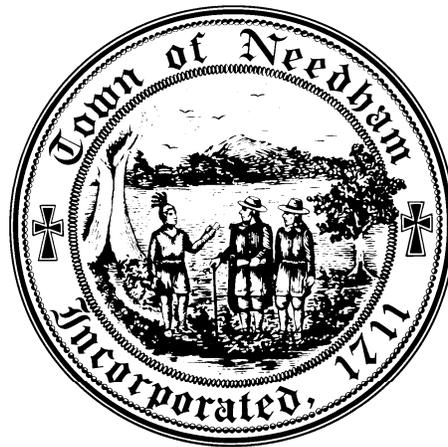


# **TOWN OF NEEDHAM**

## **MASSACHUSETTS**

### **2009 Annual Town Meeting Warrant**



**ELECTION: Tuesday, April 14, 2009**

**Business Meeting at 7:30 P.M. on Monday, May 4, 2009**

**at the Newman Elementary School**



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**2009 Annual Town Meeting Warrant  
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**Town of Needham  
Finance Committee  
98<sup>th</sup> Annual Report  
Fiscal Year 2010 Budget Recommendation  
March 15, 2009**

Fellow Citizens:

Economic conditions for us as individuals, for our community, and for our state have been deteriorating over the past year. The International Monetary Fund (IMF) recently characterized these conditions as the “Great Recession,” and notes that, “The IMF expects global growth to slow below zero this year, the worst performance in most of our lifetimes.” The Federal Reserve reports that U.S. households’ net worth declined 18% last year – the worst decline since it began tracking this statistic 60 years ago. Local conditions, while better than depressed areas like Florida and Rhode Island, are worse than the global averages, with 7.4% unemployment in Massachusetts – the worst since 1993 – and multi-billion dollar gaps in the state budget across the current and the next fiscal years.

In the face of these conditions, the Finance Committee is recommending a budget for the Town of Needham for the upcoming fiscal year that does not require any layoffs or pay cuts, and that maintains the current level of services provided by all municipal departments. Our ability to do so is due to a combination of fortunate circumstances and to the prudent fiscal policies that have been propagated by your Town Manager, Selectmen, and Finance Committee for some years now.

**Revenue**

The estimated total General Fund Revenue for FY 2010 is \$108,178,974, of which \$106,369,194 is available for the operating budget. General Fund Revenue available for appropriation increased by approximately 3.8%, excluding a one-time substantial increase in certified Free Cash in FY 2009 over FY 2008.

The largest sources of revenue for Needham are property tax receipts, local receipts, and state aid. The growth in revenue assumes an increase in property tax receipts of 6.2%. This is a larger than normal increase because of the operating override of \$1,887,929 for the opening of the High Rock School that was passed by the voters in November 2008.

Local receipts in FY 2010 are estimated to increase by 3.2% over the FY 2009 estimate. Local receipts include such items as motor vehicle excise, permits, charges for services, fees, fines, investment income, and income from departmental activities and services. Local receipts collected by Needham have declined slightly in the past few years. Given the uncertain nature of the economy, local receipts for FY 2010 have purposefully been estimated to fall substantially below the amount actually collected in FY 2008.

State aid, or Cherry Sheet aid, is a function of the state budget process, and is projected to decrease next year by \$865,994 from FY 2009, a 10% decrease.

The Free Cash amount incorporated into the FY 2010 budget is \$3,145,416, slightly below the average for the past few years, excluding the extraordinary Free Cash certified in FY 2009.

Given the 10% decrease in state aid, how is it that Needham is not anticipating the budgetary difficulties in FY 2010 that are afflicting many other Massachusetts municipalities? In large part, this is because Needham receives a relatively low percentage of its revenue in state aid; 80% of Needham's revenue is from property tax receipts, and only 8% is from state aid. In various other communities, state aid represents a much higher proportion of the municipal budget. Therefore, the 10% cut in state aid to Needham represents only 0.8% of the Town's budget, whereas a municipality where 30% of the budget is composed of state aid, with the same 10% cut, faces a 3% budget shortfall.

Additionally, as part of the triennial re-assessment, we realized a significant increase in revenue from personal property taxes on business equipment – in fact, this increase alone was almost sufficient to offset the projected drop in state aid.

Finally, the conservative estimation of revenue provides Needham with a fiscal cushion. Town Meeting members will recall that usually at the Special Town Meeting in the Fall, and sometimes even at the Annual Town Meeting in the Spring, there are several articles to re-allocate revenue. In FY 2009, however, these have appeared only at drastically reduced levels, if at all, because most excess revenue in FY 2009 has been applied to offset drops in state aid that have already taken place and to the extraordinary repairs to the Newman School approved at the May 2008 Special Town Meeting.

### **FY 2010 Operating Budget Recommendation**

The total operating budget for FY 2010 is 5.3% higher than the FY 2009 budget. The reason that the proposed operating budget can sustain a 5.3% increase when the revenue available for appropriation increased only 3.8% is that the allocation of the revenue between the operating budget, cash capital, and financial warrant articles shifted in FY 2010 such that more funds are being spent on the operating budget relative to cash capital and financial warrant articles. Excluding the High Rock override, the operating budget increased by 3.4%.

For the purposes of discussion, the Town's operating budget can be thought of as falling into three categories: (1) Education, (2) Municipal Departments, and (3) Town Wide Expenses. The FY 2010 budget recommendation accomplishes the following:

- Fully funds the School Committee's budget request, and the Town's allocation to the Minuteman School,

- Fully funds the budget requests submitted by Municipal Departments, less various technical adjustments, and
- Maintains sufficient funding to the various Town Wide Expense categories such that the Town can meet its obligations.

While we believe this is an excellent achievement given the macroeconomic situation, it is worth noting that municipal departments submitted requests for an additional \$3,451,271 of funding this year to improve services to the citizens of Needham, and the Finance Committee was only able to fund \$76,775 of that amount. The Superintendent had to reject an additional \$2 million of requests for improvements to the Public Schools to arrive at a sustainable budget request for the schools. Put another way, we are only able to fund a small percentage of the requests submitted to improve our Town's services – 2.2% of municipal improvement requests in FY 2010, for example – leaving over \$5 million of such requests unfulfilled this year. If these requests are ever implemented in the future, however, we would need a source of funding, and that source would most likely be additional taxes and fees. As we go forward as a community, we need to ensure that broad discussion takes place regarding the proper balance between providing additional desirable services to the Town and keeping the tax burden on its citizens manageable.

Following are various points of interest within the Finance Committee's FY 2010 budget recommendation.

### **Education**

43% of overall budget, 6.5% increase. The School Department budget, net of High Rock associated costs, shows a 4.0% increase. 88% of the School Department budget is salaries. This year, for the first time in recent memory, the School Department and School Committee developed a five-year forecast of their budget needs. This forecast indicates continuing difficulties ahead in bringing in a School Department budget whose yearly growth rate does not exceed the Town's revenue growth rate. That in turn points to future cuts in the schools or to school operating overrides. The five-year forecast also identifies reducing the size of the annual salary increases for staff as an action that could have great impact in mitigating the need for cuts or overrides.

### **Municipal departments**

29% of overall budget, 4.5% increase.

### **General Government**

The Finance Committee is recommending increasing the Finance Department budget to partially fund a request to replace computer workstations in all municipal departments on a regular five-year cycle. The Town Clerk's budget decreased because a smaller number of elections are anticipated in FY 2010 than took place this year.

### Land Use and Development

The Finance Committee is recommending funding for a recording secretary for the Conservation Department – at present, department members must simultaneously take minutes and participate in hearings.

### Public Safety

The Finance Committee was able to fund the Fire Department's request to replace ½ of its mattresses and bureaus this year for \$13,389. A Police Department request to accelerate the replacement of an unmarked vehicle with a more fuel-efficient model, however, was not funded.

### Public Works

The departments in this area have all had special circumstances that affect their budgets. For the DPW, an additional staff member is budgeted whose salary will be offset by increased permit fees. The position is to inspect street openings and their repair to ensure that roads and sidewalks that are opened are properly re-paved, and to enforce the state's new trench safety law. The Municipal Parking budget is up significantly simply because the MBTA doubled daily parking fees. The Municipal Lighting budget is lower, reflecting energy savings associated with replacing existing streetlight bulbs with high-pressure sodium bulbs.

### Public Facilities

While this budget has a 12% increase, 7.6% of the increase is related to increased expenses associated with the operation of the High Rock School which were approved in the November, 2008 override. Less the High Rock costs, this department's budget is up 4.4%.

Like health care, energy continues to be an issue to the Town in terms of increasing costs. In fiscal year 2006, 37% of the Public Facilities budget was expended on energy, whereas in FY 2010, the projection is for 46% of the Public Facilities budget to be expended on energy. In absolute terms, energy costs are estimated to be approximately \$600,000 higher in FY 2010, including High Rock.

In light of this, the Finance Committee is heartened that the PPBC is investigating alternative energy sources for new buildings, as well as pursuing compliance with the LEED (Leadership in Energy and Environmental Design) standards for "green" construction. We are also pleased that the Town has, with assistance from a member of our committee, done an energy audit of three School Department buildings that identified the potential for significant savings through various energy conservation measures, and we expect at least some of those savings will be realized going forward.

### Community Services

There is little change in this area, but we are recommending a modest addition to the Library budget to provide additional hours for check-in of books. The usage of the Library has increased significantly since its renovation, but this has put an increased stress on the staff and materials, whose budget is still sized for the old facility. We are

also recommending adding \$3,600 to the Health Department budget, at the suggestion of the Board of Health, for annual testing of the new artificial turf fields for chemical emissions.

### **Town Wide Expenses**

28% of overall budget, 4.0% increase. Estimated health insurance costs are up, but the amount of the yearly increases is moderating. Health insurance costs are only forecast to increase 6.1% in FY 2010, which is lower than FY 2009's 9% increase. Debt service continues to rise, which reflects votes by both (1) the citizenry on overrides and (2) past Town Meetings on warrant articles to approve various capital projects funded by borrowing.

### **Capital Budget**

At the time of this writing, the Finance Committee has not yet completed consideration of the capital-related warrant articles. In terms of cash capital, however, we will be recommending that Town Meeting spend approximately \$1.1 million on the Cash Capital Article in the warrant. In recent years, we have recommended between \$1 million and \$1.2 million be spent on cash capital in the Town Meeting warrant. However, for the past two years, this modest amount has been supplemented with additional funds from extraordinary Free Cash or, during the Special Town Meeting, by appropriating money for cash capital from the current year's Reserve Fund. That will not be possible this year, and the outstanding requests for cash capital total over \$2.1 million. Thus, there will be a significant number of capital projects, totaling about \$1 million, which will not receive funding in FY 2010.

### **Debt**

Due to numerous policies and practices surrounding the management of our operating budget and our borrowing for larger projects, the Town has maintained its AAA credit rating from Standard & Poor's once again this year. This rating leads to lower borrowing costs and, in a time where credit markets are partially locked up, ensures that we can in fact go to market to borrow when we must.

Given past authorizations to borrow for large projects, notably the various new school buildings and the library, the amount of debt service in the budget has continued to rise. It will actually peak, assuming no new projects, next year in FY 2011. Assuming the passage of various new projects such as the Newman School renovation and the Town Hall renovation this year, debt service will peak around FY 2014. The Finance Committee, Town Manager, and Selectmen have continued to stay as close as possible to the long-standing policy of keeping total debt service to 10% or less of total revenue, and general debt service to 3% or less of total revenue.

### **Closing Thoughts**

We have dodged the proverbial bullet this year, and are able to recommend this operating budget, which will continue to provide the citizens of Needham with the same level of service from their government to which they are accustomed. However, unless new sources of revenue are available, it appears at present that it will be much more difficult to achieve a balanced budget next year, in fiscal 2011, without making cuts. An example of the type of difficulties that lie ahead is that, like all other investments, Needham's pension fund investments have lost value recently. That implies that in the next year or two the Town will have to begin making increased contributions to offset the pension fund losses, and that this money will not be available to fund all the various other needs in the operating budget.

At Town Meeting in May, we expect to provide you with additional details on the over \$1 million expended to date on extraordinary repairs to the Newman School, on tax and revenue trends, and on how these trends have interacted to obviate the need for the operating budget reductions that are being faced by so many other communities in our Commonwealth.

The Finance Committee wishes to thank the Town Finance Director, the Town Manager, the Superintendent, and all the committees, boards, department heads, and other Town officials and employees with whom we have worked this past year for their patience and cooperation in helping us determine the financial impacts of the services they provide to Needham. The Chairman also wishes to thank each of the Finance Committee members, who have volunteered their time and worked so hard to examine in detail all of the departmental budgets and various capital requests that have been presented to the Committee. Finally, we acknowledge the prodigious efforts and sage advice of our Executive Secretary, Louise Miller.

David Escalante, Chairman  
Lisa Zappala, Vice Chairman  
Richard Creem, Past Chairman  
Scott Brightman  
Richard Reilly

Steven Rosenstock  
Michael Taggart  
Richard Zimbone  
  
Louise Miller, Executive Secretary

2009 Annual Town Meeting

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4	30	Amend Zoning By-Law – Lower Chestnut Street Overlay District	Planning Board
5	39	Amend Zoning By-Law – Garden Street Overlay District	Planning Board
6	44	Amend Zoning By-Law – Map Change To Needham Center Overlay District, Needham Center Overlay Sub-District A And Needham Center Overlay Sub-District B	Planning Board
7	47	Amend Zoning By-Law – Map Change To Lower Chestnut Street Overlay District	Planning Board
8	48	Amend Zoning By-Law – Map Change To Garden Street Overlay District	Planning Board
9	49	Amend Zoning By-Law – Dimensional Regulations	Planning Board
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11	50	Fund Collective Bargaining Agreement – Fire Union	Board of Selectmen
12	50	Fund Collective Bargaining Agreement – Public Facilities Custodial & Trades	Board of Selectmen
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14	51	Accept Provisions of M.G.L., Chapter 59, Section 5 (41A)	Board of Selectmen
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16	52	Amend General By-Law - Wetlands Protection	Conservation Commission
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18	54	Establishment of Procedures Committee of Town Meeting, and the Definition of Its Duties	Town Meeting Study Committee
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2009 Annual Town Meeting

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25	59	Appropriate for Needham Property Tax Assistance Program	Board of Selectmen
26	59	Appropriate for Compensated Absences Fund	Board of Selectmen
27	60	Appropriate to Council on Aging Trust Fund	Board of Selectmen
28	60	Appropriate the FY2010 Operating Budget	Finance Committee
29	60	Appropriate the FY2010 RTS Enterprise Fund Budget	Board of Selectmen & Finance Committee
30	61	Appropriate the FY2010 Sewer Enterprise Fund Budget	Board of Selectmen & Finance Committee
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33	65	Authorization to Expend State Funds for Public Ways	Board of Selectmen
34	65	Accept Federal & State Stimulus Grants	Board of Selectmen
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37	67	Appropriate for CPA Project – Design Funds for All-Person’s Trail Around Needham Reservoir	CPC
38	67	Appropriate for CPA Project – Additional Easement Research to Complement Master Plan for Trails	CPC
39	67	Appropriate for CPA Project – Windows/Energy Improvements for Six 40B Housing Units	CPC
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47	76	Appropriate for Roads, Bridges, Sidewalks and Intersection Improvements	Board of Selectmen
48	76	Appropriate for Stormwater Master Plan Drainage Improvements	Board of Selectmen
49	77	Appropriate for Parking Meters	Board of Selectmen
50	77	Appropriate for Athletic Facility Maintenance	Board of Selectmen
51	78	Appropriate for RTS Enterprise Fund Cash Capital	Board of Selectmen
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2009 Annual Town Meeting

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60	84	Omnibus	Board of Selectmen

2009 Annual Town Meeting

**Summary of Revenue  
FY 2008 - FY 2010  
General Fund Only**

	Actual FY 2008	Budget FY 2009	Preliminary FY 2010
<b>Local Estimated Receipts</b>			
Local Excises and Other Tax Related Collections	\$5,010,339	\$4,340,000	\$4,340,000
Departmental Activities	\$4,008,199	\$3,020,000	\$3,325,000
Fines & Forfeits & Assessments	\$145,000	\$145,000	\$155,000
Investment Income	\$1,253,286	\$650,000	\$650,000
Miscellaneous Revenue	\$269,448	\$280,843	\$250,000
Miscellaneous Non-recurring	<u>\$398,900</u>	<u>\$12,451</u>	<u>\$0</u>
<b>SUB-TOTAL</b>	<b>\$11,085,172</b>	<b>\$8,448,294</b>	<b>\$8,720,000</b>
<b>Property Taxes &amp; State Aid</b>			
Real & Personal Property Tax Levy	\$78,158,358	\$81,925,650	\$87,039,696
Cherry Sheet Revenue (State Aid)	<u>\$8,302,525</u>	<u>\$9,376,375</u>	<u>\$8,510,381</u>
<b>SUB-TOTAL</b>	<b>\$86,460,883</b>	<b>\$91,302,025</b>	<b>\$95,550,077</b>
<b>Other Available Funds &amp; Free Cash</b>			
Undesignated Fund Balance (Free Cash)	\$3,266,326	\$5,810,170	\$3,145,416
Overlay Surplus	\$400,263	\$400,000	\$500,000
Reserved for Appropriation - Parking	\$85,000	\$67,000	\$67,000
Reserved for Appropriation - C & D	\$21,895	\$0	\$0
Transfer from other Articles	\$30,218	\$0	\$51,683
Other Available Funds	\$631,164	\$643,424	\$0
Reserved for Debt Exclusion Offset	<u>\$381,156</u>	<u>\$380,238</u>	<u>\$390,110</u>
<b>SUB-TOTAL</b>	<b>\$4,816,022</b>	<b>\$7,300,831</b>	<b>\$4,154,209</b>
<b>Total General Fund Revenue</b>	<b>\$102,362,077</b>	<b>\$107,051,150</b>	<b>\$108,424,286</b>
<b>Adjustments to General Fund Revenue</b>			
Less Other Amounts Required to be Provided	(\$69,736)	(\$77,023)	(\$88,679)
Less State & County Assessments	(\$1,057,780)	(\$1,103,256)	(\$1,066,633)
Less Provisions for Abatements & Exemptions	(\$919,602)	(\$1,100,000)	(\$800,000)
Enterprise Reimbursements	<u>\$1,602,801</u>	<u>\$1,710,496</u>	<u>\$1,710,000</u>
<b>SUB-TOTAL</b>	<b>(\$444,317)</b>	<b>(\$569,783)</b>	<b>(\$245,312)</b>
<b>General Fund Revenue Available for Appropriation</b>	<b>\$101,917,760</b>	<b>\$106,481,367</b>	<b>\$108,178,974</b>

Account Balances

Free Cash	As of February 28, 2009	\$3,145,416
RTS Retained Earnings	As of February 28, 2009	\$566,413
Sewer Retained Earnings	As of February 28, 2009	\$3,452,178
Water Retained Earnings	As of February 28, 2009	\$2,995,133
Capital Improvement Fund	As of February 28, 2009	\$472,665
Capital Facility Fund	As of February 28, 2009	\$625,781
Parking Meter Fund	As of February 28, 2009	\$78,659
Stabilization Fund	As of February 28, 2009	\$3,195,166

2009 Annual Town Meeting

**Summary of Expenditures  
FY 2008 - FY 2010  
General Fund Only**

	Expended - Appropriated FY 2008	Current Budget FY 2009	Recommended FY 2010
<b>Town Wide Group</b>	<b>\$24,928,078</b>	<b>\$28,201,561</b>	<b>\$29,331,738</b>
<b>Department Budgets</b>			
Board of Selectmen/Town Manager	\$673,556	\$744,852	\$777,993
Town Clerk/Board of Registrars	\$278,346	\$308,938	\$292,699
Town Counsel	\$258,730	\$258,855	\$260,489
Personnel Board	\$10,407	\$11,601	\$11,600
Finance Department	\$1,886,599	\$2,089,820	\$2,102,896
Finance Committee	\$28,552	\$29,447	\$30,561
Planning Board	\$194,520	\$213,390	\$220,487
Conservation Department	\$68,112	\$72,835	\$77,785
Board of Appeals	\$26,204	\$28,381	\$28,651
Police Department	\$4,544,182	\$4,929,425	\$5,159,371
Fire Department	\$5,631,167	\$5,868,814	\$5,824,121
Building Inspector	\$398,471	\$430,272	\$450,925
Needham Public Schools	\$40,799,834	\$42,635,484	\$45,382,885
Minuteman Regional High School	\$566,363	\$377,427	\$435,733
Department of Public Works	\$4,798,896	\$4,598,049	\$4,817,418
Municipal Parking Program	\$194,881	\$203,900	\$282,900
Municipal Street Lighting Program	\$307,000	\$328,500	\$285,300
Department of Public Facilities	\$6,527,259	\$6,905,074	\$7,734,532
Health Department	\$384,831	\$429,532	\$446,845
Diversified Community Social Services	\$471,531	\$531,103	\$555,607
Commission on Disabilities	\$0	\$550	\$550
Historical Commission	\$0	\$1,050	\$1,050
Library	\$1,235,342	\$1,260,426	\$1,313,003
Park & Recreation	\$521,129	\$533,976	\$543,305
Memorial Park	\$386	\$750	\$750
<b>Department Budget Total</b>	<b>\$69,806,298</b>	<b>\$72,792,451</b>	<b>\$77,037,456</b>
<b>Town Wide &amp; Department Budget Total</b>	<b>\$94,734,376</b>	<b>\$100,994,012</b>	<b>\$106,369,194</b>
<b>Other Appropriated Uses of General Funds</b>			
General Fund Cash Capital	\$1,613,764	\$4,003,629	\$1,211,416
Other Financial Warrant Articles	\$173,609	\$147,415	\$35,000
Transfers to Other Funds/Projects	\$807,594	\$1,336,311	\$563,364
<b>Total from General Funds</b>	<b>\$97,329,343</b>	<b>\$106,481,367</b>	<b>\$108,178,974</b>

