owner to declare that either the house or ADU remains their primary residence to ensure accountability.

Our bylaw mandates the ADU appear smaller and secondary to the house and does  $\underline{not}$  allow, 2 x 2000 sf homes, or double deckers, triple deckers and rowhouses, assuring that Needham's single-family character and appearance remains the same.

Currently, we do not allow more than 5 people, unrelated to the owner, to live between the main house and the ADU. This proposal also limits the occupancy of the ADU to 3 people, unrelated to the owner.

### (Slide, please)

Off-street parking is required for all cars at the property. And ADUs must adhere to all the same building codes and regulations as with any other residence.

(Slide)

(Blide)

Here is a sample of a detached ADU scenario for both a conforming and a non-conforming lot.

At left is a sketch of a single-family house on a conforming  $10,000 \, \text{lot}$ .

- the house is setback 14', which is the minimum side yard setback for a primary residence
- the accessory dwelling unit is setback 5', which is the minimum side yard setback for an accessory structure
- the other core dimensional regulations that effect detached ADUs are:
  - o lot coverage
  - o Floor Area Ratio, and
  - o height
- Here, the combined footprint of the house and ADU total 2300 sf, while the maximum lot coverage is 2500 sf.
- the house is 3,350 sf and the ADU is 440 sf (about the size of a 2-car garage)
- the combined floor area is 3800 sf which is the maximum FAR for this lot
- In this example, even though there is capacity in lot coverage, the FAR is limiting the size of the ADU.

• If the accessory structure was a 2 car garage and the homeowner wanted a an ADU above the garage, they would have to demolish this structure because the 2<sup>nd</sup> story would exceed a 15' height limit, then the homeowner would have to and rebuild the structure at the 14' setback.

# At right, we see:

- a non-conforming 7000 sf lot
- the house is setback 12', which is the minimum side yard setback for this lot
- the accessory dwelling unit is setback 5' which is the minimum side yard setback for an accessory structure
- Here, the footprint of the house and ADU combined is 1820 sf which is also the maximum lot coverage
- the house and ADU total 2660 sf of living space which is the maximum floor area for this size lot
- Again, if the accessory structure was a 2 car garage and the homeowner wanted an ADU above the garage, they would have to demolish this structure because the 2<sup>nd</sup> story would exceed the 15' height limit, and rebuild the structure at the 14' setback.

A pre-existing nonconforming structure, such as a garage, that a homeowner might wish to convert into an ADU, and permissible by this amendment, would be highly <u>un</u>likely because if it predates conformity with the zoning bylaw, then it likely predates conformity with the current building code.

As we have seen, our dimensional regulations significantly limit detached ADUs. The state building code and construction costs are additional significant, imposing factors that limit detached ADUs.

### (Slide, please)

The special permit process requires notice to the public and abutters and includes a public hearing during which neighbors may comment and ask questions about a homeowner's ADU plan. The ZBA has the power to impose conditions that mitigate any serious adverse impacts to a neighbor's property. They can also deny a special permit if an application does not meet established special permit criteria.

#### (Slide, please)

To provide some regional context, here is a chart that shows how similarly situated towns have treated detached ADUs.

Detached ADUs are allowed <u>by right</u> in Arlington, Concord and Newton. Detached ADUs are allowed by <u>Special</u> <u>Permit</u> in Dedham, Scituate, Sudbury and Wellesley.

Detached ADU setbacks range. Needham would not be the only municipality with a 5' minimum ADU setback.

We note that none of these municipalities have recorded <u>any</u> adverse fiscal or other impacts on schools, traffic, public safety and other town services. Based upon conversations town staff, board members and resident volunteers have had with these and other municipalities, and on Needham's own ADU experience, ADUs are so few in number that impacts, even for permissive ADU frameworks, are imperceptible.

Municipalities that enacted a more permissive ADU framework allowing rentals and detached ADUs, have been averaging 6 total ADUs per year. For perspective, that equates to  $\underline{0.05\%}$  of our housing stock, that's 1  $20^{th}$  of 1%.

#### (Slide, please)

As it stands now, you can rent your house in Needham. You can also convert a garage 5' from the property line, bring it up to code, heat it, cool it, add plumbing, electrical, cable, a bed, a fridge, a microwave, and roast a chicken with potatoes in an all-inone toaster. You just can't install an oven.

ADUs have broad community support.

The:
Select Board
Board of Health
Council on Aging
League of Women Voters

Have unanimously supported our ADU amendment.

The Planning Board asked for your affirmative vote on Article 18.

Carol A. Fachetti, member, advised that the Finance Committee is concerned with this change on the impact of the Town. Leases will most likely be set by current rates. Schools, Police, Fire, traffic, etc. could be impacted. For example, if families sold their house to their children and moved into the ADUs, this could increase the school population. And because ADUs are relatively new, there is no data. The Finance Committee recommends that this article not be adopted.

Heidi R. Frail, Clerk, Select Board, advised that when this article was approved in 2019, the Planning Board indicated they would return to increase the ADU zoning. It is supported by the Board of Heath and the Council on Aging. The Select Board unanimously supports Article 18.

The following motion to amend was offered by Michael L. Niden (Pre. E):

- 1. By deleting from Section 3.15.1 the words "or in buildings accessory to single family dwellings".
- 2. By deleting from Section 3.15.2(a) the words "or in a building that is accessory to a single family detached dwelling" and the words "or a single family dwelling with an accessory building".
- 3. By deleting from the section heading of Section 3.15.3.1 the words "for ADU within a Single-family Dwelling" so that this section heading shall read "3.15.3.1 <u>Use Regulations</u>", by deleting from the first sentence of Section 3.15.3.1 the words "within a single-family detached dwelling", and by deleting from Section 3.15.3.1(f) the words "or an accessory building".
- 4. By deleting Section 3.15.3.2 <u>Use Regulations for ADU within an Accessory Building</u> in its entirety.
- 5. By deleting from Section 3.15.3.3 the words "or a single-family dwelling with an accessory building".
- 6. By deleting from Section 3.15.3.4 the words "proof of a recorded Special Permit, if required by Section 3.15.3.2, and" and the words "and if the ADU is within an accessory building pursuant to Section 3.15.3.2. the

Building Commissioner may also revoke the Special Permit for the ADU".

7. By renumbering Section 3.15.3.3 and Section 3.15.3.4 wherever they appear in the main motion as Section 3.15.3.2 and Section 3.15.3.3, respectively, to account for the deletion of Section 3.15.3.2 <u>Use Regulations for ADU</u> within an Accessory Building.

Mr. Michael L Niden explained that his amendment takes out the sections on detached ADUs for further study and allows the provisions of the main motion to continue. Mr. Niden urged support of his amendment.

Mr. Robert T. Smart, Jr. requested that the Planning Board have an opportunity to respond to the motion to amend. Adam J. Block, Chair, stated that if Town Meeting chooses to support this motion to remove the sections on detached ADUs from the main motion, the Planning Board would go back to review those section on detached ADUs. However, there is no evidence in towns including Needham of any major problems.

Colleen Schaller, Chair, stated that the Council on Aging voted unanimously to support Article 18. Housing is a key factor. There is no place in Needham today for affordable housing.

A Precinct C resident (Mr. Sabbagh) ) indicated that he understands part of the reasoning of Article 18, but there are several items that should not be adopted: 1. Detached ADUs increased the value of homes by 2. Up to three inhabitants in 900 sq. ft. ADU is not feasible. There should not be more than one. 3. Overcrowding in schools can occur if up to three inhabitants are allowed, and the owner of the home would pay more taxes.

Mr. Eric J. Bailey (Prec. A) supports this article overall, but people are asking for more information.

 $\mbox{Mr.}$  Paul A. Siegenthaler (Prec. E) clearly supports this motion.

Molly Silverberg, resident, supports the current ADU By-Law but is worried that our Town Meeting Members have not had time to meet with their constituents. Ms. Silverberg suggested referring this article to a special committee for further study.