Town of Needham General Fund FY 2010 Budget Recommendation - Submitted by the Finance Committee									
Line	Description	FY 2008 Expended	FTE*	FY 2009 Town Meeting Voted Budget as of November 1, 2008	FTE*	FY 2010 Finance Committee Recommendation	FTE*	% Change from 09	FY 2010 Amendments
<b><u>Townwide Expenses</u></b>									
1	Non-Contributory Retirement Payments	\$ 121,166		\$ 119,000		\$ 89,000			
2	Contributory Retirement System	\$ 3,890,268		\$ 4,121,326		\$ 4,271,094			
3	Group Health Insurance	\$ 7,164,490		\$ 8,258,510		\$ 8,867,300			
4	Retiree Insurance & Insurance Liability Fund	\$ 3,502,950		\$ 3,702,211		\$ 3,446,556			
5	Unemployment Compensation	\$ 74,610		\$ 88,400		\$ 92,000			
6	Debt Service	\$ 9,322,655		\$ 9,562,263		\$ 9,886,980			
7	Workers Compensation	\$ 385,087		\$ 385,000		\$ 385,000			
8	Casualty Liability & Self Insurance Program	\$ 466,852		\$ 500,000		\$ 525,000			
9	Classification Performance & Settlements	Transfers Only		\$ 265,000		\$ 512,300			
10	Reserve Fund	Transfers Only		\$ 1,199,851		\$ 1,256,508			
	<b>Total</b>	<b>\$ 24,928,078</b>		<b>\$ 28,201,561</b>		<b>\$ 29,331,738</b>			
	<b>Townwide Expenses Total</b>	<b>\$ 24,928,078</b>		<b>\$ 28,201,561</b>		<b>\$ 29,331,738</b>		<b>4.0%</b>	
<b><u>Board of Selectmen &amp; Town Manager</u></b>									
11A	Salary & Wages	\$ 502,733	6.8	\$ 578,402.00	7.8	\$ 611,543.00	8.0		
11B	Purchase of Service & Expenses	\$ 170,823		\$ 166,450.00		\$ 166,450.00			
	<b>Total</b>	<b>\$ 673,556</b>		<b>\$ 744,852</b>		<b>\$ 777,993</b>			
<b><u>Town Clerk &amp; Board of Registrars</u></b>									
12A	Salary & Wages	\$ 248,150	4.6	\$ 272,403	4.6	\$ 258,719	4.6		
12B	Purchase of Service & Expenses	\$ 30,196		\$ 36,535		\$ 33,980			
	<b>Total</b>	<b>\$ 278,346</b>		<b>\$ 308,938</b>		<b>\$ 292,699</b>			
<b><u>Town Counsel</u></b>									
13A	Salary & Wages	\$ 65,464		\$ 65,355		\$ 66,989			
13B	Purchase of Service & Expenses	\$ 193,266		\$ 193,500		\$ 193,500			
	<b>Total</b>	<b>\$ 258,730</b>		<b>\$ 258,855</b>		<b>\$ 260,489</b>			

<sup>1</sup> includes \$260,146 in employee benefits and assessment costs funded in the operating override for the High Rock School.

Town of Needham General Fund FY 2010 Budget Recommendation - Submitted by the Finance Committee							
Line	Description	FY 2008 Expended	FTE*	FY 2009 Town Meeting Voted Budget as of November 1, 2008	FTE*	FY 2010 Finance Committee Recommendation	% Change from 09
<b><u>Personnel Board</u></b>							
14A	Salary & Wages	\$ 407		\$ 1,601		\$ 1,100	
14B	Purchase of Service & Expenses	\$ 10,000		\$ 10,000		\$ 10,500	
	<b>Total</b>	<b>\$ 10,407</b>		<b>\$ 11,601</b>		<b>\$ 11,600</b>	
<b><u>Finance Department</u></b>							
15A	Salary & Wages	\$ 1,223,205	21.7	\$ 1,304,013	21.7	\$ 1,350,144	21.7
15B	Purchase of Service & Expenses	\$ 643,700		\$ 760,807		\$ 715,252	
15C	Capital	\$ 19,694		\$ 25,000		\$ 37,500	
	<b>Total</b>	<b>\$ 1,886,599</b>		<b>\$ 2,089,820</b>		<b>\$ 2,102,896</b>	
<b><u>Finance Committee</u></b>							
16A	Salary & Wages	\$ 28,033	0.5	\$ 28,547	0.5	\$ 29,261	0.5
16B	Purchase of Service & Expenses	\$ 519		\$ 900		\$ 1,300	
	<b>Total</b>	<b>\$ 28,552</b>		<b>\$ 29,447</b>		<b>\$ 30,561</b>	
	<b>General Government Total</b>	<b>\$ 3,136,190</b>	<b>33.6</b>	<b>\$ 3,443,513</b>	<b>34.6</b>	<b>\$ 3,476,238</b>	<b>34.8</b>
							<b>1.0%</b>
<b><u>Planning Department</u></b>							
17A	Salary & Wages	\$ 176,760	3.0	\$ 197,130	3.0	\$ 204,227	3.0
17B	Purchase of Service & Expenses	\$ 17,760		\$ 16,260		\$ 16,260	
	<b>Total</b>	<b>\$ 194,520</b>		<b>\$ 213,390</b>		<b>\$ 220,487</b>	
<b><u>Conservation Department</u></b>							
18A	Salary & Wages	\$ 61,876	1.3	\$ 64,730	1.3	\$ 69,630	1.3
18B	Purchase of Service & Expenses	\$ 6,236		\$ 8,105		\$ 8,155	
	<b>Total</b>	<b>\$ 68,112</b>		<b>\$ 72,835</b>		<b>\$ 77,785</b>	
<b><u>Board of Appeals</u></b>							
19A	Salary & Wages	\$ 23,048	0.6	\$ 25,091	0.6	\$ 24,563	0.6
19B	Purchase of Service & Expenses	\$ 3,156		\$ 3,290		\$ 4,088	
	<b>Total</b>	<b>\$ 26,204</b>		<b>\$ 28,381</b>		<b>\$ 28,651</b>	
	<b>Land Use and Development Total</b>	<b>\$ 288,836</b>	<b>4.9</b>	<b>\$ 314,606</b>	<b>4.9</b>	<b>\$ 326,923</b>	<b>4.9</b>
							<b>3.9%</b>

Town of Needham General Fund FY 2010 Budget Recommendation - Submitted by the Finance Committee									
Line	Description	FY 2008 Expended	FTE*	FY 2009 Town Meeting Voted Budget as of November 1, 2008	FTE*	FY 2010 Finance Committee Recommendation	FTE*	% Change from 09	FY 2010 Amendments
<b>Police Department</b>									
20A	Salary & Wages	\$ 4,121,833	58.0	\$ 4,518,785	58.0	\$ 4,762,651	58.0		
20B	Purchase of Service & Expenses	\$ 281,767		\$ 272,606		\$ 277,820			
20C	Capital	\$ 140,582		\$ 138,034		\$ 118,900			
	<b>Total</b>	<b>\$ 4,544,182</b>		<b>\$ 4,929,425</b>		<b>\$ 5,159,371</b>	<sup>2</sup>		
<b>Fire Department</b>									
21A	Salary & Wages	\$ 5,395,630	74.0	\$ 5,606,826	74.0	\$ 5,517,917	74.0		
21B	Purchase of Service & Expenses	\$ 235,537		\$ 261,988		\$ 290,415			
21C	Capital	\$ -		\$ -		\$ 15,789			
	<b>Total</b>	<b>\$ 5,631,167</b>		<b>\$ 5,868,814</b>		<b>\$ 5,824,121</b>			
<b>Building Inspector</b>									
22A	Salary & Wages	\$ 385,629	7.2	\$ 414,590	7.2	\$ 435,243	7.2		
22B	Purchase of Service & Expenses	\$ 12,842		\$ 15,682		\$ 15,682			
	<b>Total</b>	<b>\$ 398,471</b>		<b>\$ 430,272</b>		<b>\$ 450,925</b>			
	<b>Public Safety Total</b>	<b>\$ 10,573,820</b>	<b>139.2</b>	<b>\$ 11,228,511</b>	<b>139.2</b>	<b>\$ 11,434,417</b>	<b>139.2</b>	<b>1.8%</b>	
<b>Minuteman Assessment</b>									
23	Assessment	\$ 566,363		\$ 377,427		\$ 435,733			
	<b>TOTAL</b>	<b>\$ 566,363</b>		<b>\$ 377,427</b>		<b>\$ 435,733</b>			
<b>Needham Public Schools</b>									
24	Needham Public School Budget	\$ 40,799,834	561.2	\$ 42,635,484	572.4	\$ 45,382,885	620.4		
	<b>TOTAL</b>	<b>\$ 40,799,834</b>		<b>\$ 42,635,484</b>		<b>\$ 45,382,885</b>	<sup>3</sup>		
	<b>Public Schools Total</b>	<b>\$ 41,366,197</b>	<b>561.2</b>	<b>\$ 43,012,911</b>	<b>572.4</b>	<b>\$ 45,818,618</b>	<b>620.4</b>	<b>6.5%</b>	

<sup>2</sup> includes \$42,900 funded in the operating override for the High Rock School.

<sup>3</sup> includes \$1,057,272 funded in the operating override for the High Rock School. Large increase in FTEs is in part due to School Department change in FTE counting methodology

Town of Needham General Fund FY 2010 Budget Recommendation - Submitted by the Finance Committee									
Line	Description	FY 2008 Expended	FTE*	FY 2009 Town Meeting Voted Budget as of November 1, 2008	FTE*	FY 2010 Finance Committee Recommendation	FTE*	% Change from 09	FY 2010 Amendments
<b>Department of Public Works</b>									
25A	Salary & Wages	\$ 2,917,255	55.3	\$ 3,111,145	55.3	\$ 3,224,668	56.3		
25B	Purchase of Service & Expenses	\$ 1,184,263		\$ 1,286,904		\$ 1,387,250			
25C	Capital	\$ -		\$ -		\$ 5,500			
25D	Snow and Ice	\$ 697,378		\$ 200,000		\$ 200,000			
	<b>Total</b>	<b>\$ 4,798,896</b>		<b>\$ 4,598,049</b>		<b>\$ 4,817,418</b>			
<b>Municipal Parking Program</b>									
26	Municipal Parking Program	\$ 194,881		\$ 203,900		\$ 282,900			
	<b>Total</b>	<b>\$ 194,881</b>		<b>\$ 203,900</b>		<b>\$ 282,900</b>			
<b>Municipal Lighting Program</b>									
27	Municipal Lighting Program	\$ 307,000		\$ 328,500		\$ 285,300			
	<b>Total</b>	<b>\$ 307,000</b>		<b>\$ 328,500</b>		<b>\$ 285,300</b>			
	<b>Public Works Total</b>	<b>\$ 5,300,777</b>	<b>55.3</b>	<b>\$ 5,130,449</b>	<b>55.3</b>	<b>\$ 5,385,618</b>	<b>56.3</b>	<b>5.0%</b>	
<b>Department of Public Facilities</b>									
28A	Salary & Wages	\$ 2,449,823	51.0	\$ 2,590,614	51.0	\$ 2,732,256	56.7		
28B	Purchase of Service & Expenses	\$ 4,077,436		\$ 4,307,460		\$ 5,002,276			
28C	Capital	\$ -		\$ 7,000		\$ -			
	<b>Total</b>	<b>\$ 6,527,259</b>		<b>\$ 6,905,074</b>		<b>\$ 7,734,532</b>	<b>4</b>		
	<b>Public Facilities Total</b>	<b>\$ 6,527,259</b>	<b>51.0</b>	<b>\$ 6,905,074</b>	<b>51.0</b>	<b>\$ 7,734,532</b>	<b>56.7</b>	<b>12.0%</b>	
<b>Health Department</b>									
29A	Salary & Wages	\$ 342,034	5.7	\$ 360,069	5.7	\$ 372,490	5.9		
29B	Purchase of Service & Expenses	\$ 42,797		\$ 69,463		\$ 74,355			
	<b>Total</b>	<b>\$ 384,831</b>		<b>\$ 429,532</b>		<b>\$ 446,845</b>			
<b>Diversified Community Social Services</b>									
30A	Salary & Wages	\$ 452,938	8.9	\$ 491,742	9.1	\$ 515,937	8.3		
30B	Purchase of Service & Expenses	\$ 18,593		\$ 39,361		\$ 39,670			
	<b>Total</b>	<b>\$ 471,531</b>		<b>\$ 531,103</b>		<b>\$ 555,607</b>			

<sup>4</sup> includes \$527,611 funded in the operating override for the High Rock School.

Town of Needham General Fund FY 2010 Budget Recommendation - Submitted by the Finance Committee								
Line	Description	FY 2008 Expended	FTE*	FY 2009 Town Meeting Voted Budget as of November 1, 2008	FTE*	FY 2010 Finance Committee Recommendation	FTE* Change from 09	FY 2010 Amendments
<u>Commission on Disabilities</u>								
31A	Salary & Wages	\$ -	-	\$ -	-	\$ -	-	
31B	Purchase of Service & Expenses	\$ -	-	\$ 550	550	\$ 550		
	<b>Total</b>	\$ -	-	\$ 550	550	\$ 550		
<u>Historical Commission</u>								
32A	Salary & Wages	\$ -	-	\$ -	-	\$ -	-	
32B	Purchase of Service & Expenses	\$ -	-	\$ 1,050	1,050	\$ 1,050		
	<b>Total</b>	\$ -	-	\$ 1,050	1,050	\$ 1,050		
<u>Needham Public Library</u>								
33A	Salary & Wages	\$ 1,000,410	21.7	\$ 1,009,467	21.7	\$ 1,049,991	22.2	
33B	Purchase of Service & Expenses	\$ 234,932		\$ 250,959		\$ 263,012		
	<b>Total</b>	\$ 1,235,342		\$ 1,260,426		\$ 1,313,003		
<u>Park &amp; Recreation Department</u>								
34A	Salary & Wages	\$ 410,493	4.0	\$ 423,101	4.0	\$ 432,430	4.0	
34B	Purchase of Service & Expenses	\$ 110,636		\$ 110,875		\$ 110,875		
	<b>Total</b>	\$ 521,129		\$ 533,976		\$ 543,305		
<u>Memorial Park</u>								
35A	Salary & Wages	\$ -	-	\$ -	-	\$ -	-	
35B	Purchase of Service & Expenses	\$ 386		\$ 750		\$ 750		
	<b>Total</b>	\$ 386		\$ 750		\$ 750		
<b>Community Services Total</b>		\$ 2,613,219	40.3	\$ 2,757,387	40.5	\$ 2,861,110	40.4	3.8%
<b>Department Budgets Total</b>		\$ 69,806,298	885.5	\$ 72,792,451	897.9	\$ 77,037,456	952.7	5.8%
<b>Total Operating Budget</b>		\$ 94,734,376		\$ 100,994,012		\$ 106,369,194		5.3%

\* The FTE count is provided for informational purposes only.

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**WARRANT FOR THE ANNUAL TOWN MEETING  
TUESDAY, APRIL 14, 2009  
TOWN OF NEEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	Hillside School - Gymnasium
Precinct B	-	Hillside School - Gymnasium
Precinct C	-	Newman Elementary School - Gymnasium
Precinct D	-	Newman Elementary School - Gymnasium
Precinct E	-	Pollard Middle School - Room 226
Precinct F	-	Stephen Palmer Community Room
Precinct G	-	Broadmeadow School - Performance Center
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE FOURTEENTH DAY OF APRIL, 2009

from forty-five minutes after six o'clock in the forenoon, until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

**ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

- One Moderator for One Year;
- Two Selectmen for Three Years;
- One Assessor for Three Years;
- Two Members of School Committee for Three Years;
- One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;
- One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;
- Two Trustees of Needham Public Library for Three Years;
- One Member of Board of Health for Three Years;
- One Member of Board of Health for One Year;
- One Member of Planning Board for Five Years;
- One Member of Needham Housing Authority for Five Years;
- One Member of Needham Housing Authority for One Year;
- One Commissioner of Trust Funds for Three Years;
- Two Members of Park and Recreation Commission for Three Years;

- Eight Town Meeting Members from Precinct A for Three Years;
- Seven Town Meeting Members from Precinct B for Three Years;

One Town Meeting Member from Precinct B for One Year;  
Eight Town Meeting Members from Precinct C for Three Years;  
One Town Meeting Member from Precinct C for One Year;  
Eight 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;  
One Town Meeting Member from Precinct H for Two Years;  
Nine Town Meeting Members from Precinct I for Three Years;  
Eight Town Meeting Members from Precinct J for Three Years;  
One Town Meeting Member from Precinct J for One Year.

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**Warrant for the Annual Town Meeting**

**MONDAY, MAY 4, 2009 AT 7:30 P.M. AT NEWMAN ELEMENTARY SCHOOL**

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**ARTICLE 2: COMMITTEE AND OFFICER REPORTS**

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

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**ZONING/LAND USE ARTICLES**

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**ARTICLE 3: AMEND ZONING BY-LAW – NEEDHAM CENTER OVERLAY DISTRICT**

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

- (a) Amend Section 1.3 Definitions, by adding the following terms and definitions in appropriate alphabetical order as follows:

“Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a household with income at or below eighty (80) percent of the area median income that applies to subsidized housing in the Town of Needham, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (HUD), and meets all applicable requirements for inclusion on the Chapter 40B Subsidized Housing Inventory. Except as may be provided elsewhere in this bylaw, each affordable housing unit shall be eligible for inclusion in the Chapter 40B Subsidized Housing Inventory, in accordance with regulations or policies of the Massachusetts Department of Housing and Community Development (DHCD). As used in this bylaw, “affordable housing unit” and “affordable unit” shall have the same meaning.

Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Needham, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of M.G.L. c.184, ss. 31-33 or other applicable state law. The Board of Selectmen of the Town of Needham may accept, hold, and enforce affordable housing restrictions.

Green Building: A building designed, constructed, and operated and maintained throughout its life cycle to conserve energy and water, reduce environmental impacts, and protect the health of the general public and occupants of the building.

Mixed-Use Building: A building in the Needham Center, Chestnut Street or Garden Street Overlay District in which the ground floor facing the street is used for such retail or restaurant uses as may be permitted by right or by special permit in the applicable overlay district, and other ground-floor and upper-floor space is used for other commercial use(s) or dwelling unit(s).

Mixed-Use Development: Two (2) or more buildings in the Chestnut Street Overlay District on one lot, with retail use(s) or mixed-use buildings facing the street and other buildings for commercial use(s), mixed uses or multi-family dwelling(s) located to the rear of the lot, connected by walkways, landscaping and pedestrian amenities, and shared parking.

Dwelling, Multi-Family: A building in the Needham Center, Chestnut Street or Garden Street Overlay District containing three or more dwelling units, which building houses only residential uses.

Needham Center Off-Street Parking Fund: A special revenue fund established under chapter 438 of the acts of 2008 to support the provision of off-street parking in the area governed by the act.”

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“NC -- Needham Center Overlay”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.8, Needham Center Overlay District, to read as follows:

“3.8 Needham Center Overlay District

3.8.1 Purposes of District

The purposes of the Needham Center Overlay District are to encourage redevelopment of existing properties and infill development of an appropriate scale, density, mix of uses and design for a suburban downtown, substantially as set forth in the Needham Center Development Plan dated March 30, 2009, and to establish sub-districts in which to achieve these purposes in a manner compatible with surrounding areas; to create and sustain a vibrant, walkable downtown area; and to create opportunities for housing within walking distance of goods and services, public transportation, and the civic life of the town. Toward these ends, development in the Needham Center Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design guidelines and all other requirements of this Section.

3.8.2 Scope of Authority

In the Needham Center Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Needham Center Overlay District shall apply, and by filing an application for a Special Permit, site plan review or

building permit under this Section 3.8, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Needham Center Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the proponent elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provision of the Needham Center Overlay District shall not apply.

### 3.8.3 Use Regulations

#### 3.8.3.1 Permitted Uses

The following uses are permitted in the Needham Center Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) Mixed-use building, not exceeding five dwelling units per building, with dwelling units allowed above the ground floor only.
- (e) Accessory uses permitted as of right in the underlying district.

#### 3.8.3.2 Special Permit Uses

The following uses are permitted in the Needham Center Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district.
- (b) Mixed-use building containing six or more dwelling units, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
  - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and
  - (2) The ground floor of the front façade contains only retail or restaurant uses allowed as of right or by special permit.
- (c) Accessory uses permitted by special permit in the underlying district.

#### 3.8.3.3 Multiple Buildings and Uses

In the Needham Center Overlay District, more than one use may be located on a lot as a matter of right and/or more than one building may be located on a lot by special permit, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.8 of this By-Law.