Frederica S. Lalonde (Prec. I) stated that she is not in the grave yet but believes in this article and cares for the greater good of all.

Maurice "Moe" Handel (Prec. I) rose in support of this article and the amendment. These are meaningful and necessary reforms. He would like to see more studies on detached ADUs.

Lois I. Sockol (Prec. I) rose in support of this article and the amendment.

Emily Rose Cooper (Prec. A) noted that she moved into Needham twenty years ago and joined a Housing Committee. The committee sent out surveys and involved the community. These surveys included ADUs. There was lots of conversation.

Kathleen Ward Brown, member, Board of Health, strongly supports the main article.

Henrietta Curley, resident (Prec. J), rose to express concern with the lack of transparency regarding this article. She is not on Facebook so does not get information from Facebook. She went around her street and 13 individuals did not even know about this article. She noted that she is not opposed to ADUs but the lack of transparency.

Doug H. Fox (Prec. F) rose to support the amendment and have more time to review and discuss ADUs and bring it back to Town Meeting.

Henry G. Ragin (Prec. J) expressed concern with a Planning Board hearing. The Moderator advised that discussion outside the parameters of this article is not permitted. Mr. Ragin suggested that the Planning Board has the authority to deny findings and the Zoning Board of Appeals has substantial authority to make certain findings.

Jennifer C. Scheck-Kahn (Prec. A) rose in support of Article 18. She noted that she loves her multi-generational neighbors. Affordable housing is a major concern for many people.

Jay Curley (Prec. I resident) advised that housing is a very complex issue. He believes that "they" are well-intentioned and he expressed his appreciation to the Town Meeting Members. He noted that he is opposed to the original article and the motion to amend and urged a no vote if there are any concerns.

Mr. John A. Bulian, Chair, Board of Assessors, rose in support of the motion to amend. He explained that 18 years ago there were two newspapers in Needham and now there is none. He indicated that he watches zoom meetings and sets up meetings. It is incumbent on Boards and Committees to get out into the community.

 $\mbox{Mr. John D. Crimmings}\mbox{ (Prec. G)}$  rose in support of the motion to amend.

Mr. Joseph J. Leghorn (Prec. D) rose in support of the motion to amend. He noted that the Planning Board indicated this part of the article on detached ADUs would be withdrawn. He also expressed concern with rental costs and what is affordable. Mr. Leghorn encouraged the Planning Board to identify the issues, resolve the problems and return with the revisions. Holly Charbonnier (Prec. I) advised that her grandmother had to renew the rent on an ADU.

A motion to move the previous question was offered by Mr. Thomas M Harkins. The Moderator announced that this motion requires two-thirds vote for passage. The motion was presented but the Moderator was in doubt as to the voice vote. The following Town Meeting Members were sworn in as tellers: Heinz R. Brinkhaus, Paula R. Callanan, Cynthia J. Wolfe, Josephine Luppino Ochalla, and Cynthia J. Chaston. The motion was again presented and passed by the required two-thirds vote by a count of hands. The hand count was Yes 163 – No 54.

The Moderator noted that there has been a change in the law regarding passage under M.G.L. Chapter 40A, Section 5. The has been Reduced to a majority vote for passage.

The motion to amend was presented and carried on a majority vote declared by the Moderator on a voice vote.

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

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

 In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.1 <u>Intent</u>, by revising the Subsection to read as follows (new language underlined):

"The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, 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 ADU remains subordinate to the principal use of the property as a single-family detached dwelling."

- 2. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.2 <u>Definitions</u>, by revising subparagraphs (a), (b), (c), and (d) to read as follows (new language underlined):
  - "(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling, which apartment 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 a 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 an Owner's Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person's primary residence, or an adult employed by an Owner to provide childcare to one or more of an Owner's Family members.
  - (c) "Family" as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle 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 <u>primary</u> 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. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.2 <u>Definitions</u>, by adding a new subparagraph (e) to read as follows:
  - "(e) "Lessee" shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee."
- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3 <u>Use Regulations</u>, by revising the section heading to read as follows (new language underlined):
  - "3.15.3.1 Use Regulations"
- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations for ADU within a Single-family Dwelling</u>, by revising the first sentence to read as follows:
  - "An ADU shall be permitted under the following use regulations:"
- In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations for ADU within a Single-family Dwelling</u>, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):
  - "(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner's Family or a Caregiver and such Caregiver's Family or a Lessee and such Lessee'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 and occupancy of the ADU shall be limited to three persons.
  - (d) The size of the ADU shall be limited to <u>900</u> square feet of living space and shall have no more than one bedroom.
  - (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-Law as administered by the Director of Public Works, if applicable based on the size of any addition to the

## principal dwelling to accommodate the ADU.

- (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 to an ADU 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 to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior doorway shall be provided between the principle dwelling unit and the ADU 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 <u>ADU</u> and principal <u>dwelling unit</u>, along with a certified site plan, shall also be submitted with the application to the Building Commissioner."
- 7. In Section 3.15 <u>Accessory Dwelling Units (ADUs)</u>, Subsection 3.15.3.1 <u>Use Regulations within a Single-family Dwelling</u>, by deleting subparagraphs (j) and (k).
- 8. In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.3 Occupancy and Enforcement, to read as follows:

# 3.15.3.2 <u>Maintenance of Appearance of Single-family Property</u>

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front facade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-Law.

### 3.15.3.3 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU.
- (b) In the case that the ADU is in violation of the terms of this By-Law 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."
- 9. In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by adding after the first sentence of the second paragraph a new sentence to read as follows:

"The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.2 of the By-Law."

10. In Section 7.7.2 <u>Design Review Board</u>, Subsection 7.7.2.2 <u>Authority and Specific Powers</u>, by revising the second sentence of the third paragraph to read as follows (new language underlined):

"Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for "Minor Projects" under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.2 and sign permits."

# ARTICLE 19: AMEND ZONING BY-LAW CORRECTIVE ZONING AMENDMENTS

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

- 1. Amend the Needham Zoning By-Law by replacing all references to "Building Inspector" with "Building Commissioner" where it appears in the By-Law.
- Amendment Section 3.15 <u>Accessory Dwelling Units (ADUs)</u> by renumbering the section as Section 3.16 <u>Accessory Dwelling Units (ADUs)</u> and by further renumbering the subsections numerically.
- 3. Amend Section 5.1.2 <u>Required Parking</u>, by deleting in the first sentence of the second paragraph the words ", 2<sup>nd</sup> Edition," and inserting the words "the most recent edition of" after the words "recommendations based on" so that sentence now reads as follows (new language underlined):

"In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of 'Required Parking' (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the most recent edition of the ITE Parking Generation Manual or an alternative technical source determined by the Planning Board to be equally or more applicable."

Or take any other action relative thereto.

Article Explanation: Over the years Town Meeting has approved numerous inserts and other changes to the Zoning By-Law. Unfortunately, when those changes occurred, not all references were changed as required. This article would update the reference made to Section 3.15 Accessory Dwelling Units to Section 3.16 Accessory Dwelling Units. Additionally, the article would update the title of "Building Inspector" to "Building Commissioner" as currently used and as it appears throughout the Zoning By-Law. Lastly, the reference to the ITE Parking Generation Manual would be updated from "2nd Edition" to "the most recent edition".

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

- 1. Amend the Needham Zoning By-Law by replacing all references to "Building Inspector" with "Building Commissioner" where it appears in the By-Law.
- Amendment Section 3.15 <u>Accessory Dwelling Units (ADUs)</u> by renumbering the section as Section 3.16 <u>Accessory Dwelling Units (ADUs)</u> and by further renumbering the subsections numerically.
- Amend Section 5.1.2 <u>Required Parking</u>, by deleting in the first sentence of the second paragraph the words ", 2<sup>nd</sup> Edition," and inserting the words "the most recent edition of" after the words "recommendations based on" so that sentence now reads as follows (new language underlined):

"In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of 'Required Parking' (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the most recent edition of the ITE Parking Generation Manual or an alternative technical source determined by the Planning Board to be equally or more applicable."

Mr. Adam J. Block, Chair, addressed this proposal on behalf of the Planning Board. He explained that this amendment corrects numbering and names of titles in the Zoning by-Law.

Heidi R. Frail, Clerk, advised that this amendment is a housecleaning Article and the Select Board requests Town Meeting support.

ACTION: The Moderator advised that this article returns to the required two-thirds vote. The main motion was presented and carried by unanimous vote.

# ARTICLE 20: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

- (1) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, <u>and Institutional Districts</u>, Subsection 4.2.1 <u>Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>and General Residence Districts</u>, for <u>Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction</u>, footnote (e) by revising footnote (e) to now read as follows:
  - "(e) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as

- measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."
- 2) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, and <u>Institutional Districts</u>, Subsection 4.2.2 <u>Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, and <u>General Residence Districts</u>, for <u>Buildings and Structures</u>, on <u>Lots Created by Deed or Plan</u>, <u>Endorsed or Recorded on or After January 9</u>, <u>1986 and Not Including New Construction</u>, footnote (a) by revising footnote (a) to now read as follows:
  - "(a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."
- 3) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, and <u>Institutional Districts</u>, Subsection 4.2.3 <u>Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, and <u>General Residence Districts</u>, for <u>Buildings and Structures Created Through New Construction on any Lot</u>, footnote (a) by revising footnote (a) to now read as follows:
  - "(a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."

Or take any other action relative thereto.

Article Explanation: This article clarifies the side yard setback requirement in the Single Residence B and General Residence districts for both conforming lots and lots that have less than 80 feet of frontage as adopted by Town Meeting in May of 2017. The

goal of the amendment is to ensure that a 2-foot offset is provided after 32 linear feet of sidewall at the side yard irrespective of whether a building's placement is at the district's minimum side yard setback requirement or a distance in excess of said requirement. Such was the intent when the article was presented in May of 2017 with the policy goal of reducing some of the negative effects of building massing along the side line.

The present side yard setback provisions for the Single Residence B and General Residence districts are as follows. The present situation for the conforming lot is a side yard setback of 14 feet in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 14-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 14 feet from the side lot line, the remainder would have to be at least 16 feet back from that line. As relates to the nonconforming lot (for frontage only), a side yard setback of 12 feet is currently required in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 12-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 12 feet from the side lot line, the remainder would have to be at least 14 feet back from that line.

The proposed amendment makes clear that the above-noted 2-foot off-set provision, designed to break-up building massing along the side line, is to be applied universally irrespective of a building's placement at a distance in excess of a districts minimum side yard setback requirement.

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

- (1) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, and <u>Institutional Districts</u>, Subsection 4.2.1 <u>Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, and <u>General Residence Districts</u>, for <u>Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction</u>, footnote (e) by revising footnote (e) to now read as follows:
  - "(e) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."
- (2) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, and <u>Institutional Districts</u>, <u>Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, and

General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by revising footnote (a) to now read as follows:

- "(a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."
- (3) Amend Section 4.2, <u>Dimensional Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, <u>General Residence</u>, and <u>Institutional Districts</u>, Subsection 4.2.3 <u>Table of Regulations for Rural Residence-Conservation</u>, <u>Single Residence A</u>, <u>Single Residence B</u>, and <u>General Residence Districts</u>, for <u>Buildings and Structures Created Through New Construction on any Lot</u>, footnote (a) by revising footnote (a) to now read as follows:
  - "(a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback."

Mr. Adam J. Block, Chair, Planning Board, stated that this article clarifies side yard setbacks in Single Residence B and General Residence districts. The sideline of a house will now have a jog that will eliminate a long, single straight line.

Heidi R. Frail, Chair, advised that the Select Board supports this proposal. This amendment eliminates the long mass of house lines.

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

Articles 21, 22, and 23 were previously adopted by unanimous consent on May 1, 2023.

ARTICLE 24: APPROPRIATE FOR DEFAZIO PLAYGROUND DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the Needham DeFazio Playground Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the CPA Free Cash; or take any other action relative thereto.

Article Information: The requested funding would support the design of a new "tot lot" at DeFazio. The design considerations will include the location, playground equipment, playground age groups, fencing, pathways, and amenities.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the Needham DeFazio Playground Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the CPA Free Cash.

Ms. Jeanne S. McKnight, (Prec. F) addressed this proposal on behalf of the Community Preservation Committee. She advised that this article is for the design of a new tot lot at DeFazio Playground.

Karen L. Carlton, member, stated this tot lot was designated top priority in 2021. Additional funding will be required for construction. The Finance Committee recommends adoption.

Kevin J. Keane, Vice Chair, stated that the Select Board unanimously recommends adoption.

Mr. David J. Ecsedy (Prec. I) rose in support of this article. He stated that his two small kids grew up with the DeFazio tot lot and hopes the swings will be included in the redesign.

Kate Ellen Weinograd (Prec. E) also rose in support of this article noting that she has two small kids and is excited for this renovated tot lot. She hopes that the trees will remain.

Irene Berlinsky (P)rec. C) also supports this proposal and suggested that this is a visible support for families and children.

Mr. Paul A. Siegenthaler (Prec. E) rose in support of the redesign of the DeFazio tot lot. He noted that his daughter played at this lot and that it is a unique lot which had a rainbow house. He hoped that the town would retain its uniqueness.

Julia Dale Mahr (Prec. E) rose in favor of this article and stated that Restrooms on sight is an added bonus. She recommended crosswalks at the entrance to De Fazio Field.

Artie R. Crocker, (Prec. I) also supported this article. He stated that parents came together and built many playgrounds.

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

Articles 25, 26, and 27 were previously adopted by unanimous consent on May 1, 2023.

# ARTICLE 28: APPROPRIATE FOR QUIET ZONE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,340,000 for the Quiet Zone design and construction project, including the payment of costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

Article Information: This funding request will fund the design phase of the work necessary to apply for a Quiet Zone designation from the MBTA. A Quiet Zone designation waives the requirement for trains to signal their horn at crossings because of their enhanced train safety infrastructure. The work will include upgrades to the crossings at West Street, Rosemary Street, May Street, and Oak Street. Additional upgrades may be included at the Great Plain Avenue crossing, which could utilize supplemental funding through Chapter 90 allocations. If upgrades are required at the crossing at the golf course, this work would be included under this allocation. The upgrades will include quad-gates, two gates that lower on each side of the railroad crossing, and vehicle and pedestrian detection systems. Preliminary construction work may be included prior to the full construction funding request.

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$1,340,000 for the Quiet Zone design and construction project, including the payment of costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7.

ACTION: This article was withdrawn on May 1, 2023.

# ARTICLE 29: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,581,500 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$581,500 be transferred from Overlay Surplus and \$2,000,000 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. Unless circumstances dictate the funds are intended to be spent as follows:

#### Street Resurfacing

The Town aims to resurface 17 lane miles per year. The cost per lane mile for resurfacing in FY2023 is \$97,300 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$92,700 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$7.40 per square yard. Target funding for street resurfacing in FY2024 is \$1,285,000.

#### Sidewalk Program

FY2023 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$437,900 per mile (\$83.00/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$417,000 per mile (\$79.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. Target funding for the sidewalk program in FY2024 is \$855.000.

#### 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. In FY2024, the Town will address the guardrail on Dedham Avenue. The existing guardrail has failed and will be replaced with new, code compliant guardrail. Target funding for guardrail improvements for FY2024 is \$220,000.

#### Brooks & 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, FY2024 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 in FY2024 is \$221,500

MOVED: That the Town will vote to raise and/or transfer and appropriate the sum of \$2,581,500 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$581,500 be transferred from Overlay Surplus and \$2,000,000 be transferred from Free Cash.

Ms. Marianne B. Cooley, Chair, recommended adoption on behalf of the Select Board.

Richard M. Reilly, member, advised that the Finance Committee unanimously recommends adoption.

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

Articles 30, 31, 32, and 33 were previously adopted by unanimous consent on May 1, 2023.