3.8.3.4 Enclosed Parking

Enclosed parking in the Needham Center Overlay District shall conform to the requirements for the Center Business District in Section 4.4.6.

3.8.4 Dimensional Regulations

3.8.4.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Needham Center Overlay District:

- (a) Minimum Lot Area: 10,000 square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: 0 feet from the front property line.
- (d) Maximum Front Setback: The lesser of 3 feet from the front property line, or the average setback of existing buildings within 100 feet on the same side of the street as the proposed development. The Planning Board may grant a Special Permit to waive this requirement when the applicant proposes to provide a pedestrian plaza, outdoor cafeteria or similar amenity in front of a building facing Great Plain Avenue, Highland Avenue, Chestnut Street, or Chapel Street.
- (e) Minimum Side and Rear Setback: For lots abutting a residential district, fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, no accessory uses shall be located within twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.3 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.

3.8.4.2 Building Height Requirements

The maximum building height in the Needham Center Overlay District shall be as follows:

- (a) In Sub-District A: The minimum building height shall be two stories and twenty-seven feet and the maximum building height shall be two and one-half stories and thirty-five feet as of right. By Special Permit from the Planning Board, the maximum height of a building may be increased up to the following limits: three stories and thirty-seven (37) feet, or four stories and forty-eight (48) feet, provided that the fourth story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Subsection 3.8.8 below.

- (b) In Sub-District B: The maximum building height shall be thirty-five (35) feet and two and one-half stories as of right, or by Special Permit from the Planning Board, thirty-seven (37) feet and three stories, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.8.8 below.

Buildings developed under the regulations of the Needham Center Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

#### 3.8.4.3 Building Bulk and Other Requirements

Except as provided in subsections (a) and (b) below, the maximum floor area ratio in the Needham Center Overlay District shall be the same standard that applies in the Center Business District under Section 4.4.2(b), except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Needham Center Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Section 4.4.2.

- (a) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 2.0 in Sub-Districts A and B, subject to the decision standards in Section 3.8.7.
- (b) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 3.0 in Sub-Districts A and B, subject to the decision standards in Section 3.8.7 and the following additional requirements:
  - (1) Off-street parking located on the site or provided through a shared agreement on another property within 1,000 feet of the site, in a form acceptable to the Planning Board, shall be required as a condition of special permit approval; and
  - (2) No waivers of minimum parking requirements or payment of fees in lieu of off-street parking spaces under Section 3.8.5 shall be allowed.

#### 3.8.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in the Central Business District in Section 4.4.6 shall apply in the Needham Center Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
  - (1) For retail stores or services, there shall be one space per 300 square feet of floor area, except that no parking spaces shall be required for a retail establishment with less than eight hundred (800) square feet of floor area.
  - (2) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, except that this reduction shall not apply to medical, dental and related health services or clinics.

- (3) For dwelling units in a mixed-use building, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit except as provided in Section 3.8.6(h).
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use building, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) Except as provided in Section 3.8.4.3(b)(2) above, the Planning Board may grant a Special Permit to waive the requirements of Section 5.1.2 or Section 5.1.3, or the requirements of subsection (a) above, if a proposed development satisfies the conditions set forth in Section 5.1.1.6 and Section 3.8.5.1.

#### 3.8.5.1 Needham Center Off-Street Parking Fund

- (a) A Special Permit may be granted to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, if the Planning Board determines that:
  - (1) The applicant has reasonably demonstrated that it is uneconomic to accommodate all of the required parking spaces on the lot, given the area and shape of the lot, or under the building, given the size of the project;
  - (2) The applicant has reasonably demonstrated that it is infeasible to accommodate the required number of parking spaces through a combination of on-site parking and shared parking with an adjoining property; and
  - (3) The project has been designed to the extent feasible to reduce the required number of off-street parking spaces, e.g., by the inclusion of space for retail establishments with less than 800 sq. ft. of floor area, or a multi-story building with upper-story uses that qualify for reduced parking, as provided under Section 3.8.5(a).
- (b) The fee shall be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, to be used solely for the purpose of providing shared or public parking benefiting uses within the area covered by the Needham Center Development Plan.
- (c) The fee shall be determined by the Planning Board in accordance with the Needham Center Development Plan or the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless the applicant chooses to pay the entire fee prior to receipt of a building permit.

#### 3.8.6 Affordable Housing

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

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.8.4.3.

- (b) For a development with not more than ten dwelling units, at least one unit shall be an affordable unit; and for a development with eleven or more dwelling units, at least ten percent shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number.
- (c) If the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be sold or rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (d) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (g) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under section 3.8.5 shall be reduced to one space per unit.

### 3.8.7 Site Plan Review

For any project seeking a Special Permit under Sections 3.8.4.1, 3.8.4.2, or 3.8.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Needham Center Overlay District and conforms to the Design Guidelines in Section 3.8.8;

- (d) The degree to which the applicant’s proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable for the redevelopment of the site, considering the site’s location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;
- (g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following:
  - (1) Affordable housing units;
  - (2) Use of one or more renewable energy sources in the operation of the project;
  - (3) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or through payment of fees in lieu of off-street parking spaces except where such payment of fees is not allowed for a Special Permit under Section 3.8.4.3(b).

3.8.8 Design Guidelines

The Design Guidelines for the Needham Center Overlay District shall be as adopted by the Planning Board and available on file in the Needham Planning Department.”

- (d) Amend Section 7.4 Site Plan Review as follows:

Make the following changes to Section 7.4.2 Definitions:

Under MAJOR PROJECT:

Add a new paragraph after Neighborhood Business District to read as follows:

“In the Needham Center Overlay District a MAJOR PROJECT shall be as defined above in the Center Business District.”

Under MINOR PROJECT, add a new paragraph after Medical Overlay District to read as follows:

“In the Needham Center Overlay District a MINOR PROJECT shall be as defined above in the Center Business District.”

- (e) Amend Section 7.6 Planning Board as follows:

Under Section 7.6.1 Special Permit Granting Authority, amend the first sentence by inserting a reference to Section 3.8 between “3.4” and “4.2.4,” such that the revised sentence shall read:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 4.2.4, 4.2.5, 4.2.6, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this By-Law.”

- (f) Amend Section 7.7 Design Review as follows.

Under Section 7.7.2.2 Authority and Specific Powers, amend the first sentence of the second paragraph by inserting after “Center Business District” the words, “Needham Center Overlay District” such that the paragraph will read:

“The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Center Business District, Needham Center Overlay District, Avery Square Business District, Hillside Avenue Business District, Neighborhood Business District, New England Business Center District, Highland Commercial-128 District, Mixed Use-128 District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code – but which are not related to projects previously reviewed as “Major” or “Minor Projects” under Site Plan Review.”

Under Section 7.7.4 Design Criteria, add the following paragraph after the paragraph which begins, “In addition to paragraph (4) above...”

“For requests for site plan reviews and special permits in the Needham Center Overlay District, the Design Review Board shall consider, in addition to paragraphs (1) through (5) above, the design guidelines set forth in Section 3.8 of this By-Law.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

**Articles 3-8 Introduction:** *Articles 3-8 represent a package of proposed Zoning Bylaw amendments that stem from more than two years of work by the Planning Board and the Downtown Study Committee to prepare the Needham Center Development Plan. Articles 3-5 propose the creation of three new overlay districts in areas located within the existing Center Business and Chestnut Street Business Districts, and Articles 6-8 provide the boundary descriptions for each overlay district. Together, the proposed zoning changes support a comprehensive vision for revitalizing the downtown area. In concert with other elements of the Needham Center Development Plan, the overlay districts have been designed to address several needs, issues and constraints: traffic and circulation; the shape and physical form of the downtown area; parking supply, location, and needs of various users; existing property rights; the value of existing assets that must be accounted for in designing incentives to encourage redevelopment; and the quality of life in the adjacent residential neighborhoods.*

*Needham Center is a much loved and used downtown, but it has untapped economic potential and represents missed opportunities to improve the built environment, public realm, traffic, and parking. During Needham Center’s heyday in the late 1800s and early 1900s, many beautifully designed buildings of two and three stories, and even some of four-stories, stood within a block of Town Hall and the Common. During the past century, however, our increasing use of the automobile along with the promulgation of zoning laws that reflect that auto dependence have promoted a suburban land use*

*pattern with widely distributed commercial development that detracts from the focus on and livability of the Center. Today, Needham Center's built environment has more than its share of one-story buildings with undistinguished facades. Despite a beautiful town common and pockets of attractive and pleasant streetscape, the public environment is marred by an overall unattractiveness, sidewalks that do not cater to pedestrians, inconsistent building setbacks, a lack of trees and green space, inadequate crosswalks, an excessive number of curb-cuts, and too many parking lots that face the street.*

*The Town's current zoning contributes to these problems by posing barriers to redevelopment. While some Needham Center properties still have room to expand, most have already reached or exceeded their maximum development potential. As a result, there is no incentive for new investment, which is critical for economic growth, increased property values, and the ability to provide public benefits such as traffic mitigation and parking. Creating opportunities to increase the size and massing of buildings will help to better define and improve the village spaces of the downtown area along the major streets.*

*The proposed overlay districts are designed to address these needs. The key trade-off for allowing more development and a wider range of uses in the overlay districts is mandating adherence to design guidelines. In exchange for complying with the new Needham Center design guidelines, property owners may pursue a special permit for more intensive use of existing properties, provide market-rate or mixed-income housing in a more encouraging environment than that which exists today, and gain some relief from existing parking requirements. In addition, a special permit will be considered for taller buildings in some parts of the downtown area. The special permit is important because it will allow the Planning Board to evaluate the impact of the visual change being proposed, both from immediate and distant vantage points.*

*The proposed zoning amendments are part of a long-term plan to guide the gradual redevelopment of Needham Center. For each proposed project, the Planning Board will hold public hearings, consider the proposal's consistency with the Needham Center Development Plan, and weigh the proposal's benefits against potential adverse impacts. The Planning Board will have the authority to deny a special permit if appropriate. The Board will not grant a special permit if the road system or parking infrastructure is insufficient to handle the projected impacts of a proposed development.*

**Article 3 Explanation:** Article 3, in combination with Article 6, proposes to create the Needham Center Overlay District. Article 3 lays out the regulatory framework for the new overlay district while Article 6 describes its geographic boundaries. The boundaries of the Needham Center Overlay District match the boundaries of the present Center Business District. Since Article 3 involves the creation of an overlay district, property owners in the Center Business District retain their existing zoning rights in the underlying zone. The Needham Center Overlay District creates additional choices by placing supplemental provisions on top of those which already exist in the underlying Center Business District. The overlay district's key provisions are summarized below.

#### **Designation of the District**

*The Needham Center Overlay District is bounded on the north by May Street and the existing zoning boundary line between the Center Business District and residentially zoned districts; on the east by Pickering Street and the existing zoning boundary line between the Center Business District and residentially zoned districts; on the south by the existing zoning boundary line between Center Business and residentially zoned districts, and by Keith Place; and on the west by the existing zoning boundary line between the Center Business District and the Single Residence B District, and by Eaton Square and the MBTA commuter railroad right-of-way.*

Purpose of the District

*The purpose of the Needham Center Overlay District is to encourage at an appropriate scale, density, mix of uses and design the redevelopment and infill development of existing properties in order to ensure a vibrant suburban village downtown that offers a diverse and sustainable mix of goods, services and housing informed by “smart growth” and transit-oriented development principles, substantially as set forth in the Needham Center Development Plan. The zoning seeks to encourage a more walkable downtown area; housing that is within walking distance of goods and services, public transportation, and the civic center of the town; and improved traffic flow and parking. The zoning for the district draws on a vision of historic Needham Center and the traditional New England village for inspiration and interprets it for contemporary life.*

Definitions

*New terms that appear in the package of zoning amendments but not elsewhere in the zoning bylaw are presented in alphabetical order: affordable housing unit; affordable housing restriction; green building; mixed-use building; mixed-use development; Needham Center off-street parking fund.*

Permitted Uses

*The Needham Center Overlay District lists the uses that are allowed as-of-right or by special permit. The use schedule largely mirrors that of the underlying Center Business District with one notable exception: the allowance of up to five upper-story housing units as-of-right, with additional units allowed by special permit.*

Lot Area and Frontage

*The Needham Center Overlay District requires the same minimum lot area (10,000 sq. ft.) and minimum lot frontage (80 ft.) as the underlying Center Business District.*

Minimum Side and Rear Setbacks

*For lots adjacent to the MBTA right-of-way, the minimum yard setback is twenty-five (25) feet from the lot line abutting the MBTA right-of-way. The ten (10) feet of the setback closest to the MBTA right-of-way must be suitably landscaped and not used for any other purpose except surface parking, if approved by special permit from the Planning Board. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, but an underground parking structure would be allowed if located entirely below the grade of the existing lot.*

*For lots abutting a residential district, the minimum yard setback is fifty (50) feet from the district boundary. The twenty-five (25) feet closest to the district boundary must be suitably landscaped and not used for any other purpose. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot setback provided the garage structure is located entirely below the grade of the existing lot and is set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater. The twenty-five (25) feet closest to the district boundary must be suitably landscaped over the surface of the garage structure.*

Building Height Requirements

*The Needham Center Overlay District has been divided into two sub-districts, A and B, in order to accommodate different height regulations. The proposed regulations allow increased heights in Sub-*

*District B to 2+1 stories and in Sub-District A to 3+1 stories. The “+1” designation means that the top floor is allowed if contained under a pitched roof or stepped back from the façade.*

- (a) In Sub-District A, which lies along a portion of Great Plain Avenue, the minimum building height is two stories and twenty-seven (27) feet and the maximum building height allowed as-of-right is two and one-half stories and thirty-five (35) feet. The Planning Board has authority to grant a special permit to increase the maximum height to three stories and thirty-seven (37) feet, or four stories and forty-eight (48) feet if the fourth story is contained under a pitched roof or recessed from the face of the building. This type of fourth story is known as 3+1.*
- (b) In Sub-District B, which principally abuts the Town Hall and Town Common, the maximum building height is two and one-half stories and thirty-five (35) feet as-of-right. The Planning Board has authority to grant a special permit to increase the maximum height to three stories and thirty-seven (37) feet if the third story is contained under a pitched roof or recessed from the face of the building. This type of third story is known as 2+1. A reduced height profile was established for Sub-District B in order to enhance the Town Common as an urban open space while at the same time not overwhelming the Town Hall.*

#### *Building Bulk and Other Requirements*

*One way to regulate density is through the use of a measurement called the Floor Area Ratio (FAR), which is the ratio of a building’s total floor area to the area of the lot. In the overlay district, the FAR calculation excludes underground parking. The FAR regulations encourage building massing that helps to define the street edge, which serves as a backdrop to the streetscape. The proposed maximum as-of-right FAR is 1.0. However, the Planning Board has authority to grant special permits for two “tiers” of increases in the FAR. For the first tier, the FAR can be increased to 2.0 in Sub-Districts A and B, subject to the following standards:*

- (a) The adequacy of existing facilities to serve the proposed development;*
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;*
- (c) The degree to which the proposed project is consistent with the purposes of the Needham Center Overlay District and conforms to the design guidelines for the district;*
- (d) The degree to which the applicant’s proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;*
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable for the redevelopment of the site, considering the site’s location and physical characteristics and the condition of existing improvements;*
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;*
- (g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following: (i) Affordable housing units; (ii) Use of one or more renewable energy*

*sources in the operation of the project; (iii) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or through payment of fees in lieu of off-street parking spaces, except where such payment of fees is not allowed for a special permit.*

*For the second tier, the Planning Board has authority to grant a special permit to increase the maximum FAR to 3.0 in Sub-Districts A and B, subject to the decision standards listed above and the following additional requirements:*

- (a) Off-street parking located on the site or provided through a shared agreement on another property within 1,000 feet of the site, in a form acceptable to the Planning Board; and*
- (b) No waivers of minimum parking requirements or payment of fees in lieu of off-street parking spaces shall be allowed.*

*Parking Waivers and the Off-Street Parking Fund*

*The proposed zoning provides for a special permit to waive strict compliance with off-street parking requirements if the applicant makes a mitigation payment to the Off-Street Parking Fund. Mitigation payments are to be based on a “cost per space” formula. The mitigation revenue may be used as a contribution toward the design or construction of new parking facilities, to lease parking spaces, or for parking management. The objectives of this provision are to facilitate redevelopment and enlist private-sector assistance with increasing the supply of public parking in Needham Center.*

*Affordable Housing*

*There was considerable discussion about affordable housing when the Needham Center Development Plan was prepared. In response, the proposed zoning requires affordable housing in larger mixed-use developments, i.e., those with six or more dwelling units. At least one affordable unit is required for a development with six to ten units. For a development with eleven or more units, at least 10 percent must be affordable. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. Floor area devoted to affordable housing is exempt from the total floor area used to calculate maximum FAR.*

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**ARTICLE 4:      AMEND ZONING BY-LAW – LOWER CHESTNUT STREET OVERLAY DISTRICT**

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

- (a) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“LC    --      Lower Chestnut Street Overlay”

- (b) Amend Section 3, Use Regulations, by adding a new Subsection 3.9, Lower Chestnut Street Overlay District, to read as follows:

“3.9    Lower Chestnut Street Overlay District

3.9.1    Purposes of District

The purposes of the Lower Chestnut Street Overlay District are to encourage redevelopment of existing properties in a manner that brings buildings close to the street, with landscaping and layouts and designs of sites and buildings conducive to pedestrian use; to reorganize and consolidate curb cuts through appropriate access management controls; and to create opportunities for Chestnut Street to serve as an attractive, safe, pedestrian-friendly street, substantially as set forth in the Needham Center Development Plan dated March 30, 2009. Toward these ends, development in the Lower Chestnut Street Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design guidelines and all other requirements of this Section.

### 3.9.2 Scope of Authority

In the Lower Chestnut Street District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Lower Chestnut Street Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit under this Section 3.9, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Lower Chestnut Street Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the proponent elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Lower Chestnut Street Overlay District shall not apply.

### 3.9.3 Use Regulations

#### 3.9.3.1 Permitted Uses

The following uses are permitted in the Lower Chestnut Street Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) All uses permitted as of right in the underlying district.
- (c) Mixed-use building, not exceeding five dwelling units per building, with dwelling units allowed above the ground floor only.
- (d) Accessory uses permitted as of right in the underlying district.

#### 3.9.3.2 Special Permit Uses

The following uses are permitted in the Lower Chestnut Street Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district, excluding an automobile service station.

- (b) Mixed-use building containing six or more dwelling units in a building, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
  - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and
  - (2) The ground floor of the front façade contains only retail, restaurant or office uses allowed by right or by special permit.
- (c) Mixed-use development, provided that at least sixty (60) percent of the front side of the lot facing Chestnut Street, measured in percentage of linear feet of frontage, shall be occupied by a building or buildings located within twenty (20) feet of the street line, said building(s) to contain permitted business uses and which may contain upper-story dwelling units. Free-standing multi-family dwelling(s) associated with a mixed-use development shall be located toward the rear of the site and be connected to building(s) facing the street by means of landscaped walkways or a courtyard.
- (d) Accessory uses permitted by special permit in the underlying district.

#### 3.9.3.3. Multiple Buildings and Uses

In the Lower Chestnut Street Overlay District, more than one use may be located on a lot as a matter of right and/or more than one building may be located on a lot by special permit, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.9 of this By-Law.

#### 3.9.3.4 Special Permit, Parking Garage

The Planning Board may issue a Special Permit for a parking garage or parking structure for more than three (3) vehicles, including both enclosed and open structures, above and below ground, serving uses within the area covered by the Downtown Development Plan, where the parking garage or structure is located within 1,000 feet of the uses it serves, subject to such setback requirements as the Planning Board may impose.

#### 3.9.4 Dimensional Regulations

##### 3.9.4.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet.
- (b) Minimum Lot Frontage: 100 feet.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.
- (d) Maximum Front Setback: 15 feet from the front property line.

(e) Minimum Side and Rear Setback:

- (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.
- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.

3.9.4.2 Building Height Requirements

The maximum building height in the Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of three stories and thirty-seven feet or four stories and forty-eight (48) feet, provided that the fourth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

3.9.4.3 Building Bulk and Other Requirements

The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be 0.70, except that for lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit to increase the maximum floor area ratio as provided in subsections (a) and (b) below. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section. Uses in the Lower Chestnut Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

- (a) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 1.5, subject to the decision standards in Section 3.9.7.

- (b) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 2.0, subject to the decision standards in Section 3.9.7 and the following additional requirements:
  - (1) Off-street parking located on the site or provided through a shared agreement on another property within 1,000 feet of the site, in a form acceptable to the Planning Board, shall be required as a condition of special permit approval; and
  - (2) No waivers of minimum parking requirements or payment of fees in lieu of off-street parking spaces under Section 3.9.5 shall be allowed.

### 3.9.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 shall apply in the Lower Chestnut Street Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
  - (1) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, except that this reduction shall not apply to medical, dental and related health services or clinics.
  - (2) For dwelling units in a mixed-use building or mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit.
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use building or mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.

#### 3.9.5.1 Needham Center Off-Street Parking Fund

- (a) A Special Permit may be granted to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, if the Planning Board determines that:
  - (1) The applicant has reasonably demonstrated that it is uneconomic to accommodate all of the required parking spaces on the lot, given the area and shape of the lot, or under the building, given the size of the project;
  - (2) The applicant has reasonably demonstrated that it is not feasible to accommodate the required number of parking spaces through a combination of on-site parking and shared parking with an adjoining property; and
  - (3) The project has been designed to the extent feasible to reduce the required number of off-street parking spaces, e.g., a multi-story building with upper-story uses that qualify for reduced parking, as provided under Section 3.9.5(a).
- (b) The fee shall be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, to be used solely for the purpose of providing

shared or public parking benefiting uses within the area covered by the Downtown Needham Development Plan.

- (c) The fee shall be determined by the Planning Board in accordance with the Needham Center Development Plan or the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless the applicant chooses to pay the entire fee prior to receipt of a building permit.

### 3.9.6 Affordable Housing

Mixed-use buildings or mixed-use developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.

### 3.9.7 Site Plan Review

For any project seeking a Special Permit under Sections 3.9.4.1, 3.9.4.2 or 3.9.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Lower Chestnut Street Overlay District and conforms to the Design Guidelines under Section 3.9.8;
- (d) The degree to which the applicant's proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable to redevelopment of the site, considering the site's location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;
- (g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following:

- (1) Affordable housing units;
- (2) Use of one or more renewable energy sources in the operation of the project;
- (3) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or provided through payment of fees in lieu of off-street parking spaces except where such payment of fees is not allowed for a Special Permit under Section 3.9.4.3(b).

3.9.8 Design Guidelines

The Design Guidelines for the Lower Chestnut Street Overlay District shall be as adopted by the Planning Board and available on file in the Needham Planning Department.”

- (c) Amend Section 7.4 Site Plan Review as follows:

Make the following changes to Section 7.4.2 Definitions:

Under MAJOR PROJECT:

Amend the paragraph after Neighborhood Business District by inserting after “Needham Center Overlay District” the words “and Lower Chestnut Street Overlay District” such that the paragraph will read as follows:

“In the Needham Center Overlay District and Lower Chestnut Street Overlay District, a MAJOR PROJECT shall be as defined above in the Center Business District.”

Under MINOR PROJECT, amend the paragraph after Medical Overlay District by inserting after “Needham Center Overlay District” the words “and Lower Chestnut Street Overlay District” such that the paragraph will read as follows:

“In the Needham Center Overlay District and Lower Chestnut Street Overlay District, a MINOR PROJECT shall be as defined above in the Center Business District.”

- (d) Amend Section 7.6 Planning Board as follows:

Under Section 7.6.1 Special Permit Granting Authority, amend the first sentence by inserting a reference to Section 3.9 between “3.8” and “4.2.4,” such that the revised sentence shall read:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 4.2.4, 4.2.5, 4.2.6, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this By-Law.”

- (e) Amend Section 7.7 Design Review as follows.

Under Section 7.7.2.2 Authority and Specific Powers, amend the first sentence of the second paragraph by inserting after “Chestnut Street Business District” the words, “Lower Chestnut Street Overlay District” such that the paragraph will read:

“The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas

zoned as a Business District, Chestnut Street Business District, Lower Chestnut Street Overlay District, Center Business District, Needham Center Overlay District, Avery Square Business District, Hillside Avenue Business District, Neighborhood Business District, New England Business Center District, Highland Commercial-128 District, Mixed Use-128 District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code – but which are not related to projects previously reviewed as “Major” or “Minor Projects” under Site Plan Review.”

Under Section 7.7.4 Design Criteria, amend the paragraph after the paragraph which begins, “In addition to paragraph (4) above...” by inserting after “Needham Center Overlay District” the words, “and the Lower Chestnut Street Overlay District and by revising the “Section 3.8” reference to read “Sections 3.8 and “3.9” such that the paragraph will read:

“For requests for site plan reviews and special permits in the Needham Center Overlay District and the Lower Chestnut Street Overlay District, the Design Review Board shall consider, in addition to paragraphs (1) through (5) above, the design guidelines set forth in Sections 3.8 and 3.9 of this By-Law.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation:* Article 4, in combination with Article 7, proposes to create the Lower Chestnut Street Overlay District. Article 4 provides the overlay district’s regulatory framework while Article 7 describes its geographic boundaries. The boundaries of the Lower Chestnut Street Overlay District coincide with the boundaries of the present Chestnut Street Business District south of Great Plain Avenue. The Lower Chestnut Street Overlay District is very similar to, and frequently cross-references, the Needham Center Overlay District described in Article 3 above.

Designation of the District

*The Lower Chestnut Street Overlay District is bounded on the north by Keith Place and the northern property line of the Fire-Police Station Building; on the east by the existing zoning boundary line between the Chestnut Street Business District and residentially zoned districts; on the south by Junction Street and the MBTA commuter railroad right-of-way; and on the west by the same commuter railroad right-of-way, which also serves as the existing zoning boundary line between the Chestnut Street Business and General Residence District.*

Purpose of the District

*The purposes of the Lower Chestnut Street Overlay District are to encourage infill development and redevelopment of existing properties in a manner that brings buildings closer to the street, resulting in layouts and designs of sites, and buildings and landscaping that are conducive to more enjoyable use by pedestrians; to reorganize and consolidate curb cuts through appropriate access-management controls to improve both vehicular and pedestrian safety; and to create opportunities for Chestnut Street to emerge as an attractive, safe, pedestrian-friendly street, substantially as set forth in the Needham Center Development Plan.*

Permitted Uses

Uses allowed as-of-right in the underlying Chestnut Street Business District are also allowed as-of-right in the Lower Chestnut Street Overlay District. In addition, a mixed-use building with up to five dwelling units is allowed as-of-right in the overlay district. With the exception of automobile service stations, the special permit business uses in the underlying district are allowed in the overlay district. Mixed-use buildings with more than five dwelling units and mixed-use developments, or developments with multiple buildings containing a mix of uses, are allowed by special permit as well.

Lot Area and Frontage

The Lower Chestnut Street Overlay District requires a larger minimum lot area (15,000 sq. ft.) and more lot frontage (100 ft.) than the Chestnut Street Business District (10,000 sq. ft. and 80 ft.). The purpose of these dimensional standards is to encourage parcel assembly and consolidate curb cuts.

Minimum Side and Rear Setbacks

For lots adjacent to the MBTA right-of-way, the minimum yard setback is twenty-five (25) feet from the lot line abutting the MBTA right-of-way. The ten (10) feet of the setback closest to the MBTA right-of-way must be suitably landscaped and not used for any other purpose except surface parking, if approved by special permit from the Planning Board. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, but an underground parking structure would be allowed if located entirely below the grade of the existing lot.

For lots abutting a residential district, the minimum yard setback is fifty (50) feet from the district boundary. The twenty-five (25) feet closest to the district boundary must be suitably landscaped and not used for any other purpose. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot setback provided the garage structure is located entirely below the grade of the existing lot and is set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater. The twenty-five (25) feet closest to the district boundary must be suitably landscaped over the surface of the garage structure.

Building Height Requirements

Much like the Needham Center Overlay District, the Lower Chestnut Street Overlay District provides for a special permit to increase the maximum building height from the as-of-right standard of two and one-half stories and thirty-five (35) feet to three stories and thirty-seven (37) feet or four stories and forty-eight (48) feet, i.e., a 3+1 story building. However, the special permit option applies only to properties with conforming frontage on Chestnut Street. In the Lower Chestnut Street Overlay District, “conforming frontage” means 100 ft.

Building Bulk and Other Requirements

The proposed maximum FAR in the Lower Chestnut Street Overlay District is 0.7. For lots with conforming frontage (100 ft.) on Chestnut Street, the Planning Board has authority to grant special permits for an increase in the maximum FAR to 1.5 or 2.0, subject to the same two-tier standards that apply in the Needham Center Overlay District.

Parking Waivers and the Off-Street Parking Fund

*The Lower Chestnut Street Overlay District contains the same provisions for parking waivers and Off-Street Parking Fund payments that apply in the Needham Center Overlay District.*

Affordable Housing

*The Lower Chestnut Street Overlay District contains the same affordable housing provisions that apply in the Needham Center Overlay District.*

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**ARTICLE 5: AMEND ZONING BY-LAW – GARDEN STREET OVERLAY DISTRICT**

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

- (a) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“GS -- Garden Street Overlay”

- (b) Amend Section 3, Use Regulations, by inserting a new Subsection 3.10, Garden Street Overlay District, to read as follows:

“3.10 Garden Street Overlay District

3.10.1 Purposes of District

The purposes of the Garden Street Overlay District are to encourage redevelopment and a modest intensification of use of existing properties in a manner compatible in scale and design with adjacent residential neighborhoods, with layouts and designs of sites and buildings conducive to pedestrian use, substantially as set forth in the Needham Center Development Plan dated March 30, 2009.

3.10.2 Scope of Authority

In the Garden Street Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Garden Street Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit under this Section 3.10, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Garden Street Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the proponent elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Garden Street Overlay District shall not apply.

3.10.3 Use Regulations

3.10.3.1 Permitted Uses

Uses permitted as of right in the Lower Chestnut Street Overlay District shall also be permitted as of right in the Garden Street Overlay District, excluding retail establishments.

3.10.3.2 Special Permit Uses

The following uses may be allowed by Special Permit in Garden Street Overlay District:

- (a) Multi-family dwelling.
- (b) Mixed-use building that includes six or more dwelling units or any retail use allowed in the underlying district, subject to the requirements of Section 3.9.3.2(b).

3.10.3.3 Multiple Buildings and Uses

In the Garden Street Overlay District, more than one use may be located on a lot as a matter of right and/or more than one building may be located on a lot by special permit, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.10 of this By-Law.

3.10.4 Dimensional Regulations

3.10.4.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Garden Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: The lesser of 10 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.
- (d) Minimum Side and Rear Setback: 10 feet.

3.10.4.2 Building Height Requirements

The maximum building height in the Garden Street Overlay District shall be two and one-half stories and thirty-five (35) feet or, by Special Permit from the Planning Board, three stories and thirty-seven (37) feet, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines in Section 3.10.8 below. Buildings in the Garden Street Overlay District shall not be further subject to the maximum height regulations of the underlying district as contained in Section 4.4.3.

3.10.4.3 Building Bulk and Other Requirements

The maximum floor area ratio in the Garden Street Overlay District shall be 0.70. By Special Permit from the Planning Board, the maximum floor area ratio may be increased to 1.20 for a mixed-use building(s) and to 1.0 for a multi-family dwelling(s). The area of a building devoted to

underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section. Uses in the Garden Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

#### 3.10.5 Off-Street Parking

The off-street parking regulations that apply in the Lower Chestnut Street Overlay District shall also apply in the Garden Street Overlay District.

#### 3.10.6 Affordable Housing

Any building or combination of buildings with six or more dwelling units on the lot shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.10.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.

#### 3.10.7 Site Plan Review

For any project seeking a Special Permit under Section 3.10.4.2 or Section 3.10.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Garden Street Overlay District and conforms to the Design Guidelines under Section 3.10.8;
- (d) The degree to which the applicant's proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable for redevelopment of the site, considering the site's location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;

(g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following:

- (1) Affordable housing units;
- (2) Use of one or more renewable energy sources in the operation of the project;
- (3) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or provided through payment of fees in lieu of off-street parking spaces.

### 3.10.8 Design Guidelines

The Design Guidelines for the Garden Street Overlay District shall be as adopted, and as may be amended from time to time, by the Planning Board and available on file in the Needham Planning Department.”

(c) Amend Section 7.4 Site Plan Review as follows:

Make the following changes to Section 7.4.2 Definitions:

Under MAJOR PROJECT:

Amend the paragraph after Neighborhood Business District by deleting the word “and” between “District” and “Lower” and inserting after “Lower Chestnut Street Overlay District” the words “or Garden Street Overlay District” such that the paragraph will read as follows:

“In the Needham Center Overlay District, Lower Chestnut Street Overlay District, or Garden Street Overlay District, a MAJOR PROJECT shall be as defined above in the Center Business District.”

Under MINOR PROJECT, amend the paragraph after Medical Overlay District by deleting the word “and” between “District” and “Lower” and inserting after “Lower Chestnut Street Overlay District” the words “or Garden Street Overlay District” such that the paragraph will read as follows:

“In the Needham Center Overlay District, Lower Chestnut Street Overlay District, or Garden Street Overlay District, a MINOR PROJECT shall be as defined above in the Center Business District.”

(d) Amend Section 7.6 Planning Board as follows:

Under Section 7.6.1 Special Permit Granting Authority, amend the first sentence by inserting a reference to Section 3.10 between “3.9” and “4.2.4,” such that the revised sentence shall read:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 4.2.4, 4.2.5, 4.2.6, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this By-Law.”

- (e) Amend Section 7.7 Design Review as follows.

Under Section 7.7.2.2 Authority and Specific Powers, amend the first sentence of the second paragraph by inserting after “Lower Chestnut Street Overlay District” the words, “Garden Street Overlay District” such that the paragraph will read:

“The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Lower Chestnut Street Overlay District, Garden Street Overlay District, Center Business District, Needham Center Overlay District, Avery Square Business District, Hillside Avenue Business District, Neighborhood Business District, New England Business Center District, Highland Commercial-128 District, Mixed Use-128 District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code – but which are not related to projects previously reviewed as “Major” or “Minor Projects” under Site Plan Review.”

Under Section 7.7.4 Design Criteria, amend the paragraph after the paragraph which begins, “In addition to paragraph (4) above...” by adding a reference to the “Garden Street Overlay District” and “Section 3.10” of the By-Law such that the paragraph will read:

“For requests for site plan reviews and special permits in the Needham Center Overlay District, the Lower Chestnut Street Overlay District and the Garden Street Overlay District, the Design Review Board shall consider, in addition to paragraphs (1) through (5) above, the design guidelines set forth in Sections 3.8, 3.9 and 3.10 of this By-Law.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation:* Article 5, in combination with Article 8, proposes to create the Garden Street Overlay District. Article 5 provides the overlay district’s regulatory framework while Article 8 describes its geographic boundaries. The boundaries of the Garden Street Overlay District coincide with the boundaries of the present Chestnut Street Business District north of Great Plain Avenue.

Designation of the District

*The Garden Street Overlay District is bounded on the north by May Street, on the east by the MBTA commuter railroad right-of-way, on the south by Eaton Square, and on the west by Garden Street.*

Purpose of the District

*The purpose of the Garden Street Overlay District is to encourage redevelopment and a modest intensification of use of existing properties in a manner compatible in scale and design with adjacent residential neighborhoods, with layouts and designs of sites, and buildings and landscaping that are conducive to pedestrian use, substantially as set forth in the Needham Center Development Plan.*

Permitted Uses

Uses allowed as-of-right in the Lower Chestnut Street Overlay District and in the underlying Chestnut Street Business District are also allowed as-of-right in the Garden Street Overlay District, with the exception of retail establishments. Retail establishments, as well as multi-family dwellings and mixed-use buildings with more than six units are allowed only by special permit. Finally, unlike the Chestnut Street Business District, restaurant uses are not permitted by special permit in the Garden Street Overlay District.

Lot Area and Frontage

The Garden Street Overlay District requires the same minimum lot area (10,000 sq. ft.) as the underlying Chestnut Street Business District, but increases the minimum lot frontage requirement from (80 ft.) to (100 ft.) as is the case in the Lower Chestnut Street Overlay District.

Minimum Side and Rear Setbacks

In the Garden Street Overlay District, a minimum side and rear yard setback of 10 ft is required.

Building Height Requirements

The Garden Street Overlay District provides for a special permit to increase the maximum building height from the as-of-right standard of two and one-half stories and thirty-five (35) feet to three stories and thirty-seven (37) feet as long as the third story is contained under a pitched roof or recessed from the face of the building, i.e., a 2+1 story building.

Building Bulk and Other Requirements

The Garden Street Overlay District includes a maximum FAR of 0.7, just like the underlying Chestnut Street Business District. The Planning Board may issue a special permit to increase the maximum FAR to 1.0 for multi-family dwellings and 1.2 for all other uses.

Parking Waivers and the Off-Street Parking Fund

The Garden Street Overlay District contains the same off-street parking provisions as the Lower Chestnut Street Overlay District.

Affordable Housing

In the Garden Street Overlay District, mixed-use buildings and multi-family dwellings are subject to the same affordable housing provisions that apply in the Lower Chestnut Street Overlay District.

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**ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO NEEDHAM CENTER OVERLAY DISTRICT, NEEDHAM CENTER OVERLAY SUB-DISTRICT A AND NEEDHAM CENTER OVERLAY SUB-DISTRICT B**

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

- (a) Place in the Needham Center Overlay District all that land described under Article 12 of the May 9, 1990 Annual Town Meeting, superimposing that district over the existing Center Business District, said description being as follows:

“ Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of Great Plain Avenue and Pickering Street; then running northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to a point where it intersects with the centerline of Highland Avenue; then running northerly along said centerline of Highland Avenue to a point where it intersects with the centerline of May Street; then running westerly along said centerline of May Street to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running southerly along said right-of-way centerline to a point where it intersects with a line drawn through the southernmost point of Parcel 17, Assessors’ Plan 51 and also drawn perpendicular to the centerline of Eaton Square; then running westerly along said drawn line to a point where it intersects with the centerline of Eaton Square; then running northerly, northwesterly and westerly along said street centerline to a point where it intersects with the centerline of Garden Street; then running southerly along the centerline of Garden Street, which coincides with the boundary line between the existing Business District and a Single Residence B District to a point where said zoning boundary line turns westerly; then running westerly, northerly, westerly, northerly and westerly along said zoning boundary line to a point where it intersects with the centerline of Nehoiden Street; then running southeasterly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Great Plain Avenue; then running westerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Linden Street; then running southerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where said zoning boundary line turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and an Industrial District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, which coincides with the boundary line between the existing Business District and an Industrial District; then running southerly along said right-of-way centerline to a point where it intersects with the extended centerline of Keith Place; then running easterly along said street centerline to a point where it intersects with the centerline of Chestnut Street; then running southerly along said street centerline to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the centerline of Lincoln Street, which coincides with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it intersects with the centerline of Dedham Avenue, which coincides with the boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line to a point where

it turns northeasterly; then running northeasterly, southeasterly, and northeasterly along said zoning boundary line to a point where it intersects with a boundary line between the existing Business District and a Single Residence B District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the centerline of Great Plain Avenue, which coincides with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point.”

- (b) Place in the Needham Center Overlay as Sub-District A the area bounded and described as follows:

“Beginning at the point of intersection of the centerlines of Great Plain Avenue and Pickering Street; thence running northerly along the centerline of Pickering Street to a point 75 feet north of the northerly sideline of Great Plain Avenue; thence turning and running westerly along a line parallel to and 75 feet distant from the northerly sideline of Great Plain Avenue to the centerline of Highland Avenue; thence turning and running southerly along the centerline of Highland Avenue to the point of intersection of the centerlines of Highland Avenue and Great Plain Avenue; thence turning and running westerly along the centerline of Great Plain Avenue to the point of intersection of the centerlines of Great Plain Avenue and Chapel Street; thence turning and running northerly along the centerline of Chapel Street to a point 75 feet north of the northerly sideline of Great Plain Avenue; thence turning and running westerly along a line parallel to and 75 feet distant from the northerly sideline of Great Plain Avenue to the centerline of the MBTA railroad right of way; thence turning and running southerly along the centerline of the MBTA railroad right of way to the point of intersection of the centerline of the MBTA railroad right of way and the centerline of Keith Place; thence turning and running easterly along the centerline of Keith Place to the point of intersection of the centerlines of Keith Place and Chestnut Street; thence turning and running southerly along the centerline of Chestnut Street to a point opposite the property line dividing the Needham Police and Fire Station property (Assessor’s Map 47 Parcel 56) and the property shown on Assessor’s Map 47 Parcel 57, said property line being more fully described as the southerly property line on a plan recorded at the Norfolk County Registry of Deeds as Plan 18 of 2008; thence turning and running easterly along said southerly property line a distance of approximately 249.99 feet to the easterly property line as shown on said plan; thence turning and running northerly along said easterly property line a distance of approximately 100.29 feet as shown on said plan; thence running in a northerly direction to a stone bound located at the southwesterly property corner of the First Parish Church property, said property corner being more fully described on a plan recorded in the Norfolk County Registry of Deeds (NCRD) as Plan 538 of 1944; thence turning and running easterly along the southerly property line of the said First Parish Church property a distance of approximately 157.65 feet as shown on said plan; thence running easterly to a point on the centerline of Lincoln Street opposite the southerly property line of the said First Parish Church property; thence turning and running northerly along the centerline of Lincoln Street to the point of intersection of the centerlines of Lincoln Street and Dedham Avenue; thence turning and running easterly along the centerline of Dedham Avenue to a point opposite the property line dividing the Town of Needham Parking Area property (Assessor’s Map 47 Parcel 8) recorded in the NCRD as Lot 7A on plan 1570 of 1952 and the property shown on Assessor’s Map 47 Parcel 5 and recorded in the NCRD as Lots 8A and 7D on plan 885 of 1961; thence turning and running northerly along said dividing property line approximately 139.55 feet to the northwesterly property corner of Lot 7A shown on NCRD plan 1570 of 1952; thence turning and running easterly along the northeasterly property line of Lot 7A recorded in NCRD as plan 1570 of 1952 a distance of approximately 95.17 feet; thence turning and running northerly a distance of approximately 22.73 feet to the northeasterly property corner of Lot 7B as shown on a plan

recorded in the NCRD as plan 1570 of 1952; thence turning and running westerly along the northerly property line of said Lot 7B and the northerly property line of the property recorded in the NCRD as plan 885 of 1961 to a point at the southeasterly corner of the property recorded in the Norfolk County Land Court as Case 11330; thence turning and running northerly along the easterly property line of Land Court Case 11330 a distance of approximately 156.80 to the northeasterly property corner; thence continuing northerly to a point on the centerline of Great Plain Avenue opposite the northeasterly property corner of Land Court Case 11330; thence turning and running westerly along the centerline of Great Plain Avenue to the point of beginning.”