# ARTICLE 34: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 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.

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.

MOVED: That the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 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.

Catherine Reid Dowd, member, addressed this proposal on behalf of the Select Board. She explained that this fund was created in 2012 and the turf fields need to be replaced every 12 years.

 $\label{eq:Karen L. Calton, member, recommended adoption on behalf of the Finance Committee.}$ 

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

<u>Articles 35 and 36</u> were previously adopted by unanimous consent on May 1, 2023.

# ARTICLE 37: AMEND GENERAL BY-LAWS – NON-CRIMINAL DISPOSITIONS

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

1. Deleting the following language from Section 2.2.5.1.1:

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

2. Deleting the following language from Section 2.2.5.1.4:

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

3. Deleting the following language from Section 2.5.2:

Any person who violates any provision of Sub-section 2.5.2 shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense.

4. Deleting the following language from Section 2.5.3:

Any person who violates sub-section 2.5.3 <u>Sale of Cigarettes by Machine</u> shall be punished by a fine not exceeding two hundred (\$200.00) dollars for each offense. Each sale in violation of sub-section 2.5.3 shall be considered a separate offense.

5. Deleting Section 2.11.5.9 in its entirety, and inserting in its place the following:

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

- 6. Deleting Section 3.1.8.1 in its entirety and inserting in its place the following:
  - **3.1.8.1** No person shall place any snow or ice on a sidewalk or street.
- 7. Deleting Section 3.1.8.2 in its entirety and inserting in its place the following:
  - **3.1.8.2** No owner, owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, shall allow snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, the entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.
- 8. Deleting Section 3.1.15 in its entirety.
- 9. Deleting Section 3.2.4 in its entirety, a.3nd renumbering the remaining subsection in Section 3.2 in appropriate numerical order to account for said deletion.
- 10. Deleting Section 3.4.4 in its entirety.
- 11. Deleting Section 3.5.7 in its entirety.
- 12. Deleting the following language from Section 3.6.1.1:

Any person who refuses to post such signs or mark the pavement as ordered by the Fire Chief or violates any of the provisions of sub-section 3.6.1 shall be punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each and every noncompliance or violation.

- 13. Deleting Section 3.7.3 in its entirety and inserting in its place the following:
  - **3.7.3 Complaints.** The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of sub-sections 3.7.1, 3.7.2, 3.7.4, 3.7.5, 3.7.6, 3.7.7 or 3.7.8, and impose fines as provided in Section 8.
- 14. Deleting Subsection 3.7.9.3 in its entirety.
- 15. Deleting the following language from Section 3.8.1;

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

16. Deleting the following language from Section 3.9.5;

If within a reasonable period of time after this thirty (30) days have elapsed, the violation has yet to be remedied, the enforcement officer may issue a second written violation notice with a fine of fifty (\$50.00) dollars. If within a reasonable period of time after sixty (60) days have elapsed since the issuance of the first notice of violation, the violation has still not been remedied, the enforcement officer may issue a third written violation with a fine of one hundred (\$100.00) dollar, plus an additional ten (\$10.00 dollars per day beginning on the 76th day following issuance of the first notice of violation and continuing thereafter until the violation is fully remedied/cured.

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

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

18. Deleting the following language from Section 4.2.2:

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

19. Deleting the following language from Section 4.2.4;

Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

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

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

Reference	Disposition	Penalty	Frequency	<b>Enforcement Entity</b>	
2.2.5.1.1	Failure to Display Street Number or Obstructing a Street Number	\$20	Per Day	Fire Chief or designee / Building Commissioner or Designee	
2.2.5.1.4	Occupying a Street Without Permit or Unsafely Occupying a Street	\$300	Per Day	DPW Director or Designee	
2.2.5.1.6	Failure to Maintain a Clearance at an Intersection	\$50	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals	
2.2.5.4	Violating Trench Safety By-Law	\$100	Per Offense	DPW Director or Designee	
2.2.5.5.	Violating Water Disposal By-Law	\$10, \$50, \$200, \$300 (Subsequent)	Per Offense	DPW Director or Designee	
2.2.5.6	Violating Private Way By-Law	\$50	Per Offense	Fire Chief or Designee	
2.5.1	Improper Transport of Refuse	\$50	Per Offense	Director of Health of Health and Human Services or Designee	
2.5.2	Disposal of Refuse or Garbage on Public Land without a Permit	\$200	Per Offense	Director of Health of Health and Human Services or Designee	
2.5.3	Sale of Cigarettes by Machine	\$200	Per Offense	Director of Health of Health and Human Services or Designee	

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2.11.5.9	Demolition of a Historic Building without a Permit	\$300	Per Day	Building Commissioner or Designee
3.1.1	Allowing Livestock to Graze or Roam on Public Lands or Sidewalks	\$50	Per Offense	Any Sworn Police Officer
3.1.10	Use of Marijuana on Public Land, to include Roads	\$50	Per Offense	Any Sworn Police Officer
3.1.11	Hawking and Peddling without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.12	Discharge of Water from Private Land in a Manner Endangering a Sidewalk or Public Way	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.13	Discharge of a Bow and Arrow on Public Lands without Select Board Consent	\$50	Per Offense	Any Sworn Police Officer
3.1.2	Obstructing a Sidewalk without Permit	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.3	Coasting (Use of a Motorized Scooter) in Public Streets	\$50	Per Offense	Any Sworn Police Officer
3.1.4	Using a Motor Vehicle, Wagon, or Sled on a Public Footpath or Sidewalk	\$50	Per Offense	Any Sworn Police Officer
3.1.5	Use of a Bicycle on a Sidewalk in Needham Square or Needham Heights Business District	\$50	Per Offense	Any Sworn Police Officer
3.1.6	Discharge of Firearms or Explosives on Public Property without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.7	Dealing in Secondhand Merchandise without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.8.1	Failure to Remove Snow from Sidewalk Abutting Commercial Property within Five Hours of Sunrise	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.8.2	Placement Snow or Ice into a Sidewalk or Public Way	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.9	Consumption of Alcoholic Beverages on Public Property without Permission of Governing Body	\$50	Per Offense	Any Sworn Police Officer
3.2.4	Sale of Food (to include Alcoholic Beverages) Between Midnight and 6 AM without a Special Permit	\$200	Per Day and Per Sale	Any Sworn Police Officer
3.3.4	False Actuation of a Burglar Alarm	\$25, \$50, \$100 (Subsequent)	Per Offense	Any Sworn Police Officer
3.4.4	Parking in Handicapped Space	\$100	Per Offense	Any Sworn Police Officer
3.5.7	Abandonment of Motor Vehicle	\$50	Upon misdemeanor conviction	Any Sworn Police Officer
3.6.1.1	Parking in Fire Lane	\$50	Per Offense	Any Sworn Police Officer
3.6.2.4	False Actuation of a Fire Alarm	\$100	Per Offense (in excess of 3 per year)	Any Sworn Police Officer