- (c) Place in the Needham Center Overlay as Sub-District B all that land described under Article 12 of the May 9, 1990 Annual Town Meeting, excepting the area described above in paragraph (b) as “Sub-District A”.

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation: This article describes the geographical boundaries of the new Needham Center Overlay District (Sub-District A and Sub-District B), which is bounded on the north by May Street and by the existing zoning boundary line between the Center Business and residentially zoned districts; on the east by Pickering Street and by the existing zoning boundary line between the Center Business and residentially zoned districts; on the south by the existing zoning boundary line between the Center Business and residentially zoned districts, and by Keith Place; and on the west by the existing zoning boundary line between the Center Business and Single Residence B District, and by Eaton Square and the MBTA commuter railroad right-of-way.*

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**ARTICLE 7: AMEND ZONING BY-LAW – MAP CHANGE TO LOWER CHESTNUT STREET OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to place in the Lower Chestnut Street Overlay District all that land described in paragraph (a) under Article 10 of the May 9, 1990 Annual Town Meeting, superimposing that district over the existing Chestnut Street Business District, said description being as follows:

“Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of School Street and Chestnut Street; then running northerly along the centerline of Chestnut Street to a point where it intersects with the centerline of Keith Place; then running westerly along the centerline of Keith Place to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, said right-of-way centerline being the boundary line between the existing Business District and an Industrial District; then running southerly along said boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line between the existing Business District and a Single Residence B District; then running northerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly and northerly along said zoning boundary line to a point where it coincides with the boundary line between the existing Business District and a General Residence District; then running northerly, westerly and northerly along said zoning

boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District, which is coincidental with the centerline of School Street; then running westerly along said street centerline to the beginning point.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation: This article describes the geographical boundaries of the new Lower Chestnut Street Overlay District, which is bounded on the north by Keith Place and by the northern property line of the Fire-Police Station Building; on the east by the existing zoning boundary line between the Chestnut Street Business and by the residentially zoned districts; on the south by Junction Street and the MBTA commuter railroad right-of-way; and on the west by the same commuter railroad right-of-way, which also serves as the existing zoning boundary line between the Chestnut Street Business and General Residence District.*

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**ARTICLE 8: AMEND ZONING BY-LAW – MAP CHANGE TO GARDEN STREET OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to place in the Garden Street Overlay District all that land described in paragraph (b) under Article 10 of the May 9, 1990 Annual Town Meeting, superimposing that district over the existing Chestnut Street Business District, said description being as follows:

“Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of May Street and Garden Street; then running southerly, southwesterly and southeasterly along said zoning boundary line, which coincides with the centerline of Garden Street, to a point where it intersects with the centerline of Eaton Square; then running easterly, southeasterly and southerly along the centerline of Eaton Square to a point where it intersects with a line drawn perpendicular from the southernmost point of Parcel 17, Assessors’ Plan 51; then running easterly along said perpendicular drawn line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running northerly along said right-of-way centerline to a point where it intersects with the centerline of May Street, said street centerline being the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation: This article describes the geographical boundaries of the new Garden Street Overlay District, which is bounded on the north by May Street; on the east by the MBTA commuter railroad right-of-way; on the south by Eaton Square; and on the west by Garden Street.*

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**ARTICLE 9: AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS (LIMITED EXCEPTION TO LOT COVERAGE REGULATIONS BY SPECIAL PERMIT)**

To see if the Town will vote to amend the Zoning By-Law, Section 4.7.5, Reduction in Dimensional Regulations by Special Permit, by adding the following underlined language to the title and first and second paragraphs thereof so that the entire section shall now read as follows (new language underlined):

“4.7.5 Change in Dimensional Regulations by Special Permit

In Single Residence A, Single Residence B, and General Residence Districts, the minimum front setback and the minimum side and rear line setback requirements may be reduced by not more than 10 percent, or the maximum lot coverage allowed may be increased by not more than 10 percent over the square footage allowed, provided that the increase in the area of lot covered may not exceed 150 square feet, by special permit granted by the Board of Appeals where the Board finds that the special permit may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this By-Law and subject to the provisions of Section 7.5.2.

This Section 4.7.5 shall apply only to buildings and structures that have been constructed pursuant to a building permit issued by the Building Inspector. The purpose of this Section is to allow relief only in those unusual cases where excusable neglect or inadvertence have resulted in the construction of portions of buildings or structures in required setback areas, or in excess of maximum lot coverage requirements.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Explanation: The purpose of this article is to allow in the Single Residence A, Single Residence B, and General Residence Districts, relief from the maximum lot coverage requirements of the district in those unusual cases where excusable neglect or inadvertence have resulted in the construction of a portion of a building or structure in excess of said coverage requirements. The relief granted would be limited to not more than 10 percent of the square footage otherwise allowed, not to exceed 150 square feet, by special permit granted by the Board of Appeals.*

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**HUMAN RESOURCES ARTICLES**

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**ARTICLE 10: 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, 2009, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$66,079
Town Clerk with 6 years of service in that position	\$78,924 (1)
Selectmen, Chairman	\$1,800
Selectmen, Others	\$1,500

- (1) In addition, the Town Clerk's compensation shall also include payment of longevity in the amount of \$3,947; 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., Chapter 32, in an amount not to exceed \$36,064. The annual salary of \$78,924 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$7,969. At 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 \$11,156; or take any other action relative thereto.

INSERTED BY: Personnel Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

*Article Information:* In accordance with MGL 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 as close to that of other full-time employees as possible. Payment for longevity, as well as buy-back of sick leave and vacation at the time of separation from Town service, is now 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 at the time of separation from Town service.

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

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**ARTICLE 11: FUND COLLECTIVE BARGAINING AGREEMENT – FIRE UNION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Fire Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2010; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

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

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**ARTICLE 12: FUND COLLECTIVE BARGAINING AGREEMENT – PUBLIC FACILITIES CUSTODIAL AND TRADES**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Public Facilities Custodial and Trades Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2010; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

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

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## GENERAL ARTICLES

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### **ARTICLE 13: ACCEPT PROVISIONS OF M.G.L., CHAPTER 59, SECTION 5 (41C)**

To see if the Town will vote to accept the provisions of M.G.L., Chapter 59, Section 5, Clause 41C, to increase income limits of the real estate tax exemption provided therein, from \$13,000 to \$20,000, if single and from \$15,000 to \$30,000, if married; and further to increase the whole estate limits from \$28,000 to \$40,000, if single and from \$30,000 to \$55,000, if married; and to lower the age eligibility from 70 to 65; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information:* Massachusetts General Law by local option allows the Town to increase the allowable limits for income and assets, and to lower the qualifying age for certain property tax exemptions. This local option acceptance article will increase the allowable gross annual receipts (all sources of income including earned income, social security, and pensions) to the maximum allowed under current law which is not more than \$20,000 for a qualifying single taxpayer and not more than \$30,000 for a qualifying married couple. The local option also increases the asset limit (exclusive of the home) for a single person to \$40,000 and to \$55,000 for a married couple. This article also seeks to reduce the qualifying age from 70 to 65. Many of the surrounding communities (Dedham, Natick, Newton, Wellesley, and Westwood) have increased these income and asset limits. A qualifying senior would be eligible for a property tax exemption of \$870. Should Town Meeting approve Article 23 this exemption may be as high as \$890 beginning July 1, 2009.

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### **ARTICLE 14: ACCEPT PROVISIONS OF M.G.L., CHAPTER 59, SECTION 5 (41A)**

To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under M.G.L., Chapter 59, Section 5, Clause 41A from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue under M.G.L., Chapter 62, Section 6(k) as income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding state tax year, with such increases to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2009; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information:* Chapter 182 section 14 of the Acts of 2008 allows the Town to increase the amount of gross receipts that seniors may have in order to qualify for a property tax deferral. Massachusetts General Law provides for qualifying seniors who are 65 years or older by July 1 to defer payment on all or part of their property tax liability by filing an application with the Board of Assessors.

*This is not automatic. Qualifying seniors who wish to defer property taxes must file an application each year on or before December 15 or three months after the actual tax bill for the fiscal year has been mailed, whichever is later; for Needham this usually means March. Property taxes that were deferred prior to July 1, 2008 are charged interest at an annual rate of 8%; interest accrues at 4% on property taxes deferred after July 1, 2008. This interest rate reduction was approved by Town Meeting under Article 8 of the 2008 Annual Town Meeting. Under the present property tax deferral program, a qualifying senior may not have gross receipts in the previous calendar year of more than \$40,000. Adoption of this article will increase the annual gross receipts limit that an otherwise qualifying person may have in order to defer property taxes by the amount established under M.G.L., Chapter 62, Section 6(k) for the "Circuit Breaker" state income tax credit program. The Commissioner of Revenue annually adjusts the limits, based on changes in cost of living indices, and releases the revised amounts in the fall. The Commissioner's gross receipts limit for 2008 tax year is \$49,000. This would be the maximum gross receipts limit for property tax deferrals beginning in FY2010.*

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**ARTICLE 15:     **ACCEPT M.G.L., CHAPTER 39, SECTION 23D - ADJUDICATORY HEARINGS/ATTENDANCE****

To see if the Town will vote to accept the provisions of M.G.L., Chapter 39, Section 23D relative to adjudicatory hearings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* Adoption of the provisions of this statute would allow a member of a Town board or committee holding an adjudicatory hearing to vote on a matter even if that member has missed one session of the hearing at which testimony or other evidence is received. The proposed process will provide relief for adjudicatory bodies, particularly given that the nature of some hearings requires a prolonged process, and that board and committee members have many competing obligations. A member who misses one meeting will still be able to participate in a vote on a particular matter, which will serve to prevent needless delay for petitioners.

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**ARTICLE 16:     **AMEND GENERAL BY-LAW - WETLANDS PROTECTION****

To see if the Town will vote to amend the General By-laws by adopting the following changes to Article 6:

(1) In Section 6.2, delete the word *or* from the phrase

“(4) within 100 feet *or* any lake, river, pond, stream or estuary”

and replace it with the word *of*.

(2) In the second paragraph of Section 6.4, delete the lowercase *w* from the phrase

“wetlands Protection Act”

and replace it with a capital *W*

(3) In the fourth paragraph of Section 6.4, delete the last sentence which currently reads:

“The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency.”

and replace it with the following language:

The Commission may waive *or reduce* the filing fee and costs and expenses for an application or request filed by a government agency *or otherwise as the Commission may determine by its regulations*.

(4) In the second paragraph of Section 6.5, delete the first sentence which currently reads:

“Any person filing an application or a request for determination with the Commission shall give written notice thereof, at the same time, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses, shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality.”

and replace it with the following language:

Any person filing an application or a request for determination with the Commission shall give written notice thereof, at the same time, to all abutters at their mailing addresses, shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality. The applicant shall notify abutters in writing by hand delivery or certified mail, return receipt requested, *or by certificates of mailing. If written notification is made by hand-delivery, the applicant shall obtain signatures at the time of delivery acknowledging receipt of said notification.*

(5) In the fourth paragraph of Section 6.5, delete the number **45** from the phrase:

“The Commission shall commence the public hearing within **45** days from receipt of a completed application”

and replace it with the number **21**.

(6) In the fourth paragraph of Section 6.11, delete the first sentence which currently reads:

“Any person who violates any provision of this article, regulations thereunder or permits issued thereunder shall be punished by a fine in an amount to be established by the Commission under its wetland protection regulations.”

and replace it with the following language:

Any person who violates any provision of this article, regulations thereunder or permits issued thereunder *may* be punished by a fine *of not more than \$300 per offense*.

or take any other action relative thereto.

INSERTED BY: Conservation Commission

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

Article Information: This article corrects several typographical errors in the Wetlands Protection by-law.

*In addition, the amendment seeks to modify the filing fee provision to allow the Commission to reduce (not just waive) filing fees and to expand the pool of applicants for whom by-law filing fees may be reduced or waived. Under the proposed change, municipal projects will continue to be exempt from by-law filing fees (as specified in the by-law regulations).*

*The proposal would change abutter notification requirements to allow applicants to use “certificates of mailing” and to require that applicants who opt to hand deliver meeting notices obtain signatures from recipients. Revisions to the Massachusetts Wetlands Protection Regulations which came into effect in 2006 included a provision to allow applicants to use certificates of mailing as an alternative to certified mail. Given the considerable cost savings (approximately \$3.78 per parcel) the Commission supports this alternative. With respect to hand delivery of abutter notification letters, the Commission seeks to formalize the current practice of requesting that applicants seek some form of acknowledgement of receipt when notices are delivered by hand.*

*The proposal reduces the time period during which the Commission must open a public hearing from 45 days to 21 days (from receipt of a complete application) to be consistent with both the Massachusetts Wetlands Protection Act and the Commission’s current practice.*

*Finally, the proposal modifies the fining provision in the by-law to be consistent with MGL Chapter 40: Section 21D. This statute limits fine amounts to \$300 per day, per violation. Additionally, the change includes the substitution of the word shall with the word may, thus making the fining provisions discretionary rather than mandatory.*

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## COMMITTEE ARTICLES

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### **ARTICLE 17: REPORT OF TOWN MEETING STUDY COMMITTEE**

To see if the Town will vote to hear and act on the report of the Town Meeting Study Committee; or take any other action relative thereto.

INSERTED BY: Town Meeting Study Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information: This article is inserted to hear the report of the Town Meeting Study Committee, which was created in 2007 to investigate ways of strengthening Needham’s Representative Town Meeting. The Committee’s recommendations include the proposed by-law amendments set forth in Articles 18 and 19. The Committee’s full report is printed at the end of the warrant.*

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### **ARTICLE 18: ESTABLISHMENT OF PROCEDURES COMMITTEE OF TOWN MEETING, AND THE DEFINITION OF ITS DUTIES**

To see if the Town will vote to amend Article 1 of its General By-laws by adding at the end thereof the following new Sections:

“SECTION 1.16. PROCEDURES COMMITTEE OF THE TOWN MEETING.”

1.16.1 There shall be a Procedures Committee of the Representative Town Meeting consisting of seven members who shall be appointed by the Moderator as provided herein. Each member so appointed shall be a member of said Town Meeting, elected to represent the voters of a precinct thereof, and shall not be an at-large member of such Town Meeting.

Each member of the Committee shall serve for a term of three years, or if it so occurs sooner, until the effective date of a new division of the Town into precincts required by the State Election laws. Of the members of the Committee originally appointed under this by-law, and of the members of the Committee first appointed following a re-division of the Town into new precincts as aforesaid, the Moderator shall designate two members to serve for a one year term, two members to serve for a two year term, and three members to serve for a three year term. If a member of the Committee shall cease to be a member of the Representative Town Meeting, he or she shall cease to be a member of the Committee; and the Moderator shall appoint another qualified member of the said Town Meeting to complete the term of the Committee member being replaced. Vacancies on the Committee may be filled at any time by a qualified appointee designated by the Moderator.

1.16.2

The Procedures Committee shall provide a continuing oversight of the business, conduct and procedures of the Town Meeting, and of the level of attendance thereof of Town Meeting Members, and other matters which pertain to Town Meeting. It shall make such recommendations in respect thereto to the Moderator and/or the Town Meeting as to ways and means of improving Town Meeting procedures, operations and attendance, as said Committee deems appropriate. The Committee shall review, and shall report to the Town Meeting its recommendations relative to all Warrant Articles proposing amendments to Article 1 of the General By-Laws, and all Articles proposing changes in Town Charter provisions pertaining to the membership, organization, procedures and committee structure of the Town Meeting.

1.16.3

The Moderator may assign to the Procedures Committee such tasks in relation to the conducting of the Town Meeting, as he or she deems helpful to the management of the Town Meeting, on his or her behalf, and under his or her direction.

1.16.4

With the approval of the Moderator, the Procedures Committee shall establish, and may from time to time amend, rules governing the orderly and responsible distribution of printed or duplicated materials to Town Meeting Members at sessions of the Town Meeting. Town agencies having an interest in, or responsibility for, warrant articles awaiting Town Meeting consideration shall provide their relevant reports or other materials pertaining to such Warrant articles to Town Meeting Members prior to the Town Meeting session which is to consider the same.

1.16.5

The Procedures Committee shall promote compliance by Town Meeting Members with the Code of Conduct set forth in Section 1.17; and it may, with the approval of the Moderator, initiate, and assist others in initiating, programs encouraging and better facilitating attendance by Town Meeting Members at sessions of the Town Meeting.

SECTION 1.17. TOWN MEETING MEMBER CODE OF CONDUCT

1.17.1

This Town Meeting Member Code of Conduct shall serve as a guideline by which Town Meeting Members shall maintain and strengthen the Town Meeting.

Town Meeting Members shall strive to be regular and prompt in the attendance at all sessions of the Annual and Special Town Meetings held during the terms of office for which they have been elected. They shall undertake to educate themselves regarding the form, conduct and administration of the government of the town, and the rules governing the conduct of Town Meeting. They shall seek to inform themselves to the greatest extent possible with respect to all issues that come before the Annual Town Meeting or Special Town Meetings.

Town Meeting Members shall conduct themselves in accordance with the rules established for the conduct of the Town Meeting, shall demonstrate fairness, courtesy, and respect for the opinions and positions of their fellow Town Meeting Members, and shall otherwise perform their duties and responsibilities in such a manner as to reflect credit upon the legislative and appropriating body of the town.;

or take any other action relative thereto.

INSERTED BY: Town Meeting Study Committee

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

*Article Information: This article, submitted by the Town Meeting Study Committee, would amend the Town by-laws by creating a Town Meeting Procedures Committee and establishing a Town Meeting Member Code of Conduct.*

*The Procedures Committee would consist of seven members appointed by the Moderator from the elected precinct representatives, and would have a range of authorities, including:*

- *Continuing oversight of Town Meeting business, procedures and attendance,*
- *Making recommendations for improvement of Town Meeting operations,*
- *Making recommendations on all articles affecting the organization and procedures of Town Meeting,*
- *Rulemaking regarding distribution of materials to members at Town Meeting,*
- *Promotion of compliance with the Code of Conduct, and*
- *Additional related responsibilities assigned by the Moderator.*

*The proposed Code of Conduct would establish guidelines to encourage attendance, courtesy, and attention to their responsibilities by all members of the Town Meeting.*

*The Study Committee reports that similar measures are in place in other communities. The Study Committee's complete report is printed in the warrant.*

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**ARTICLE 19: VOTES AND RESOLUTIONS OF TOWN MEETING**

To see if the Town will vote to amend Section 1.4 of Article 1 of the General By-Laws as follows:

1. By revising the title caption of said Section 1.4, which now reads "SECTION 1.4 VOTES" to read "SECTION 1.4 VOTES AND RESOLUTIONS; and
2. By adding at the end of said Section 1.4 the following paragraphs:
  - 1.4.4 No resolution other than a motion to dissolve the Town Meeting or to honor a decedent or a current or a former inhabitant of the Town for his or her services to humanity, the United States, the Commonwealth, or the Town, may be adopted by the Town Meeting, except pursuant to a Warrant Article published in the Warrant for that Town Meeting, which notifies the inhabitants of the Town that such a resolution and its subject matter is to be discussed at that Town Meeting.
  - 1.4.5 Motions offered under the concluding "Omnibus Article", so called, of a Town Meeting Warrant, must be germane to the subject matter of an Article or Articles previously set forth in that Warrant, or to subjects expressly identified in the writing of the "Omnibus Article" itself.;

or take any other action relative thereto.

INSERTED BY: Town Meeting Study Committee

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

*Article Information:* This article provides for a by-law amendment to narrow the permissible uses of the Omnibus Article, which is traditionally the last article in Needham's Town Meeting warrant. The form of omnibus article used in Needham is broadly written to allow action on any "matters which may properly come before the meeting." The Omnibus has been most commonly used for technical corrections, unforeseen issues arising during the course of the meeting, and memorial resolutions. There have, however, been instances of perceived abuse, such as motions to adopt resolutions on substantive matters without fair public notice in the warrant. Article 19 would limit the scope of the Omnibus, other than honorary and memorial resolutions, to matters specifically set forth in the warrant.

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## CITIZENS' PETITIONS

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### **ARTICLE 20: CITIZENS PETITION - QUIET ZONE STUDY**

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money not to exceed \$12,000 for the purpose of engaging a consultant qualified in the field of railroad safety to study and prepare a report with recommendations to the Town as to measures that could be taken to increase the safety of commuter railroad grade crossings in Needham so as to be able to reduce noise from railroad horns, and to direct the Transportation Committee established under General By-law Section 2.7.1. to engage said consultant and to present said report and recommendations to the next Annual Town Meeting, or take any action relative thereto.

INSERTED BY: Jeanne McKnight et. al.

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

*Article Information:* The petitioners request \$12,000 to fund a study to recommend necessary grade crossing improvements for implementation of a railroad horn "Quiet Zone" along the commuter rail line between Needham Junction and Needham Heights. The Town's Transportation Committee has previously estimated that the cost to the Town of actually implementing the program in compliance with Federal regulations would exceed \$1 million.

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### **ARTICLE 21: CITIZENS PETITION - NATURAL RESOURCES COMMITTEE**

To see if the town will vote to create a committee to review the Town's natural resources, such as water (water quality, water quantity and groundwater recharge), vegetation (trees, shrubs and herbaceous plants as well as invasive species), wildlife and wildlife habitat.

The committee would consider the protection and maintenance of these natural resources, and would also compare how other towns inventory, protect and maintain their natural resources. The committee would make recommendations based on its review.

The committee would be composed of 4 members appointed by the Town Moderator with an appointee made by the Park and Recreation Commission, the Conservation Commission, and the Board of

Selectmen for a total of 7 members. and would report to Town Meeting at the next Annual meeting. The sum of \$400 is requested for creating and disseminating a survey and a report.

INSERTED BY: Susan Abbott et. al.

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

*Article Information:* This article would create a seven member committee to study Needham's natural resources, including comparisons with environmental conditions and practices in other communities, and report its findings and recommendations to the 2010 Annual Town Meeting. Four members would be appointed by the Moderator, and one each by the Board of Selectmen, Park and Recreation Commission, and Conservation Commission, and the article requests an appropriation of \$400 for the use of said committee.

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## FINANCE ARTICLES

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### **ARTICLE 22: TRANSFER OF BUDGETARY FUND BALANCE**

To see if the Town will vote to transfer \$3,145,416 from the Budgetary Fund Balance Account (Free Cash) to meet, in part, appropriations made at this Town Meeting, and to authorize the Board of Assessors to use such sum as available funds to meet appropriations in its computation of the tax rate for the fiscal year 2010; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* Budgetary fund balance (free cash) is the result of unexpended appropriations and revenue in excess of estimates from fiscal year 2008.

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### **ARTICLE 23: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986**

To see if the Town will vote to accept, for fiscal year 2010, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the General Laws relative to real estate property tax exemptions, and approve an increase in the amount of 78% for each eligible exemption; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, surviving minors of deceased parents, persons over the age of 70, certain veterans and disabled veterans and their surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one of the following clauses of Section 5 of Chapter 59 of the General Laws: Clauses 17, 17C, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 or 43. The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid on the preceding year, except through the application of General Laws, Chapter 58, Section 8A or Chapter 59, Section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair

*cash value. Town Meeting must approve the additional exemption on an annual basis. In fiscal year 2009 the cumulative increase above the statutory limit was 74%.*

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**ARTICLE 24: APPROPRIATE FOR SENIOR CORPS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$10,000 for the purpose of funding the Senior Corps program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The Senior Corps is a program whereby qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, the individuals are paid approximately \$800, which is applied to their property tax bill. Eligible individuals are entitled to one payment per fiscal year.*

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**ARTICLE 25: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of funding the Needham Property Tax Assistance program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information: The intention of the Board of Selectmen is to set a target annual appropriation level for the proposed Needham Property Tax Assistance program equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of amount of \$25,000 (2008 dollars). The voluntary fund has been receiving contributions of approximately \$15,000 per year.*

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**ARTICLE 26: APPROPRIATE FOR COMPENSATED ABSENCES FUND**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for the purpose of funding compensated absences provided by personnel policy or collective bargaining agreement, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The purpose of this article is to fund the Town's employee sick leave and, in some cases, vacation 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.*

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**ARTICLE 27: APPROPRIATE TO COUNCIL ON AGING TRUST FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Council on Aging Trust Fund; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information:* The purpose of this article is to restore the Council on Aging Trust Fund by the amount spent to develop the feasibility study for the Senior Center at Ridge Hill project.

**ARTICLE 28: APPROPRIATE THE FY2010 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 the parking meter fund in the amount of \$25,000, from the Overlay Surplus in the amount of \$500,000, and from amounts reserved for debt exclusion offsets in the amount of \$390,110; 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 4 in order to meet expenses for post employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as shown on pages 12 - 16.

**ARTICLE 29: APPROPRIATE THE FY2010 RTS ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Solid Waste and Recycling Division of the DPW during fiscal year 2010, under the provisions of M.G.L., Chapter 44, Section 53F 1/2:

Line #	Description	FY 2008		FY 2009		FY 2010		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
101A	Personnel	\$ 504,643	8.4	\$ 622,755	9.4	\$ 641,561	9.4	
101B	Expenses	\$ 1,220,633		\$ 1,107,045		\$ 1,118,567		
101C	Operating Capital	\$ 53,085		\$ 58,000		\$ 58,000		
101D	Debt Service	\$ 138,581		\$ 150,000		\$ 150,000		
102	Reserve Fund	Transfers Only		\$ 45,000		\$ 45,000		
<b>TOTAL</b>		<b>\$ 1,916,942</b>	<b>8.4</b>	<b>\$ 1,982,800</b>	<b>9.4</b>	<b>\$ 2,013,128</b>	<b>9.4</b>	
FY 2010 Budget Percentage Change from FY 2009 Budget								1.5%

and that \$535,681 be raised from the tax levy and transferred to the RTS Enterprise Fund; or take any other action relative thereto.

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

*Article Information:* This is the budget article to fund and operate the Town's Recycling Center and Transfer Station (RTS). The operating budget for FY2010 is \$30,328 or 1.5% higher than the FY2009 budget. The change is attributable to an \$18,806 increase in personnel related cost (3%), an \$11,522 increase in non-personnel related costs (1%), and no increase in operating capital, debt service or the reserve fund.

RTS processed and disposed of 7,678 tons of municipal solid waste (MSW/Trash) for incineration at the Wheelabrator waste to energy plant in Millbury, Massachusetts during FY2008. During FY2008 the RTS diverted 392 tons of wood waste material which was used to produce electricity at a wood burning power plant and removed 5,280 tons of materials through the various recycling programs.

During FY2008 the RTS processed 9,179 tons of yard waste material in the yard waste and composting area. The RTS also processed 5,343 tons of public works waste in the materials processing area, which is related to the general fund contribution to this budget. Had the Town not disposed of the materials through the RTS operation, the cost to use private contractors to process this waste would have been higher.

The increase in salary and wages is contractual. The Town has a collective bargaining agreement in place until June 30, 2010. The increase in the expense line is attributable mostly to the Pay Per Throw Bags (\$3,845) and vehicular supplies (\$6,247); the balance of the increase is related to other energy related costs for the operation of the RTS center. The \$58,000 line for capital reflects the annual purchase of containers and transfer trailers. The Town began accounting for these costs through the operating budget in FY2008, rather than through a special financial warrant article. The ongoing and annual nature of these expenditures falls into the operational category. Debt service is level funded at \$150,000 and supports the debt capacity requirements to continue the current RTS operations. The reserve fund is level dollar as well for FY2010. The RTS also reimburses the general fund for costs incurred and paid by the general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The RTS budget is funded through a combination of property tax revenue and user fees.

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**ARTICLE 30: APPROPRIATE THE FY2010 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 DPW during fiscal year 2010, under the provisions of M.G.L., Chapter 44, Section 53F ½:

2009 Annual Town Meeting

Line #	Description	FY 2008		FY 2009		FY 2010		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Personnel	\$ 539,721	9.2	\$ 591,719	9.2	\$ 599,718	9.2	
201B	Expenses	\$ 242,266		\$ 261,234		\$ 267,547		
201C	Capital Outlay	\$ 59,911		\$ 25,000		\$ 39,000		
201D	MWRA Assessment	\$ 4,911,005		\$ 4,969,440		\$ 5,095,980		
201E	Debt Service	\$ 1,105,764		\$ 1,175,000		\$ 1,200,000		
202	Reserve Fund	Transfers Only		\$ 35,000		\$ 35,000		
<b>TOTAL</b>		<b>\$ 6,858,667</b>	<b>9.2</b>	<b>\$ 7,057,393</b>	<b>9.2</b>	<b>\$ 7,237,245</b>	<b>9.2</b>	
FY 2010 Budget Percentage Change from FY 2009 Budget							2.5%	

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* This is the budget article to fund and operate the Town's sanitary sewer system. The operating budget for FY2010 is \$179,852 or 2.5% higher than the FY2009 budget. The salary and wage line shows an increase of only \$7,999 or 1.4% but this is due to personnel changes between the water and sewer operations. There is a corresponding increase in the Water Enterprise Fund budget. The expense line is up \$6,313 or 2.4%, which is related to energy costs. The MWRA assessment is up \$126,540 or 2.5% higher than the FY2009 budget which reflects a 4.1% increase over the final assessment for FY2009. This increase, however, is lower than the overall average increase of 7.5% that the MWRA assessed to member communities for FY2010. The smaller increase for Needham is partially attributable to the investment that the Town makes to remove Infiltration and Inflows(I/I) into the Town's sewer system. Infiltration results from cracks and breaks in sewer lines which allows ground water to seep into the system and increases the amount of volume that is processed by the MWRA. Inflow is sewerage and water entering the system from pipes and illegal hookups into the system. Many communities invest in removing I/I from their systems, and those communities that keep ahead of the others help contain (transfer) the cost of the annual assessment to other member communities. The final assessment from the MWRA will be affected by the amount of sewer rate relief that is provided to the Authority by the State, which will not be known until after the budget is voted by the Legislature and approved by the Governor. The increase in debt service is based on approved projects, and is in keeping with the overall sewer capital infrastructure funding plan for long term investments. The annual debt service for sewer is based on an average of \$1.2 million per year. 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 entire cost of operations.

**ARTICLE 31: APPROPRIATE THE FY2010 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 DPW during fiscal year 2010, under the provisions of M.G.L., Chapter 44, Section 53F ½:

2009 Annual Town Meeting

Line #	Description	FY 2008		FY 2009		FY 2010		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Personnel	\$ 841,930	14.5	\$ 934,578	14.5	\$ 1,001,824	14.5	
301B	Expenses	\$ 936,421		\$ 970,767		\$ 1,068,621		
301C	Capital Outlay	\$ 20,000		\$ 20,000		\$ 20,000		
301D	MWRA Assessment	\$ 958,624		\$ 1,075,204		\$ 427,396		
301E	Debt Service	\$ 1,286,216		\$ 1,350,000		\$ 1,500,000		
302	Reserve Fund	Transfers Only		\$ 75,000		\$ 75,000		
<b>TOTAL</b>		<b>\$ 4,043,191</b>	<b>14.5</b>	<b>\$ 4,425,549</b>	<b>14.5</b>	<b>\$ 4,092,841</b>	<b>14.5</b>	
FY 2010 Budget Percentage Change from FY 2009 Budget							-7.5%	

Or take any other action relative thereto.

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

*Article Information:* This is the budget article to fund and operate the Town's water system. The operating budget for FY2010 is \$332,708 or 7.5% lower than the FY2009 budget. This reduction is due to an approximate 60% decrease in the MWRA water assessment. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2010 water assessment is based on the CY2008 water use. The preliminary water assessment for FY2010 is \$647,808 lower than the FY2009 budget. The final assessment from the MWRA is not expected until the end of the State Budget process. The decrease in billable consumption is mostly attributable to less water being purchased from the MWRA because the Town's wells were able to meet the daily demands more often, which may be due to the wetter spring/summer that reduced the peak demand for water use because not as much outside irrigation was occurring at the same time. The salary and wage line shows an increase of \$67,246 or 7.2% over the FY2009 budget, this is due to both personnel changes between the water and the sewer operations, and an increase in after hours work. The combined salary and wage appropriation for the two enterprise funds is \$75,245 or 4.9% over FY2009. The water enterprise expenses are 10% higher or \$97,854 more than FY2009. More than 80% of the increase in the expense line is related to significant price increases and quantity requirements for essential water treatment chemicals: Sodium Hypochlorite (23%); Sodium Hydroxide (46%); Potassium Permanganate (21%); Hydrofluosilicic Acid (37%); and Phosphate (200%). Other increases include energy costs to operate the plant.

The increase in debt service is based on approved projects, and is in keeping with the overall water capital infrastructure funding plan for long term investments. The annual debt service for water is based on an average of \$1.5 million per year. Operating capital is level at \$20,000 for FY2010, and the reserve fund is level as well. 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.

**ARTICLE 32: CONTINUE DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote to authorize and continue revolving funds for certain Town departments pursuant to the provisions of M.G.L., Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2009:

<b>Revolving Fund</b>	<b>Spending Authority</b>	<b>Revenue Source</b>	<b>Use of Funds</b>	<b>FY2010 Budget</b>
School Busing	School Committee	Fee Based Busing Program Receipts	Transportation of students to and from School	<b>\$625,000</b>
Memorial Park	Memorial Park Trustees	Food Concessions	Improvements to Memorial Park	<b>\$4,100</b>
Local Transportation	Council on Aging Director	MBTA, Grants, Program Receipts	Transportation program for COA	<b>\$60,000</b>
Yard Waste Processing Program	DPW Director	Town and Participating Communities	Multi-Community yard waste processing program	<b>\$75,000</b>
Home Composting Bin Account	DPW Director	Sale of Bins	Purchase of additional home composting bins	<b>\$3,000</b>
Human Rights Committee Invest. Account	Town Manager	MCAD	Costs related to the Investigation of MCAD Complaints	<b>\$2,000</b>
Senior Center Activities	Council on Aging Director	Program Receipts	Costs related to social programs for elderly	<b>\$1,000</b>
Youth Services Activities	Youth Commission Director	Program Receipts	Costs related to youth service and community programs	<b>\$25,000</b>
Traveling Meals Program	Health Director	Program Receipts	Costs related to Traveling meals	<b>\$75,000</b>
Immunization Fund	Health Director	Program Receipts	Costs associated with immunization and educational programs	<b>\$25,000</b>

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information and Summary of M.G.L., Chapter 44, Section 53E ½: A revolving fund established under the provisions of M.G.L., Chapter 44, Section 53E ½ must be authorized annually by vote of the Town Meeting. The fund shall be credited only with the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation, subject to the provisions of Section 53E ½. The Annual Town Meeting authorization for each revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving*

*fund; (3) the board, department or officer authorized to expend from such fund; and (4) a limit on the amount which may be expended from such fund in the ensuing year. In any fiscal year, the Board of Selectmen and the Finance Committee may approve an increase in the amount to be spent from the revolving fund, but in no event shall any agency, board, department or officer be authorized to expend in any one fiscal year more than one percent of the amount raised by the Town by taxation in the most recent fiscal year for which a tax rate has been certified pursuant to M.G.L., Chapter 59, Section 23.*

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**ARTICLE 33: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS**

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Highway Department is allowed to distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. At the time of the printing of the warrant, the FY2010 award amounts had not been released.

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**ARTICLE 34: ACCEPT FEDERAL AND STATE STIMULUS GRANTS**

To see if the Town will vote to raise and/or transfer and appropriate a sum or sums to match or accept federal and /or state stimulus grant monies and /or to authorize the Board of Selectmen or other appropriate local official to accept and expend such funds received, provided or to be provided by the Federal or State government; that the Board of Selectmen or other appropriate local official is authorized to enter into regulatory agreements associated with the stimulus funds with the applicable Federal and/or State agencies; and that the Board of Selectmen or other appropriate local official is authorized to expend all funds available, or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information:* At the time the Board of Selectmen called for articles for the 2009 Annual Town Meeting warrant, actions were underway in Washington D.C. to appropriate monies for State and local projects that could stimulate the nation's economy. The Commonwealth of Massachusetts requested cities and towns to submit lists of projects that are deemed "shovel ready" so that the State could prioritize the projects should monies become available. There have also been discussions at the Federal level to provide "stop gap" funding to offset drops in state and local revenues to lessen the impact of the loss of certain programs and to provide for other funding measures. It is likely that any such funds made available to the Town would be temporary, and therefore should be considered nonrecurring revenue and be used in such a manner. The intent of this article is to ensure that the Town can receive and expend monies that may be made available to fund local projects and activities. At the time of the printing of the warrant, the Town has not been made aware of any specific funding.

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**COMMUNITY PRESERVATION ACT ARTICLES**

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**ARTICLE 35:     **APPROPRIATE FOR CPA PROJECT - TOWN HALL HISTORIC PRESERVATION****

To see if the Town will vote to raise and/or transfer and appropriate \$18,155,746 for architectural design and engineering for the construction, and/or renovation of Town Hall, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$1,099,120 is raised from Community Preservation Receipts, that \$882,460 be transferred from the Community Preservation Historic Reserve, that \$1,121,500 be transferred from the FY2009 Community Preservation General Reserve, that \$3,726,153 be transferred from CPA Free Cash, that \$10,062 be transferred from Article 47 of the May, 2006 Annual Town Meeting and that \$16,451 be transferred from Article 18 of the 2001 Annual Town Meeting; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$7,200,000 under M.G.L., Chapter 44B, as it may hereafter be amended and to borrow \$4,100,000 under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee and Board of Selectmen

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

*Article Information:*     At the May 2008 Annual Town Meeting, \$1,000,000 was appropriated from CPA funds to design the renovation of Town Hall. The October 27, 2008 Town Meeting voted to approve the concept of renovating and expanding the Town Hall including the construction of an addition along the full length of the rear exterior wall and the restoration of the second floor hall. This article requests the appropriation for preservation, renovation and construction within the existing building and an adjacent addition. The request is for approximately 80% funding from CPA in a combination of bonds and cash appropriation. The remaining funds, primarily for the new building, will be funded through the general fund borrowing.

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**ARTICLE 36:     **APPROPRIATE FOR CPA PROJECT – AFFORDABLE HOUSING CONSULTING ASSISTANCE****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for consulting assistance to support the development of affordable housing, to be spent under the direction of the Town Manager, said sum to be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:*     The requested funds would be utilized for the services of a housing consultant or consultants. The housing consultant(s) would assist the Town in formulating substantive and procedural requirements for reviewing applications submitted to the Town for comprehensive permits under Chapter 40B, a goal set forth in the Town's Affordable Housing Plan. The consultant(s) would also be able to provide technical or legal assistance as needed by the Town Manager and other departments.

**ARTICLE 37:     **APPROPRIATE FOR CPA PROJECT – DESIGN FUNDS FOR ALL-PERSON’S TRAIL AROUND NEEDHAM RESERVOIR****

To see if the Town will vote to raise and/or transfer and appropriate \$55,000 for engineering, design and permitting for the construction of an all-person’s trail around the Needham Reservoir, to be spent under the direction of the Town Manager, said sum to be transferred from the Open Space Reserve; or to take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* Funds are sought for the design of an all-person trail around the Reservoir that will preserve the sensitive wetland system that surrounds the Reservoir. Pedestrians need to be kept to a well-defined area in order to protect the functions and values of this property, including storm damage prevention, pollution prevention, and protection of a wildlife habitat.

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**ARTICLE 38:     **APPROPRIATE FOR CPA PROJECT – ADDITIONAL EASEMENT RESEARCH TO COMPLEMENT MASTER PLAN FOR TRAILS****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for additional easement research to complement the Master Plan for Trails, to be spent under the direction of the Town Manager and raised from Community Preservation Receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* As the Trails Comprehensive Master Plan was developed, it was evident that much of the legal information related to easements was not readily available. This project would identify and collect information from deeds to clarify easements related to existing trails, and allow for exploration of appropriate development of future easements to access public trails and open space.

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**ARTICLE 39:     **APPROPRIATE FOR CPA PROJECT – WINDOWS/ENERGY IMPROVEMENTS FOR SIX 40B HOUSING UNITS****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for windows and energy improvements for six 40B housing units, to be spent under the direction of the Town Manager, said sum to be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* Under this proposal, Charles River ARC would replace 26 windows and 4 doors with energy efficient models in an early 1900’s Victorian group home for six adults with developmental disabilities. This funding would assist the preservation of low income housing.

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**ARTICLE 40:     **APPROPRIATE FOR CPA PROJECT – HIGH ROCK HOMES****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$370,000 for the High Rock Homes project, to be spent under the direction of the Town Manager, said sum be transferred from the Community Preservation Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* Four of the remaining homes that are for sale are listed at a price affordable to those who earn 110% of the area medium income (AMI.) In combination with a second source of funds, this appropriation would allow the price of these four homes to be reduced to a rate affordable to those who earn 80% of the AMI, and permit the Town to include these homes on the inventory of subsidized housing in Needham.

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**ARTICLE 41:     **APPROPRIATE FOR CPA PROJECT – TRANSFER OF FUNDS TO CONSERVATION FUND FOR FUTURE OPEN SPACE PURCHASES****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for deposit to the Conservation Fund to be used to purchase land, conservation restrictions, easements, or other contractual rights or to undertake other responsibilities defined in M.G.L., Chapter 40, Section 8C, said sum to be transferred from the Open Space Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* The enabling legislation governing the establishment of Conservation Commissions allows for the establishment of a Conservation Fund. The Town of Needham established a Conservation Fund in 1963 and made annual appropriations to this fund over the course of several years. Funds allocated to the Conservation Fund may be used to purchase land, conservation restrictions, easements or other contractual rights (by option, purchase, lease or fee) or to undertake other responsibilities defined in the statute. The balance in the fund is approximately \$200,000. Proceeds from the fund were most recently used to cover yearly expenses related to the purchase of the Wiswall property adjacent to Ridge Hill. Proceeds in the fund are readily accessible and will allow the Commission to react quickly to open space and land management opportunities. This appropriation would bring the fund to \$250,000, meeting the goal of the Conservation Commission.