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3.7.1	Allowing a Dog to be Off-Leash on an Unauthorized Public Space	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.2	Allowing a Dog to Barking Excessively or Engage in Other Behavior which Disturbs the Peace and Quiet of a Neighborhood	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.4	Failure to Restrain and Muzzle a Dog after Ordered by the Animal Control Officer	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.5	Allowing a Dog to be Found Uncontrollable by Select Board	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.6.	Bringing a Dog (Leashed or Unleashed) to Memorial Park or DeFazio Fields	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.7	Failure to Remove Pet Waste, Failure to Carry Pet Waste Bags while Accompanying a Pet on Public Areas, or Disposing of Pet Waste in any Receptacle Other Than a Trash Barrel	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.8	Use of an Off-Leash Area without Proper Permits or in Violation of Rules of Off- Leash Area	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.9.3	Failure to Vaccinate a Dog, Cat, or Ferret Over Six-Months Old	\$100	Per Offense	Any Sworn Police Officer
3.8.1	Violation of the Noise Regulation By-Law	\$50	Per Offense	Building Commissioner of Designee
3.9.5	Violation of the Nuisance By-Law	\$0, \$50, \$100 (Subsequent)	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee
4.1.4	Failure to License a Dog	\$50	Per Offense	Any Sworn Police Officer
4.1.4	Allow an Unspayed and Unleashed Female  Dog to Roam while in "Heat"	\$50	Per Offense	Any Sworn Police Officer
4.2.2	Operating a Taxi without a Permit	\$50	Per Offense	Any Sworn Police Officer
4.2.4	Parking in Taxi Stand	\$20	Per Offense	Any Sworn Police Officer
4.3.2	Removing Underground Fuel Tanks without a Permit	\$200	Per Offense	Fire Chief or Designee
4.3.3	Failure to Obtain a Required Fire Department License	\$200	Per Offense	Fire Chief or Designee
5.6.1	Violation of the Sign By-Law	\$50	Per Offense	Building Commissioner of Designee
6.11	Violations of the Wetlands By-Laws	Up to \$300	Per Offense	Conservation Agent
7	Violations of the Stormwater Regulation By-Law	\$50, \$100 (Subsequent)	Per Day, after 15 days	DPW Director or Designee
8.2.2.7	Violations of the Board of Health By-Laws  orcement entity may choose to issue a verbal or	\$50, \$100, \$200, \$300 (Subsequent)	Per Offense	Director of Health of Health and Human Services or Designee

Or take any other action related thereto.

Article Information: This article seeks to address administrative issues resulting from the serial nature of Town General By-Law (GBL) updates, specifically related to non-criminal dispositions, their penalties, and intended enforcement entities. As currently adopted, the GBL contains several errors, primarily: mismatches between individual by-law text and the penalty summary section of the GBL; by-laws with no clearly defined penalties; by-laws with conflicting enforcement entities; by-laws with no stated enforcement entities; and combinations of the above errors. To address these errors and prevent the likelihood of similar errors occurring following any future amendment, this article seeks to amend the GBL by removing references to penalties and enforcement entities from the text of individual by-laws. All penalties and enforcement entities are proposed to be placed in a revised summary section, that will take the form of a table. To deconflict and rectify existing errors, omissions, and conflicts in the GBL, relevant Town entities reviewed and discussed the penalties to ensure that the penalty and

enforcement entity listed in the proposed amended penalty summary was correct, practical, and matched the intent of each by-law as originally passed.

As a second step in the review of non-criminal disposition review process, the Select Board plans to review the content and substance of non-criminal disposition by-laws and associated penalties.

MOVED: that the Town will vote to amend the General By-laws by:

1. Deleting the following language from Section 2.2.5.1.1:

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

2. Deleting the following language from Section 2.2.5.1.4:

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

3. Deleting the following language from Section 2.5.2:

Any person who violates any provision of Sub-section 2.5.2 shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense.

4. Deleting the following language from Section 2.5.3:

Any person who violates sub-section 2.5.3 <u>Sale of Cigarettes by Machine</u> shall be punished by a fine not exceeding two hundred (\$200.00) dollars for each offense. Each sale in violation of sub-section 2.5.3 shall be considered a separate offense.

5. Deleting Section 2.11.5.9 in its entirety, and inserting in its place the following:

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

- 6. Deleting Section 3.1.8.1 in its entirety and inserting in its place the following:
  - **3.1.8.1** No person shall place any snow or ice on a sidewalk or street.
- 7. Deleting Section 3.1.8.2 in its entirety and inserting in its place the following:
  - **3.1.8.2** No owner, owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, shall allow snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, the entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.
- 8. Deleting Section 3.1.15 in its entirety.
- 9. Deleting Section 3.2.4 in its entirety, and renumbering the remaining subsection in Section 3.2 in appropriate numerical order to account for said deletion.
- 10. Deleting Section 3.4.4 in its entirety.
- 11. Deleting Section 3.5.7 in its entirety.
- 12. Deleting the following language from Section 3.6.1.1:

Any person who refuses to post such signs or mark the pavement as ordered by the Fire Chief or violates any of the provisions of sub-section 3.6.1 shall be punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each and every noncompliance or violation.

- 13. Deleting Section 3.7.3 in its entirety and inserting in its place the following:
  - **3.7.3 Complaints.** The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of sub-sections 3.7.1, 3.7.2, 3.7.4, 3.7.5, 3.7.6, 3.7.7 or 3.7.8, and impose fines as provided in Section 8.
- 14. Deleting Subsection 3.7.9.3 in its entirety.
- 15. Deleting the following language from Section 3.8.1;

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

16. Deleting the following language from Section 3.9.5;

If within a reasonable period of time after this thirty (30) days have elapsed, the violation has yet to be remedied, the enforcement officer may issue a second written violation notice with a fine of fifty (\$50.00) dollars. If within a reasonable period of time after sixty (60) days have elapsed since the issuance of the first notice of violation, the violation has still not been remedied, the enforcement officer may issue a third written violation with a fine of one hundred (\$100.00) dollar, plus an additional ten (\$10.00 dollars per day beginning on the 76th day following issuance of the first notice of violation and continuing thereafter until the violation is fully remedied/cured.

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

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

18. Deleting the following language from Section 4.2.2:

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

19. Deleting the following language from Section 4.2.4;

Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

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

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

Reference	Disposition	Penalty	Frequency	Enforcement Entity
2.2.5.1.1	Failure to Display Street Number or Obstructing a Street Number	\$20	Per Day	Fire Chief or designee / Building Commissioner or Designee
2.2.5.1.4	Occupying a Street Without Permit or Unsafely Occupying a Street	\$300	Per Day	DPW Director or Designee
2.2.5.1.6	Failure to Maintain a Clearance at an Intersection	\$50	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals

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2.2.5.4	Violating Trench Safety By-Law	\$100	Per Offense	DPW Director or Designee
2.2.5.5.	Violating Water Disposal By-Law	\$10, \$50, \$200, \$300 (Subsequent)	Per Offense	DPW Director or Designee
2.2.5.6	Violating Private Way By-Law	\$50	Per Offense	Fire Chief or Designee
2.5.1	Improper Transport of Refuse	\$50	Per Offense	Director of Health of Health and Human Services or Designee
2.5.2	Disposal of Refuse or Garbage on Public Land without a Permit	\$200	Per Offense	Director of Health of Health and Human Services or Designee
2.5.3	Sale of Cigarettes by Machine	\$200	Per Offense	Director of Health of Health and Human Services or Designee
2.11.5.9	Demolition of a Historic Building without a Permit	\$300	Per Day	Building Commissioner or Designee
3.1.1	Allowing Livestock to Graze or Roam on Public Lands or Sidewalks	\$50	Per Offense	Any Sworn Police Officer
3.1.10	Use of Marijuana on Public Land, to include Roads	\$50	Per Offense	Any Sworn Police Officer
3.1.11	Hawking and Peddling without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.12	Discharge of Water from Private Land in a  Manner Endangering a Sidewalk or Public  Way	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.13	Discharge of a Bow and Arrow on Public Lands without Select Board Consent	\$50	Per Offense	Any Sworn Police Officer
3.1.2	Obstructing a Sidewalk without Permit	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.3	Coasting (Use of a Motorized Scooter) in Public Streets	\$50	Per Offense	Any Sworn Police Officer
3.1.4	Using a Motor Vehicle, Wagon, or Sled on a Public Footpath or Sidewalk	\$50	Per Offense	Any Sworn Police Officer
3.1.5	Use of a Bicycle on a Sidewalk in Needham Square or Needham Heights Business District	\$50	Per Offense	Any Sworn Police Officer
3.1.6	Discharge of Firearms or Explosives on Public Property without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.7	Dealing in Secondhand Merchandise without a License	\$50	Per Offense	Any Sworn Police Officer
3.1.8.1	Failure to Remove Snow from Sidewalk Abutting Commercial Property within Five Hours of Sunrise	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.8.2	Placement Snow or Ice into a Sidewalk or Public Way	\$50	Per Offense	Any Sworn Police Officer / DPW Director or Designee
3.1.9	Consumption of Alcoholic Beverages on Public Property without Permission of Governing Body	\$50	Per Offense	Any Sworn Police Officer
3.2.4	Sale of Food (to include Alcoholic Beverages) Between Midnight and 6 AM	\$200	Per Day and Per Sale	Any Sworn Police Officer