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**ARTICLE 42:     **APPROPRIATE FOR CPA PROJECT – PRESERVATION OF OPEN SPACE PURCHASE OF LAND****

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, or otherwise a parcel of land or easement, including restrictions thereon, that said land be conveyed to the Town of Needham under the provisions of M.G.L., Chapter 44B, as it may hereafter be amended; said land to be under the care, custody, management and control of the Board of Selectmen and held for one or more of the purposes authorized under the Community Preservation Act:

- a. Acquisition, creation, and preservation of open space;
- b. Acquisition, creation, and preservation of land for recreational use; and/or

- c. Rehabilitation or restoration of open space or land for recreational use that is acquired or created as provided by said Chapter 44B;

and that prior to committing any portion of the property to any of the uses specified above, areas of the property designated for specific uses must be clearly identified and delineated by subsequent votes of Town Meeting; and that to fund said purchase, including all costs incidental and related thereto, to appropriate a sum to be spent under the direction of the Town Manager; and to meet this appropriation that a sum be transferred from the Open Space Reserve and that a sum be raised from FY2010 Community Preservation Receipts; and to authorize the Board of Selectmen/Town Manager to acquire conservation restrictions or other such perpetual restrictions, and approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcels; to seek, receive and accept grants, donations or reimbursements for this purpose, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Needham to effect said purchase; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* The Park and Recreation Commission has been in discussions with a landowner adjacent to an existing trail system. The purchase of a portion of the land or the creation of an easement would allow the existing trail to continue through this private parcel. At the time of the printing of the warrant, negotiations relative to the purchase of this parcel were not complete.

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**ARTICLE 43: 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 \$529,880 pursuant to M.G.L., Chapter 44B from the estimated FY2010 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
B. Debt Service	\$ 0

**Reserves:**

C. Community Preservation Fund Annual Reserve	\$ 83,880
D. Community Housing Reserve	\$182,000
E. Historic Resources Reserve	\$ 0
F. Open Space Reserve	\$182,000

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

*Article Information:* This is the fifth year that Town Meeting is being asked to address the Community Preservation Fund and the vote on this article will reflect the decisions made on the previous eight articles. Town Meeting and the voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis

*from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation, and open space. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee.*

**CAPITAL ARTICLES**

**ARTICLE 44: 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:

<u>Project</u>	<u>Town Meeting</u>	<u>Article</u>	<u>Authorized</u>	<u>Rescind</u>
Mitchell School Roof Replacement	11/1/2006 STM	12	\$700,000	\$78,600
Ambulance & EMS Reporting System	5/5/2008 ATM	37	\$205,000	\$21,400
<b>Total</b>				<b>\$100,000</b>

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information: When a project is financed by borrowing, the project has been completed, and all the bills have been paid, the balance of the authorization that was not borrowed can be rescinded. A Town Meeting vote to rescind the balance of a borrowing prevents any further borrowing for the project.*

**ARTICLE 45: APPROPRIATE FOR GENERAL FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate \$2,177,726 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and raised from the tax levy; or take any other action relative thereto:

2009 Annual Town Meeting

<b>Group</b>	<b>Description</b>	<b>Recommended</b>	<b>Amendment</b>
Community Service	Memorial Park Fencing & Bleachers	\$64,120	
Community Service	Library Collection Supplement	\$25,000	
Community Service	Cricket Field Building Repairs	\$75,000	
Community Service	Memorial Park Perimeter Fencing	\$49,300	
General Government	Network Servers, Switches & Printers	\$25,000	
General Government	Intel-Based Servers Redundancy	\$130,000	
Public Facilities	DPF Core Fleet Replacement	\$55,452	
Public Facilities	Facilities Maintenance Program	\$450,000	
Public Safety	Shift Commander Vehicle Replacement/C-2	\$35,000	
Public Schools	School Copier Replacement	\$87,012	
Public Schools	School Furniture & Equipment Replacement	\$45,100	
Public Schools	School Technology Equipment	\$305,450	
Public Schools	Hillside School Replacement Doors	\$81,600	
Public Schools	Pollard School Parking Feasibility Study	\$75,000	
Public Schools	Technology/Infrastructure Study Hillside Mitchell	\$50,000	
Public Works	DPW Core Fleet	\$277,742	
Public Works	Snow & Ice Equipment	\$288,000	
Public Works	DPW Small Specialty Equipment	\$59,000	
	<b>Total Appropriation</b>	<b>\$2,177,776</b>	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting, but it is anticipated that the "Total Amount" will be substantially less than in the printed warrant.

*Article Information: All General Fund cash capital items are included as one article. This methodology allows Town Meeting to view general fund cash capital in its entirety as a considered and thoughtful recommendation on the part of the boards and committees, rather than as a series of independent articles. This approach will still allow for amendment of each line item. Capital proposed for funding by debt will continue to be presented as a separate article, in that debt authorizations require a 2/3 vote of Town Meeting. A description of each request follows.*

**Memorial Park Fencing/Bleachers** Additional improvements and security measures are needed to complete the Memorial Park Reconstruction project. The bleachers are 1948 vintage. The bleachers and player benches are constructed of wood and steel and require significant annual maintenance. The crowd control fencing is needed for security and safety of the public for large events. Alternative funding sources, including donations, may be available to fund this item. The project would include bleachers with seating for 500 spectators, (\$14,300), transportable seating (\$25,830), transport wheel kit (\$690), player benches (\$4,800), and portable crowd control fencing (\$18,500).

**Library Collection Supplement** The Library's materials budget is inadequate for the current level of circulation. As a result of increased circulation patterns, a high level of demand is placed on the Library's collection of various materials. The increased demand wears the items out at a faster rate than would normally be the case. The current materials budget is not sufficient to encompass any large-scale purchase of replacement materials. Since the new Library opened in March, 2006, circulation has

increased significantly. *One-half of the requested funding will be used for children's materials.*

**Cricket Building Repairs** *The Cricket Field Park and building are used throughout the year for Park and Recreation summer programs, High School girl's soccer and lacrosse, general playground use, and year-round storage. The Park and Recreation Department is working with the Public Facilities Department to develop a phased process of completing the needed upgrades for the facility. Work is needed in order to keep the building in usable condition, to provide access to the site for persons with disabilities, to create a more efficient storage system, and to enable the Department to use the facility to hold programs. The requested funding would be for design of the proposed improvements.*

**Memorial Park Perimeter Fencing** *The existing wooden guardrails at the top of the hill and in the parking lot are in need of replacement. The wood rail requires constant maintenance and the guardrail does not provide adequate security for events, and the chain link fencing near Pickering Street is in disrepair and needs to be replaced. The proposal includes 610 linear feet of four-foot black chain link fencing with openings at the top of hill (\$24,400), 260 linear feet of four-foot black chain link fencing with openings in the parking lot (\$10,400), 210 linear feet of six-foot black chain link fencing near Pickering Street extension side (\$9,500), and removal of old fencing (\$5,000).*

**Network Servers, Switches, Printers & Desktops** *The town-wide network requires many switches and hubs to allow for full access by all departments from various locations. These electronic/fiber devices are located in all Town buildings and do not last indefinitely. When they do fail, access for that department or building is interrupted. This access includes email, internet, file servers, and financial applications located on the IBM AS/400, as well as communication links for all public safety and school buildings. New application servers and the software required to run them are also a major component of the network and must be included in routine updates. Also part of the town-wide network are network printers that are used by multiple departments and desktop computers that are used for daily office functions. Daily use of network printers has increased significantly due to a policy of not replacing desktop printers when they fail. Network printers are also used by the financial application (HTE) to print reports, invoices, and checks. The recommendation is lower than in previous years, because this will be presented as an annual funding request rather than a higher sporadic request.*

**Intel Based Servers Redundancy** *Currently the Information Technology Center (ITC) does not have the equipment or resources to support a disaster recovery/redundancy plan for the non-IBM servers in the event of a catastrophic event that leaves the Town Hall unusable. Events such as fire, flood, and other natural or man-made occurrences which could cause long term loss of use of the Town Hall or damage to the non-IBM servers would seriously hamper the Town's ability to operate at a basic level. The disaster recovery/redundancy model for the non-IBM servers would allow the data to be housed at a separate location, supported by a generator.*

**Public Facilities Core Fleet** *This request is for the replacement of one vehicle and the purchase of one additional vehicle. The vehicle to be replaced is a 1998 Ford E250 cargo van equipped with a tradesman interior package for primary use by the Town's plumber. The current vehicle has an odometer reading of over 122,000 miles and is due for replacement as it is beyond industry standards for vehicle replacement schedules. The additional vehicle requested is a Ford Escape for the Director of Facility Operations.*

**Facilities Maintenance Program** *This project allows for on-going building maintenance efforts, including, but not limited to flooring, painting, ductwork cleaning, and window replacement. With respect to flooring, the program allows for the replacement of worn, damaged, unsafe, and unsightly floor surfaces. In addition, it provides for the removal of asbestos containing floor tile and allows for its replacement with vinyl composition floor tile in classrooms and carpeting in offices. Unless*

*circumstances require otherwise, the FY2010 funding is intended for Mitchell School classrooms and the Police Station.*

*This project also allows for the systematic painting of interior and exterior spaces for schools and town buildings in a process that is prioritized based on condition. Unless circumstances require otherwise, the painting program for FY2010 will address the exterior of the Emery Grover building and the painting of various interior spaces at the Pollard Middle School, Newman School, Hillside School, and the Broadmeadow School.*

*A new addition to the on-going maintenance program is the cleaning of duct work that is part of HV/AC systems throughout the schools and municipal buildings. This program will operate on a rotating basis which will allow each duct system throughout the schools and municipal buildings to be cleaned every 5 to 6 years. Unless circumstances require otherwise, the duct cleaning program for FY2010 will include the Pollard School and the Mitchell School.*

*Another new component of the plan is the replacement of single pane windows with double pane windows at the Mitchell and Hillside Schools. This effort will help the Town lower its energy consumption at these facilities.*

***Shift Commander Vehicle/C-2*** *This request is for the replacement of a 2003 Ford Expedition used daily by the shift commander. The vehicle will have 60,000 to 70,000 miles at the time of replacement. The vehicle is a front-line emergency response vehicle and carries emergency supplies, technology, and information to support many types of incidents. In the past, such vehicles were “handed down” to the Inspection Division after their front line use of five years. Several years ago the Town changed this policy, purchasing passenger vehicles more suited to inspectional work, as the re-used SUV’s were very expensive in terms of fuel economy and maintenance. This 2003 vehicle is expected to be sold at auction.*

***School Copier Replacement*** *In 2003 the Town established a replacement cycle for school photocopiers. School photocopiers are located in all of the schools and the administration building, and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, teaching packets, etc. Currently, the School Department owns 45 copiers and 6 RISO machines. Since FY2005, funds allocated by Town Meeting have replaced approximately five copiers per year on average, or 14 total copiers. Based on the lifecycle replacement methodology used to project copier replacements, which projects when a copier should be replaced based on actual usage and the manufacturer’s total estimated capacity, seven copiers are due for replacement in FY2010, at a total cost of \$87,012.*

***School Furniture And Musical Equipment Replacement*** *In FY2005, the Town established an on-going program to replace school furniture and musical equipment at Hillside, Mitchell, Newman and Pollard Schools (all of which are school facilities not scheduled to undergo capital renovation/addition projects in the near future.) In these schools, furniture is 10-20+ years old and in a state of disrepair after decades of heavy use. The FY2010 request is for \$30,100 based on a summer 2008 inventory and condition analysis of the overall furniture stock at these four schools, following several years of replacement. This analysis revealed that of the 8,032 items presently located at these schools, 14% (or 1,094 items) remain in poor or poor/fair condition, and are in immediate need of replacement. If funded, the FY2010-2014 request would complete the replacement of all items currently identified as ‘poor’ plus some items of poor/fair condition from the ‘fair’ category. Unless circumstances require otherwise, The FY2010 funding request is targeted for the Hillside school.*

*Currently, the School Fine and Performing Arts Department has numerous musical instruments that are 30+ years old and are in need of replacement. The School Department owns a large number of*

*instruments, including pianos, string instruments, brass instruments, woodwind and percussion instruments that, after many years of use, are no longer usable or repairable. Students do purchase more common, less expensive instruments such as clarinets, trumpets and flutes, but a quality band and/or orchestra program must supply large, more expensive instruments to ensure balanced instrumentation. Based on a recent inventory and condition analysis of school musical instruments, approximately 17% of the total stock remains in poor condition, with an additional 14% in fair condition. The FY2010-2014 request of \$15,000 per year is intended to replace approximately 74% of the instruments currently identified as 'poor' and approximately 6% of the instruments currently identified as 'fair.' Unless circumstances require otherwise, the FY2010 request of \$15,000 is intended to replace two upright pianos, two cellos and a bass violin at Needham High School.*

***School District Technology Upgrade And Replacement*** This request would fund the replacement of school technology, including instructional computers, administrative computers, printers, and network servers. Additionally, funds are requested to install SMART boards at the Pollard Middle School. The five-year plan is based on replacing Broadmeadow technology over four years beginning in FY2009; replacing Eliot technology over three years, beginning in FY2010; replacing High School technology over five years beginning in FY2012; maintaining a seven year replacement cycle for all other instructional computers; maintaining a five year replacement cycle for administrative computers, as needed; maintaining current inventory quantities, with adjustments for programmatic needs; replacing and recycling data servers in year four; and replacing printers, with a new deployment model for shared laser printing and eliminating inkjet printing over the next five years. The five-year plan incorporates estimated reductions in future years for Pollard and NHS, based on enrollment at Pollard and the introduction of student-owned laptops or wireless devices at the High School. The FY2010 funding would provide \$215,450 to replace 206 instructional computers at Broadmeadow, Eliot, Hillside, Mitchell, Newman, and Pollard; 17 administrative computers; 22 instructional printers; seven administrative printers and five network hardware servers. The additional amount is to furnish SMART boards for the Pollard Middle School.

***Hillside School Exterior Door Repair*** The project will provide for the replacement of twelve (12) doors that still remain from the original building construction, which have outlived their projected duration and should be replaced both for safety and energy conservation purposes. These doors will cost \$6,800 per door to replace.

***Pollard Middle School Parking Study*** This project would fund a parking lot evaluation feasibility study. This study will help the Town evaluate the current parking situation and develop possible solutions to bridge the gap between the 77 parking spaces at the Pollard School and 130 employees who work there. This study will examine all areas surrounding the Pollard Middle School including the existing faculty parking lot, the front drop-off area and bus loop, the rear parking lot, the area behind the school, and neighboring roadways. Parking improvements will be needed to address clogging of neighboring streets, access for emergency vehicles, insufficient driveway length for bus loading and unloading, and both safety and convenience issues for staff, parents, and the general public which may be created by the lack of available parking spaces.

***Technology & Electrical Infrastructure Study/Hillside & Mitchell Schools*** The Facilities Master Plan anticipates renovation of the Hillside and Mitchell schools no sooner than 2018 to bring these facilities to a level of modernization comparable to that of the Eliot and Broadmeadow schools. It would normally be at the time of major renovation that electrical and technology infrastructure would be upgraded. The School Department has identified a current need to expand the technological capabilities of these schools to meet students' needs over the ten-year interim period prior to full renovation. Analysis is also needed to ensure that the capacity of the electrical system is sufficient, regardless of the introduction of new technology. This request would fund technology and electrical infrastructure studies at both schools to

assess electrical capacity and distribution; current and future data cabling needs, including wireless; classroom layouts with built-in technology benches; and audio-visual enhancements for classroom projection of video and data.

**Public Works Core Fleet Replacement** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2010 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#2	Garage	2005	Pickup Truck	47,461	\$23,000
#70	Parks	1996	One Ton Dump Truck	63,981	\$59,871
#71	Parks	1996	One Ton Dump Truck	73,658	\$59,871
#10	Highway	1994	Six Wheel Dump Truck	43,315	\$135,000

**Snow & Ice Equipment** This program provides funding to purchase new and replace existing snow and ice equipment. This equipment is critical for the efficient operation of the snow and ice program. Unless circumstances require otherwise, the vehicles and equipment proposed for replacement in 2010 are as follows:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#10A	Highway	1989	Material Spreader	n/a	\$ 28,000
#108	Highway	1989	Sidewalk tractor (Wheel w/blower)	n/a	\$125,000
#206	Highway	1980	Snow Blower (Loader-mounted)	n/a	\$135,000

**Small Specialty Equipment** This program provides funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of the Parks and Forestry Division's maintenance programs. The trailers are used to transport various pieces of equipment to worksites throughout the Town. Presently, no tractor has the needed hydraulics for the new artificial turf grooming equipment and the 1976 tractor is at the end of its useful life. The tractor is a multi-use piece of equipment. With the proper hydraulic system and attachments, the new tractor can operate the new grooming equipment, mow more efficiently the fields at Ridge Hill; be used for brush control and be used for the many field renovation activities. Unless circumstances require otherwise, the vehicles and equipment scheduled to be replaced in FY2010 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#350	Parks	1976	Farm Tractor	n/a	\$40,000
#321	Parks	2003	14' Utility Trailer	n/a	\$9,000
#322	Parks	2003	16' Utility Trailer	n/a	\$10,000

**ARTICLE 46: APPROPRIATE FOR KENDRICK STREET BRIDGE REPAIR DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the design of the renovation/repair of the Kendrick Street Bridge over the Charles River, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
 FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* As it is surrounded on three sides by the Charles River, the Town jointly maintains a number of bridges with neighboring communities. The Massachusetts Bridge Inspection Program has identified a number of bridges to have some level of deficiency and has recommended repairs. This program is essential to improve the structural and/or surface integrity of all bridges throughout Needham. The South Street/Willow Street Bridge and the Kendrick Street Bridge are both in need of repair. Capital Project costs will include surveying, engineering evaluation, design, and repair or reconstruction. Recent reports from Mass Highway indicated that the conditions of the South Street/Willow Street Bridge and the Kendrick Street Bridge are worsening and are in immediate need of repair. The State has agreed to pay for the repairs of the Willow Street Bridge, which will be designed under the direction of the Town of Dover. FY2010 funding is intended for the Kendrick Street Bridge Evaluation and Design.

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**ARTICLE 47: APPROPRIATE FOR ROADS, BRIDGES, SIDEWALKS AND INTERSECTION IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$875,000 for repairs to the Town's roads, bridges, sidewalks and intersections, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* The roadway system throughout the community developed over the last century. Many miles of roadway, mainly residential, were developed after World War II. A combination of the aging of the earliest roads, the tremendous expansion of the road system, and the inability to provide adequate, ongoing maintenance and repair over the past 25 years has resulted in a significant decline in the overall condition of Needham's roads, bridges, sidewalks, and intersections. This program is essential to improve the structural and surface integrity of the Town's network of accepted streets. The primary strategy in this program is asphalt paving and incidental work directly associated with paving. Incidental work includes corner reconstruction, handicap ramps, leveling, structural overlays, utility adjustments, minor drainage improvements, some drain extension work, street sign replacement, asphalt curbing with grass shoulders and pavement markings. Many streets have insufficient pavement thickness, are poorly shaped, lack curbing and require some drain improvements. Applying this repair strategy in a timely manner will help defer costly and disruptive street reconstruction on all but the most highly traveled roadways. Paving roadways in a timely manner will extend the useful life of the roadway system in the most cost effective manner. This program also provides funding for reconstruction and repair of sidewalks. There are over 160 miles of sidewalks in Needham, of which, 52 miles are designated as school walking routes. This program also funds traffic signal improvements for existing traffic signals and provides funding for new traffic signals where none currently exist.

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**ARTICLE 48: APPROPRIATE FOR STORMWATER MASTER PLAN DRAINAGE IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$200,000 for drainage improvements, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* The 2002 Storm Water Master Plan identified a number of areas throughout the Town where improvements are required to resolve flooding problems and illicit discharges. Locations for improvements have been prioritized within the Plan. The funding request includes installation of additional storm drains between Lantern Lane and Gayland Road.

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**ARTICLE 49: APPROPRIATE FOR PARKING METERS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$42,000 for replacement of parking meters, to be spent under the direction of the Town Manager, and to meet this appropriation that \$42,000 be transferred from the Parking Meter Fund; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* This is the second year of a two-year request to replace the Town's parking meters to black street side parking meters with fluted bases. These electronic parking meters are easier to read and have a "smart lock" revenue management system. The coin collection system is sealed, which eliminates direct access to the funds collected. The system can produce a collection audit data report to verify the amount of funds collected as well as operational status. Since the installation of the new meters in Needham Center, collections have increased in these meters as compared to the older meters.