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	without a Special Permit	<b>***</b> **** ****	D 0.00	
3.3.4	False Actuation of a Burglar Alarm	\$25, \$50, \$100 (Subsequent)	Per Offense	Any Sworn Police Officer
3.4.4	Parking in Handicapped Space	\$100	Per Offense	Any Sworn Police Officer
3.5.7	Abandonment of Motor Vehicle	\$50	Upon misdemeanor conviction	Any Sworn Police Officer
3.6.1.1	Parking in Fire Lane	\$50	Per Offense	Any Sworn Police Officer
3.6.2.4	False Actuation of a Fire Alarm	\$100	Per Offense (in excess of 3 per year)	Any Sworn Police Officer
3.7.1	Allowing a Dog to be Off-Leash on an Unauthorized Public Space	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.2	Allowing a Dog to Barking Excessively or Engage in Other Behavior which Disturbs the Peace and Quiet of a Neighborhood	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.4	Failure to Restrain and Muzzle a Dog after Ordered by the Animal Control Officer	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.5	Allowing a Dog to be Found Uncontrollable by Select Board	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.6.	Bringing a Dog (Leashed or Unleashed) to Memorial Park or DeFazio Fields	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.7	Failure to Remove Pet Waste, Failure to Carry Pet Waste Bags while Accompanying a Pet on Public Areas, or Disposing of Pet Waste in any Receptacle Other Than a Trash Barrel	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.8	Use of an Off-Leash Area without Proper Permits or in Violation of Rules of Off- Leash Area	\$25, \$50 (Subsequent)	Per Offense	Any Sworn Police Officer
3.7.9.3	Failure to Vaccinate a Dog, Cat, or Ferret Over Six-Months Old	\$100	Per Offense	Any Sworn Police Officer
3.8.1	Violation of the Noise Regulation By-Law	\$50	Per Offense	Building Commissioner or Designee
3.9.5	Violation of the Nuisance By-Law	\$0, \$50, \$100 (Subsequent)	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee
4.1.4	Failure to License a Dog	\$50	Per Offense	Any Sworn Police Officer
4.1.4	Allow an Unspayed and Unleashed Female  Dog to Roam while in "Heat"	\$50	Per Offense	Any Sworn Police Officer
4.2.2	Operating a Taxi without a Permit	\$50	Per Offense	Any Sworn Police Officer
4.2.4	Parking in Taxi Stand	\$20	Per Offense	Any Sworn Police Officer
4.3.2	Removing Underground Fuel Tanks without a Permit	\$200	Per Offense	Fire Chief or Designee
4.3.3	Failure to Obtain a Required Fire Department License	\$200	Per Offense	Fire Chief or Designee
5.6.1	Violation of the Sign By-Law	\$50	Per Offense	Building Commissioner or Designee
6.11	Violations of the Wetlands By-Laws	Up to \$300	Per Offense	Conservation Agent
7	Violations of the Stormwater Regulation  By-Law	\$50, \$100 (Subsequent)	Per Day, after 15 days	DPW Director or Designee

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	8.2.2.7	Violations of the Board of Health By-Laws	\$50, \$200,	\$100, \$300	Per Offense	Director of Ho and Human	ealth of He Services	alth or	
			(Subsequ	ent)		Designee			l
	NOTE: Enfor	cement entity may choose to issue a verbal or	written w	arning t	o a violator before	assessing a pena	alty.		

Or take any other action related thereto.

A motion to amend was offered by Heidi R. Frail as follows: that the main motion under Article 37 be amended by deleting the last row labeled 8.2.2.7 and inserting in place thereof the following:

ſ	Violations of the Board of Health By-Laws	\$50,	\$100,	Per Offense	Director of Health of Health
		\$200,	\$300		and Human Services or
		(Subseq	uent)		Designee
ſ	Violations of the Zoning By-Law	\$100,	\$300	Per Day	Building Commissioner

A motion to refer the subject matter of the motion to amend and the main motion to the Select Board for further review and possible action at a future Town Meeting was offered by Heidi R Frail. Ms. Frail explained that there was some information inadvertently omitted from the article.

Mr. Joshua W. Levy, Member, stated that the Finance Committee concurs with the Select Board.

ACTION: The motion to refer the motion to amend and the main motion was presented and passed by unanimous vote.

Article 38 was previously adopted by unanimous consent on May 1, 2023.

# ARTICLE 39: CITIZENS PETITION

To see if the Town will vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

#### SECTION 3.12: PLASTIC BAGS

#### 3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:
  - a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
  - (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
  - (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);

- (iv) laundry or dry-cleaner bags;
- (v) plastic newspaper sleeves;
- (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shor:
  - (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- (e) "Reusable Checkout Bag" means (1) a sewn bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene, etc. that is durable, non-toxic, and generally considered a food grade material.
- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not

limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.

(g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), polyethylene (PVC), polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and nonwoven polypropylene fabric) that is not a Reusable Checkout Bag.

### 3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
  - 1. Recyclable Paper Bag; or
  - 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

#### 3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

# 3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.
- (b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

### 3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

### 3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

Or take any other action relative thereto.

Article Information: This citizens' petition proposes a new addition to the General By-Laws that would prohibit retail establishments from providing customers with single-use plastic checkout bags. The petitioners have provided the Select Board with the following statement in explanation of their proposed By-Law:

"Every year, the United States produces between 40 - 50 million tons of plastic waste. Much of this waste comes from single-use plastic items. Single-use plastic items are used once, for a short period of time and disposed of quickly; but they leave a legacy of pollution for generations to come. Most single-use plastic shopping bags are either not recycled or not recyclable. Instead, they will either be buried in a landfill, burned in an incinerator, or scattered throughout the environment. Plastic checkout bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming animals through ingestion and entanglement; 2) polluting and degrading parks and ecosystems; 3) clogging storm drainage infrastructure; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition 5) breaking down into microplastics which pollute drinking water and have negative effects on human health.

Many single-use items are unnecessary because we have reusable alternatives. The best way to solve the plastic pollution crisis is to reduce the amount of plastic we produce. One way we can do that is by phasing out needless single-use plastic items like bags. By banning these items, we can lower demand for plastic, limit plastic pollution, and help create a culture of reuse. The purpose of this Bylaw is to protect the Town's unique natural beauty and reduce the Town's plastic waste. The Bylaw will end the use of single-use plastic checkout bags that are being distributed, used, discarded and littered, and promote the use of reusable checkout bags in the Town of Needham".

MOVED: That the Town vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

# SECTION 3.12: PLASTIC BAGS

#### 3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:
  - (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
  - a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;

- (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
- (iv) laundry or dry-cleaner bags;
- (v) plastic newspaper sleeves;
- (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;
- (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- (e) "Reusable Checkout Bag" means (1) a sewn bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene, etc. that is durable, non-toxic, and generally considered a food grade material.
- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and nonwoven polypropylene fabric) that is not a Reusable Checkout Bag.

# 3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
  - 1. Recyclable Paper Bag; or

#### Reusable Checkout Bag.

(c) Each Retail Establishment as defined herein shall comply with this section.

#### 3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

#### 3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.
- (b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

# 3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

### 3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

The following motion to amend was offered by Mr. Robert John Fernandez (Prec. G):

Moved: That the pending main motion be amended as follows:

- 1. By amending Section 3.12.1(e) to insert the word "and" between the words "polyvinyl chloride (PVC)," and "polyethylene terephthalate (PET)" and to delete ", polypropylene, etc." so that the section reads as follows:
  - "Reusable Checkout Bag" means (1) a sewn (e) bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), and polyethylene terephthalate (PET) that is durable, non-toxic, and generally considered a food grade material.

- 2. By amending Section 3.12.1(g) to insert the word "or" between the words "polyvinyl chloride (PVC)," and "polyethylene terephthalate (PET)" and to delete ", or polypropylene (other than woven and non-woven polypropylene fabric)" so that the section reads as follows:
  - (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), or polyethylene terephthalate (PET) that is not a Reusable Checkout Bag.

Mr. Fernandez indicated that this citizen's petition is to get rid of thick and thin plastic bags – and nothing else. This does not include sewn bags with handles that are stitched, or recyclable paper bags. There is no additional cost to the Town.

Kathryn F. Riaz, petitioner, explained that plastic is made from chemicals and the facilities are usually in low-income areas. There is no oversight on plastic production. Much of these materials end up in the ocean and break up into little micro plastics. Kathryn noted that 15 other towns have passed a plastic bag General By-Law.

Kevin J. Keane, Vice Chair, noted that this is a positive step. There are over 9 million plastic bags used each year. The Select Board unanimously recommends adoption of this article on the main motion and the motion to amend.

Town Meeting Member Eric J. Bailey (Prec. A) and Joseph J. Leghorn (Prec. D) rose in support of this motion and the motion to amend.

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

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

VOTED: That the Town vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

#### SECTION 3.12: PLASTIC BAGS

#### 3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:

- (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication:
- (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment:
- (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
  - (iv) laundry or dry-cleaner bags;
  - (v) plastic newspaper sleeves;
- (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;
- (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- "Reusable Checkout Bag" means (1) a sewn bag with (e) handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl (PVC), chloride and polyethylene terephthalate (PET) that is durable, non-toxic, and generally considered a food grade material.
- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), polyvinyl chloride (PVC), or polyethylene terephthalate (PET) that is not a Reusable Checkout Bag.

## 3.12.2 Regulated Conduct.

(a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.

- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
  - 1. Recyclable Paper Bag; or
  - 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

#### 3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

#### 3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.
- (b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

## 3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

## 3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

At 11:00 P. M. Mr. William R. Dermody moved that the Annual Town Meeting stand adjourned to Monday May 8, 2023 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall. The motion was presented and passed by unanimous vote.

Theodora K. Eaton, MMC Town Clerk

A true copy Attest:

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#### ADJOURNED ANNUAL TOWN MEETING

Monday, May 8, 2023

Pursuant to adjournment of the Annual Town Meeting held May 3, 2023, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Monday, May 8, 2023, at 7:30 P.M.

Check lists were used, and 250 voters were checked on the list as being present, including 194 Town Meeting Members. 56 Town Meeting Members were absent.

The Moderator welcomed Rev. Nicholas Morris-Kliment, Rector, Christ Episcopal Church, and member of the Needham Interfaith Clergy Association, who provided this evening's spiritual guidance.

The Moderator suspended the Annual Town Meeting for the Needham League of Women's Voters presentation by President Carol Patey to the following Town Meeting Members for their twenty-five years of service: Michael A. Diener, Jill C. Kahn-Boesel, and Mark J. Gluesing who was unable to attend this evening. The Moderator thanked the League for continuing this service from the Richard P. Melick Foundation.

At 7:40 P.M. Ms. Marianne B. Cooley moved that the Annual Town Meeting stand adjourned until such time as the Special Town Meeting called for this evening at 7:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

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# RECORD OF SPECIAL TOWN MEETING Monday, May 8, 2023

Pursuant to a Warrant issued by the Select Board March 28, 2023 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall, on Monday, May 8, 2023, at 7:30 o'clock in the afternoon.

Check lists were used, and 250 voters were checked on the list as being present, including 194 Town Meeting Members. 56 Town Meeting Members were absent.

The Moderator called the Special Town Meeting to order at 8:00 P.M. and declared a quorum to be present and requested the Town Clerk to so record.

The Moderator announced the presence of our State Representative Denise C. Garlick and thanked her for her interest in our Town Meeting.

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 made the following announcements:

1. The Needham Exchange Club's Annual Car Show is scheduled for Sunday, May 21, 2023 from  $10\ AM-1\ PM$  at the Needham High School.

2. Kim Marie Nicols provided a notice that there will be a celebration of Race Amity Day on June 11, 2023 from 4PM to 6 PM at the Needham Reservoir at 500 Dedham Avenue.

The Moderator noted that the proponents no longer have an interest in Articles 5, 6, and 7 and these articles are hereby withdrawn. Article 4 is subject to a motion to amend or other motions from the proponents or for other reasons that cannot be passed by unanimous consent.

As is our custom, we come next to the Consent Calendar. After I read an eligible Article by its number I ask anyone who desires that the Article be placed upon the floor for discussion, debate and possible motions, express their view by saying "question" or "debate" and raising their hand. Those articles for which nothing is stated will, as is customary, be deemed adopted by unanimous consent.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 1. No Town Meeting Members responded with "question" or "debate" to Articles 1, 2, 3, 10, and 11. The Moderator then called the abovementioned 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 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.

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.

MOVED: That 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.

ACTION: So voted by unanimous consent on May 8, 2023.

# 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.

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.

MOVED: That 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.

ACTION: So voted by unanimous consent on May 8, 2023.

## **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>	Appropriation	Changing From	Changing To
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.

<u>Article Information</u>: 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.

MOVED: That 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:

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

ACTION: So voted by unanimous consent on May 8, 2023.

# 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.

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.

MOVED: That 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.

Catherine Reid Dowd offered the following motion to amend: That the main motion under Article 4 be amended by deleting in the first line the words "a sum" and inserting in place thereof the sum "\$85,556" and be deleting in the fourth line the words "said sum to be raised from the Tax Levy" and inserting in

place thereof the words "\$60,507 be transferred from Article 32 of the 2018 Annual Town Meeting and \$25,049 be transferred from Article 37 of the 2019 Annual Town Meeting.

Catherine Reid Dowd, member, addressed this proposal on behalf of the Select Board. She noted that this Fund currently has a balance of approximately \$13,000,000. The Select Board unanimously recommend adoption of this Article.

Mr. John P. Connelly, Chair, stated that the Finance Committee recommends adoption of the article.

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

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

VOTED: That the Town will vote to raise, and/or transfer and appropriate \$85,556 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 "\$60,507 be transferred from Article 32 of the 2018 Annual Town Meeting and \$25,049 be transferred from Article 37 of the 2019 Annual Town Meeting.

# 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.

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.

MOVED: That 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.

ACTION: Article 5 was withdrawn at the beginning of the Special Town Meeting on May 8, 2023.

# 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.

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.

MOVED: That 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.

ACTION: Article 6 was withdrawn at the beginning of the Special Town Meeting on May 8, 2023.

# <u>ARTICLE 7</u>: 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.

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.

MOVED: That 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.

ACTION: Article 7 was withdrawn at the beginning of the Special Town Meeting on May 8, 2023.

# 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.

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.

MOVED: That 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.

Marianne B. Cooley, Chair addressed this proposal on behalf of the Select Board. This article would eliminate the role of the Personnel Board allow the Town to change the name "Personnel Board to "human resources advisory committee". The Personnel Board agrees with this change. Ms. Cooley noted that the Select Board unanimously recommends adoption of this article.

Mr. Joshua W. Levy, member, stated that the Finance recommends adoption of this article.

In response to an inquiry from Carol I. Urwitz (Prec. J) who indicated that she favors oversight, Ms. Cooley stated that this advisory committee is not expected to be involved in grievances. When asked what power the committee will have, Ms. Cooley advised that unions have the right to go to arbitration and that the purpose of the group is advisory in nature.

ACTION: the main motion was presented and passed by majority vote declared by the Moderator on a voice vote.

## ARTICLE 9: AMEND GENERAL BY-LAW/PERSONNEL BOARD

To see if the Town will vote to amend its General Bylaws 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.

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.

MOVED: That 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.

Ms. Marianne B. Cooley, Chair, advised that this article is just a name change from "Personnel Board" to "Human Resources Advisory Committee".

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

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

# 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 53F<sup>3</sup>4, 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.

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.

MOVED: That 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.

ACTION: So voted by unanimous consent on May 8, 2023.

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

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.

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.

MOVED: That 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.

ACTION: So voted by unanimous consent on May 8, 2023.

# 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.

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.

MOVED: That 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.

Mr. Marcus A. Nelson, Vice Chair, addressed this article on behalf of the Select Board. He advised that this is a nationwide settlement which will provide funding for opioid use disorder.

Louise L E. Miller, Vice Chair, Finance Committee, advised that this article creates an Opioid Settlement Stabilization Fund which is a mechanism for setting aside the funds for future appropriations bat Town Meeting.

I response to an inquiry from Lois Sockol (Prec. I), Marcus Nelson advised that these funds may be used for education.

Mr. William A. Zoppo (Prec. F) advised that this is a crisis that is not fading. A person dies every 10 minutes from Opioid and asked us all to reflect on this crisis.

In response to an inquiry from Paul S. Alpert (Prec. C) regarding the need for a Stabilization Fund and not a trust fund, Louise L. E. Miller advised that the State recommended a Stabilization Fund as the best and only option at this time.

Rebecca A. Young (Prec. I) questioned if the Youth and Family Services would have access to these funds. Marcus Nelson advised that the Health & Human Services Department will oversee this fund and the Youth ad Family Services are under this group.

Marcus Nelson advised James R. Ruetenik (Prec. J) that the Town cannot use these funds for any other uses.

Louise L. E. Miller advised Carol I Urwitz(Prec. J) that these funds must be appropriated when they are received.

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

**ARTICLE 13:** Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: 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.

MOVED: That 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.

Mr. Marcus A. Nelson, Vice Chair, advised that this article is to appropriate \$217,288 to the Opioid Settlement Stabilization Fund. The Select Board unanimously recommends adoption.

Louise L. E. Miller, Vice Chair, advised that the Finance Committee unanimously recommends adoption of this article.

Mr. Nelson advised Paul S. Alpert (Prec. C) that this sum will probably be expended next by next May since it is almost Summer, but will see what we an do.

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

At 8:40 P.M. Ms. Marianne B. Cooley, on behalf of the Select Board, moved that the May 8, 2023, Special Town Meeting be dissolved with the following Resolution:

## May 2023 Special Town Meeting

#### THE FOLLOWING RESOLUTION

#### Was offered

#### In Memory of Robert Dixon Hall Jr.

# WHEREAS:

Robert Dixon "Bob" Hall Jr. was born in Providence, Rhode Island. He enlisted in the United States Navy in 1944, serving with distinction aboard the USS Casablanca. Bob later served in the United States Army Reserve, and was recalled to active duty during the Korean War; and

### WHEREAS:

Bob returned to Rhode Island following the Second World War and earned his bachelor's degree from Brown University. He and his wife, the late Jane Hudson Hall, settled in Needham where they raised their six children — Chris, Karen, Michael, Johanna, Robert III, and Andrew. Following Jane's passing, Bob married Celine Cabot-Hall; and

## WHEREAS:

Bob had a lengthy and diverse professional career as a manufacturing entrepreneur, business executive, and public servant. He was president and founder of Tech Reps Advertising Agency, founder of the Association for Advancement of Medical the Instrumentation, vice president of marketing for the Charlestown Savings Bank, CEO of St. Jean's Credit Union, Norfolk County Treasurer, and deputy commissioner of the Massachusetts Department of Veterans Services. He was a candidate for Congress in 1994; and

### WHEREAS:

Bob lived an active life, centered around the pursuit of adventure, a passion for history, and a commitment to his faith. A member of the Appalachian Mountain Club, he enjoyed hiking, fishing, camping, and rock climbing. He wrote regular columns for the Needham Times, as well as the Needham History Center and Museum newsletter, and was an active member of St. Bartholomew Parish; and

#### WHEREAS:

Bob served as a member of the Massachusetts Board of Library Commissioners from 1992 to 2001, a Trustee of the Needham Free Public Library from 1972 to 1993, a Commissioner of Trust Funds from 2001 to 2009, and a member of the Historical Commission from 2006 to 2010. He was a Town Meeting Member from 1973 to 2003.

**NOW THEREFORE**, be it resolved by this body that the May 8, 2023 Special Town Meeting be dissolved in honor of the many civic and community contributions of Robert Dixon Hall Jr. to the Town of Needham.

ACTION: A 8:40 P.M. on Monday, May 8, 2023, the Resolution was presented and carried unanimously by voice vote.

The Moderator called the Annual Town Meeting back into session at 8:40 P.M., declared a quorum to be present, and requested the Town Clerk to so record. Discussion commenced under Article 40 upon the dissolution of the Special Town Meeting called for Monday, May 8, 2023, at 7:30 P.M.

The Moderator recognized the presence of our State Representative, Denise C. Garlick.

#### ARTICLE 40: 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.

The Moderator advised that there is nothing under Article 40 for discussion this year.

At this time the Moderator extended his thanks and appreciation to the Town Clerk and her staff for taking attendance each night and recording the action of the 2023 Annual and Special Town Meeting. He expressed his appreciation to the Finance Committee for their hard work and clarity to Town Meeting, to our head custodian Pat Thornton and the custodial staff, to our Video DJ Myles Tucker for manning the projector, to our Marshal Steven Jacques, to Mark Mandell and the Needham Cable TV for televising our Town Meetings, and to our IT staff, Pierre Bertrand, Mark Messias, Jeff O'Neill, for handling our audio and lighting requirement. He also expressed his appreciation to three Committee members who are leaving after many years of service - Peter Pingitore and Richard Zimbone for serving on the Community Preservation Committee and Dick Reilly who is leaving the Finance Committee after serving 15 years with grace, dignity, and personal courage. He also thanked the Town Meeting Members for heeding his call in keeping our Town Meeting discussion respectful.

At 8:55 P.M. Ms. Marianne B Cooley, on behalf of the Select Board, moved to dissolve the Annual Town Meeting with the following Resolution:

#### 2023 Annual Town Meeting

#### THE FOLLOWING RESOLUTION

#### was offered

#### In Memory of Sam Bass Warner Jr.

**WHEREAS:** Sam Bass Warner Jr. was born in Boston and attended high school at the Cambridge School of Weston. He earned a bachelor's degree from Harvard University, a master's degree in journalism from Boston University, and a Ph.D. in History from Harvard University; and

WHEREAS: Sam and his wife, the late Lyle Lobel Warner, settled in Needham and together raised four children – Rebecca, William, Kate, and Alice. After Lyle's death, Sam married Diana Jean Kleiner of Needham; and

WHEREAS: Sam had a long and illustrious academic career. He taught history, urban studies and planning, and environmental studies at Harvard University, Washington University in St. Louis, the University of Michigan, Boston University, Brandeis University, and the Massachusetts Institute of Technology; and

WHEREAS: Sam was a self-styled "citizen scholar" and challenger of conventional wisdom who was active in civic life, ranging from national anti-war efforts to hometown initiatives such as community gardening and local journalism. He was a tireless advocate for improved access to green space and a clean Charles River; and

**WHEREAS:** Sam loved the outdoors and shared his joy with others in many ways, from publishing the Ferns and Fins walking guide of Needham to enhancing his own neighborhood with whimsical sculptures, including a cow that he fashioned from a 50-gallon oil drum; and

**WHEREAS:** Sam served on the Community Preservation Committee, and on the Planning Board from 2010 to 2014, including four years as vice chair. He served as a Town Meeting Member from 2007 to 2013.

**NOW THEREFORE**, be it resolved by this body that the 2023 Annual Town Meeting be dissolved in honor of the many civic and community contributions of Sam Bass Warner Jr. to the Town of Needham.

ACTION: A 8:55 P.M. on Monday, May 8, 2023, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC Town Clerk

A true copy ATTEST:

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