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**ARTICLE 50: APPROPRIATE FOR ATHLETIC FACILITY MAINTENANCE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$24,000 for athletic facility maintenance and improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that \$10,000 be transferred from Article 33 of the 2005 Annual Town Meeting, and \$14,000 be transferred from Article 36 of the 2004 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information:* The Department of Public Works has developed a maintenance plan for all fields, which includes new or total reconstruction, renovation, irrigation and drainage improvements, and equipment replacement and repair of items such as bleachers, fences, backstops, player benches and miscellaneous equipment for all fields and ball diamonds. This article will fund improvements to the Asa Small Diamond. The perimeter fencings and backstops are in need of replacement – the existing installations are those that were originally installed in 1969. Funding would provide new, updated backstops and complete perimeter fencing with gates (\$75,000). The player benches are wood boards and are a high maintenance and safety issue because of the splintering of the wood. The benches would be replaced with a durable constructed product (\$3,200). Finally, the irrigation system at Asa Small is not operational. The system will be replaced and connected to the new irrigation system at DeFazio Park (\$29,000). The entire Asa Small project (\$107,200) will be funded through a combination of the transfer of \$24,000 from prior articles and the designation of \$83,200 from the DeFazio Track project (Article 4 of the March 3, 2008 Special Town Meeting).

**ARTICLE 51: APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate \$136,609 for RTS Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager and transferred from RTS enterprise fund retained earnings; or take any other action relative thereto:

<u>Group</u>	<u>Description</u>	<u>Recommended</u>	<u>Amendment</u>
RTS	Core Fleet Replacement	\$26,609	
RTS	Large Specialty Equipment	\$110,000	
<b>Total Appropriation</b>		<b>\$136,609</b>	

INSERTED BY: Board of Selectmen

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

*Article Information:* The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks and utility trucks. Unless circumstances require otherwise, the core fleet vehicles scheduled to be replaced in FY2010 include:

<u>Unit</u>	<u>Division</u>	<u>Year</u>	<u>Description</u>	<u>Miles</u>	<u>Cost</u>
#56	RTS	2002	Facility Pickup Truck	121,000+	\$ 26,609

**RTS Large Specialty Equipment** Unit # 91, the Vertical Vibratory Material Screener, is the front line processing device used to handle all DPW infrastructure waste. This unit was placed in service in 2000. By using this equipment, the Town is able to avoid both disposal costs and construction material costs, saving hundreds of thousands of dollars annually.

**ARTICLE 52: APPROPRIATE FOR RTS CONSTRUCTION EQUIPMENT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$230,000 for a front end loader for the RTS, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* Unit #143 is a front line loader at the RTS. This piece of equipment was purchased in 2000. This piece of equipment has been in use for 10 years and has more than 14,500 operating hours and needs to be replaced to ensure continued operations at the RTS.

<u>Unit</u>	<u>Division</u>	<u>Year</u>	<u>Description</u>	<u>Miles</u>	<u>Cost</u>
#143	RTS	2000	Front End Loader	n/a	\$230,000

**ARTICLE 53: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate \$722,000 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager and transferred from Sewer Enterprise Fund retained earnings; or take any other action relative thereto:

<b>Group</b>	<b>Description</b>	<b>Recommended</b>	<b>Amendment</b>
Sewer	Core Fleet Replacement	\$122,000	
Sewer	Construction Equipment	\$160,000	
Sewer	Large Specialty Equipment	\$345,000	
Sewer	Small Specialty Equipment	\$45,000	
Sewer	Sewer Service Connections	\$50,000	
<b>Total Appropriation</b>		<b>\$722,000</b>	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* All Sewer Enterprise Fund cash capital items are included as one article. This methodology allows Town Meeting to view cash capital in its entirety as a considered and thoughtful recommendation on the part of the boards and committees, rather than as a series of independent articles. This approach will still allow for amendment of each line item. Capital proposed for funding by debt will continue to be presented as a separate article, in that debt authorizations require a 2/3 vote of Town Meeting. A description of each request follows.

**Sewer Core Fleet Replacement** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks and utility trucks. Unless circumstances require otherwise, the vehicle(s) scheduled to be replaced in FY2010 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#19	Sewer	1994	Six Wheel Dump Truck	58,469	\$122,000

**Sewer Construction Equipment** Unit # 101 is a front line loader in the Water and Sewer Division. This piece of equipment was purchased in 1993. This piece of equipment will be 17 years old next year and is nearing the end of its useful life.

**Sewer Large Specialty Equipment** This program will provide funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of each division's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. The equipment proposed to be purchased in FY2010 includes a combination jet flusher/vacuum collection truck to replace a 1999 catch basin cleaner (Unit #37).

**Sewer Small Specialty Equipment** This program will provide funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of each division's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. Unless circumstances require otherwise, the equipment to be replaced in FY2010 includes is an emergency trailer pump used to by-pass sewer pumping stations or alleviate flooding:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#169	Sewer	1998	Trailer Pump, 6 inch	n/a	\$45,000

***Sewer Service Connections** Installation or replacement of sewer service connections should be performed when roadways are reconstructed or resurfaced. There are homes in Needham that have not been connected to the sewer system. Should these septic systems fail, the homeowners may be ordered to connect to the sewer system for health reasons, regardless of the DPW-imposed moratorium on excavations in new roadways. Homeowners will be encouraged to connect to the system prior to road improvements. However, for those homeowners who do not choose to connect to the system, a partial connection within the right-of-way will be installed.*

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**ARTICLE 54: APPROPRIATE FOR WASTEWATER PUMP STATION DESIGN – RESERVOIR B**

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$577,500 for engineering and design for renovation and improvement to the Reservoir B sewer pump station, including without limitation all costs thereof as defined in Section 1 of M.G.L., Chapter 29C; to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$577,500 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 Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Pollution Abatement Trust (MWPAT) established pursuant to M.G.L., Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a loan agreement and/or security agreement with the MWPAT and/or a loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager is authorized to contract with the MWPAT, 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 Town Manager 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 to the project, or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

***Article Information:** As part of the Wastewater System Master Plan, several of the wastewater pumping stations were evaluated to determine their current physical condition, capacity vs. current and future flow projections and compliance with current codes or standards of operation. The Reservoir Street "B" Station is the second oldest station in the system. Its standby generator has failed and pumps need constant maintenance. The amount of activity in the Needham Business Center will have a tremendous impact on the Kendrick Street and Reservoir "B" Stations. New enhancements must now be contemplated in anticipation of the addition of 350 residential units at 300 Second Avenue and other commercial development proposed for completion in the next few years.*

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**ARTICLE 55: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate \$805,682 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager and transferred from Water enterprise fund retained earnings; or take any other action relative thereto:

<b>Group</b>	<b>Description</b>	<b>Recommended</b>	<b>Amendment</b>
Water	Core Fleet Replacement	\$54,882	
Water	Fire Hydrant Replacement	\$100,000	
Water	Small Specialty Equipment	\$45,000	
Water	Water Supply Feasibility Study	\$75,000	
Water	Water Service Connections	\$200,000	
Water	Water Distribution System	\$330,800	
Total Appropriation		<b>\$805,682</b>	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* All Water Enterprise Fund cash capital items are included as one article. This methodology allows Town Meeting to view cash capital in its entirety as a considered and thoughtful recommendation on the part of the boards and committees, rather than as a series of independent articles. This approach will still allow for amendment of each line item. Capital proposed for funding by debt will continue to be presented as a separate article, in that debt authorizations require a 2/3 vote of Town Meeting. A description of each request follows.

**Water Core Fleet Replacement** The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks and utility trucks. Unless circumstances require otherwise, the vehicle(s) scheduled to be replaced in FY2010 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#20	Water	1998	Sedan	68,117	\$25,057
#21	Water	2001	Pick-up	96,078	\$29,825

**Fire Hydrant Replacement Program** The goal of this program is to remove and replace older and out-dated fire hydrants with new and more reliable fire hydrants within the community. There are approximately 300 unreliable fire hydrants. During the annual fall hydrant inspection (dry testing), older fire hydrants have been targeted as potential freezing hazards due to their lack of ability to either properly drain or efficiently shut down. Using prior year funding, the Town installed approximately 60% more hydrants than anticipated by using its own forces instead of contracting the work out. The proposed funding will support the removal and replacement of approximately 50 hydrants.

**Water Small Specialty Equipment** The Water and Sewer Division remains on stand-by status 24 hours per day to respond to emergencies. The Division has inventoried its emergency response capabilities and has determined that the existing, 1962 vintage mobile generator (Unit #218) is not equal to the task of supporting the St. Mary Street Pump Station. The existing mobile generator was acquired as surplus equipment from the Civil Defense Department in the 1960's.

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
#218	Water	1962	Mobile Generator	n/a	\$45,000

**Water Supply Development Feasibility Study** *The historical demand in water supply is seasonal in nature. The typical usage during non-summer periods is 2-3 million gallons per day (mgd). The summer usage can reach as high as 5-7 mgd. Therefore, the Town must supplement its supply from the MWRA. Ideally the reliance on the MWRA source would be for emergency purposes as a back-up supply. Becoming more self-reliant would require the development of additional wells. The timeframe for putting new or additional supply on-line is typically 10 years. The development of new wells within the well field would allow the Town to better manage the water within the well field. This process would be initiated through a feasibility study.*

**Water Service Connections** *The primary purpose of this program is to remove lead from the system by replacing older water service connections containing lead. The Town's water treatment process reduces the corrosivity of Needham's water to minimize the leaching of lead from the water pipes and house plumbing. However, only the removal of the lead sources will completely assure total compliance. The lead found in water service connections can be eliminated over time by replacing these connections. The DPW integrates this program with road repair and replacement initiatives – service connections are being replaced on streets that have been identified for road improvements.*

**Water Distribution System Rehabilitation** *The annual Water System Rehabilitation Program draws from the recommendations of the Water System Master Plan. This master plan recommends that pipes 85 years or older be considered for replacement or relining. This list of older pipes is evaluated and prioritized, and then cross-referenced with work proposed for other utilities, road repairs, or reconstruction. Unless circumstances require otherwise, projects for FY2010 include Chapel Street/May Street (construction), Pickering Street/Great Plain Avenue to the end (engineering, design and construction). Funding for this project has been allocated between cash and debt. The debt authorization is included under Article 56.*

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**ARTICLE 56: APPROPRIATE FOR WATER DISTRIBUTION SYSTEM REHABILITATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,00,000 for water distribution system rehabilitation, 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 the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Pollution Abatement Trust (MWPAT) established pursuant to M.G.L., Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a loan agreement and/or security agreement with the MWPAT 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 MWPAT, 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 Town Manager 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.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *The annual Water System Rehabilitation Program draws from the recommendations of the Water System Master Plan. This master plan recommends that pipes 85 years or*

*older be considered for replacement or relining. This list of older pipes is evaluated and prioritized, and then cross-referenced with work proposed for other utilities, road repairs, or reconstruction. Unless circumstances require otherwise, projects for FY2010 include Chapel Street/May Street (construction), Pickering Street/Great Plain Avenue to the end (engineering, design and construction). Funding for this project has been allocated between cash and debt. The cash capital authorization is included under Article 55.*

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**TOWN RESERVE ARTICLES**

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**ARTICLE 57: 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 M.G.L., Chapter 40, Section 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information: Under Article 58 of the May 2004 Annual Town Meeting, the Town voted to establish the General Fund Cash Capital Equipment and Facility Improvement Fund for the purpose of setting aside funds for future capital investment. 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.*

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**ARTICLE 58: 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 M.G.L., Chapter 40, Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003; to be raised from the Tax Levy, or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

*Article Information: Established at the 2007 Annual Town meeting, this fund is intended to be 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 recommended amount results from residual balances in prior, facility-related appropriations that have been completed and can be closed out.*

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**ARTICLE 59: APPROPRIATE TO STABILIZATION FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Stabilization Fund, said sum to be raised from the Tax Levy, or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

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

*Article Information: Municipalities are authorized under M.G.L., Chapter 40, Section 5B to establish stabilization funds. Monies appropriated to the Stabilization Fund remain in the fund and carry forward from one fiscal year to another. The interest earned on the stabilization fund remains with the fund. The money from the Stabilization Fund can be appropriated for any lawful municipal purpose. Appropriations both into and from the fund require a two-thirds majority vote of Town Meeting.*

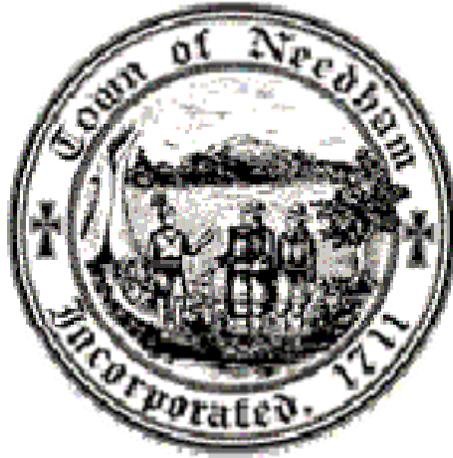
*Although the monies in the general Stabilization Fund may be appropriated for any lawful purpose, it is recommended that appropriations from the Stabilization Fund be limited to extraordinary unforeseen events or exceptionally negative fiscal conditions. Maintaining this fund also serves another important function in that it represents the Town's commitment to prudent financial planning. State laws do restricts the amount that may be maintained in stabilizations funds to not more than ten percent of the Town's prior year tax levy, and not more than ten percent of the Town's equalized valuation, which is calculated bi-annually by the Department of Revenue.*

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**ARTICLE 60: OMNIBUS**

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

INSERTED BY: Board of Selectmen



## **Report to Town Meeting**

**The Needham Town Meeting Study Committee  
Date submitted: February 2, 2009**

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**Appointed to the Town Meeting Study Committee, June 2007:**

Paul Denver, *Chair*

Elizabeth Handler, *Vice-Chair*

Mark Gluesing, *Clerk*

Susan Abbott

Maureen McCaffrey

Barbara Popper

James Hugh Powers

Greg Shesko

Sally Toran

Town Meeting Study Committee website:

<http://www.needhamma.gov/index.asp?nid=1300>

## **FINAL REPORT OF NEEDHAM'S TOWN MEETING STUDY COMMITTEE**

### **INTRODUCTION**

The mandate of the Town Meeting Study Committee was to investigate ways of strengthening Needham's Representative Town Meeting. We were asked specifically to look at the advisability of creating additional standing committees, to consider ways to improve the procedures of Town Meeting and to curb excessive absenteeism.

Since its first meeting in June 2007, the Committee has gathered a substantial amount of information and a wide scope of opinions regarding the strengths and weaknesses of Town Meeting. We contacted officials from virtually all of the approximately thirty-seven other Representative town meetings in Massachusetts and reviewed the by-laws and websites of those towns. Our Committee sent current and past Town Meeting Members (TMMs) detailed questionnaires and received helpful responses, including written comments. Fifty-nine percent of current TMMs and forty-six percent of former recent TMMs responded to the questionnaires. We also interviewed representatives of the Board of Selectmen, the School Committee and the Finance Committee, and we spoke at length with the Moderator, as well as TMMs. On October 1, 2008, the Committee held a public hearing at the Broadmeadow School to which all Needham residents were invited. A small but articulate group responded and provided us with valuable insights.

The Committee also met publicly approximately once a month to analyze the information received and to weigh our responses. Minutes of our meetings are and have been available at the Town website. The interim report of the Committee delivered to Town Meeting in May 2008 is also available at the website.

Our nine-member Committee has concluded its work with the firm conviction that Town Meeting in Needham is a vital, strong voice for the citizens of our town. We reject the notion that Town Meeting is an obsolete institution in a complex and rapidly changing world. Truly democratic institutions such as Town Meeting have an increasingly important role today when so many institutions under whose shadow we live provide us as citizens with little opportunity to be heard and taken seriously. We are elected by our neighbors and responsible to them.

Despite the core strength of Town Meeting, current and past members, as well as others, have thoughtfully, creatively and in good faith recommended ways in which to improve an institution which has flourished for nearly 300 years. We wish to thank all of the individuals and committees for their helpful contributions.

This report is organized around the various topics which have engaged our Committee. Although discussion of those topics necessarily risks some repetition because of their overlapping nature, we have tried to avoid redundancy. Our goal is to provoke discussion and, where appropriate, change in Needham's Town Meeting.

### **TOWN MEETING PROCEDURES**

The Committee perceives a tension between the goals of efficiency and thoroughness in achieving the purposes of Town Meeting, the legislative branch of Needham. Virtually all questionnaire respondents recognized that certain issues require substantial time for analysis and discussion. Avoidance of being or becoming a "rubber stamp", that is, approving recommendations without thorough scrutiny, is a high value.

On the other hand, TMMs have complained loudly about activities which they consider to be a waste of their time. Our comments should be taken in that context.

### **INFORMATION TO TOWN MEETING MEMBERS MUST BE TIMELY**

A fundamental premise of Town Meeting is that members are informed about the issues before them. Many Town Meeting Members have criticized receiving necessary information too late, often on the date of discussions. TMMs have an obligation to review the warrant and the warrant explanations before discussions at Town Meeting. The Town's Annual Report, another source of valuable information, and other reports are also mailed to TMMs before our sessions. This Committee recommends that TMMs not only become familiar with these sources of information, but also utilize the Town website throughout the year, call knowledgeable town officials with questions, and participate in the League of Women Voters Warrant Meetings held prior to Town Meeting. Attendance at Warrant Meetings has declined recently. Efforts have been made to streamline that forum, and TMMs should be expected to attend in order to increase their understanding of the various issues before them. This forum is organized by precinct (two precincts to a room), and it is therefore a good opportunity for TMMs to acquaint themselves with others in their precincts.

Whenever possible, advocates and presenters should avoid providing written materials to members for the first time at Town Meeting sessions. Wherever possible, those materials should be mailed to TMMs and/or posted on the Town website at least seven days before the materials are to be discussed. Votes of town committees, including the Finance Committee, should, where feasible, be provided to TMMs at least seven days before discussions to which they are pertinent. As explained below, the Committee believes that the Town website can be instrumental in distributing necessary information. The Committee does understand that information is not always available before the day of Town Meeting, particularly, for example, with regard to contract negotiations. However, distribution of written materials at Town Meeting sessions, rather than before the sessions, should be very much the exception.

TMMs also have the opportunity to attend or watch on local television pertinent hearings and meetings of various boards and Town committees. Meetings of the Board of Selectmen and the School Committee are routinely televised. However, the meetings of the Finance Committee are not televised. Despite the recent creation of a Finance Committee website, it is the suggestion of our Committee that Finance Committee meetings, which are public, be televised if the technical capacity of our local channel permits. Since the Finance Committee addresses virtually every financial request or issue facing the Town, their meetings are highly informative for TMMs. Those TMMs will be able to stay abreast of financial developments much more conveniently than is the case now, if the meetings are televised.

### **PRESENTATIONS AND COMMENTS AT TOWN MEETING**

The Committee recommends that those who comment about and advocate for warrant articles present their views briefly to Town Meeting without redundancy and respond, under the direction of the Moderator, succinctly. Written explanations of articles in the warrant have become highly detailed over the years and presenters should assume that TMMs have read them. Members of the Board of Selectmen and Finance Committee

should make every effort to communicate with each other before presentations and avoid redundancy. Questions and comments from TMMs are also more effective if stated briefly and clearly. The Committee suggests that members generally avoid restating views which others have already made clear.

### **ORDER OF WARRANT ARTICLES**

The Committee discussed the possibility of recommending that the budget warrant article be moved later in the warrant. Doing so would give more time for the Finance Committee to review specifics in the budget, and could improve attendance at later sessions of the Annual Town Meeting. However, our Committee is not recommending this change at this time, but instead, suggests discussion of this potential approach at TM.

The Committee suggests that, if possible, Town Meeting Members be told why articles are withdrawn from consideration.

The Committee recommends that only in the most compelling circumstances should a capital item be brought up at a Special Town Meeting.

### **THE OMNIBUS ARTICLE**

One part of Town Meeting which has been troublesome to the Committee is the inappropriate use of the Omnibus article, the final article considered at Annual Town Meeting. This article has traditionally been an instrument to permit Town Meeting to revisit and "tidy up" a variety of matters, including the correction of calculation errors in fiscal matters. It has also been used for resolutions which recognize outstanding individuals and has effected the creation of study committees, including ours. However, the Committee does not believe that the Omnibus article should be used to bring issues to Town Meeting floor that have not been previously discussed. Doing so undermines the purpose of the warrant: to provide notice to Town Meeting Members and other citizens of all issues to be discussed at Town Meeting. Proposing new substantive discussions through the Omnibus article creates unfair and inappropriate surprise to the detriment of our citizens. Several years ago, this article was used to introduce without notice a resolution pertaining to national politics. It is the Committee's view that such a use of the article is inappropriate. Therefore, the Committee has placed before Town Meeting for consideration the attached by-law for the use of the Omnibus article.

### **TOWN MEETING SCHEDULING**

Town Meeting scheduling is a live issue. In response to our questionnaires, some members expressed interest in starting sessions at 7:00 p.m. rather than 7:30 p.m. However, our Committee, on balance, continues to believe that the starting time should not be changed, considering that many members must commute to and from Boston and should have an opportunity for supper before engaging for several hours at Town Meeting. The Committee has also considered whether a break is needed at approximately 9:00 p.m., as is the custom. On balance, we recommend that the break continue, but that every effort is made to limit it to fifteen minutes. Our rationale is that such a short break between sessions of approximately 90 minutes each is not unreasonable, helps to keep people refreshed, and allows members to mingle.

However, we believe that our sessions at times extend too late into the night. Well over 50% of Town Meeting Members recommended, in questionnaire responses, that no new matter should be brought before Town Meeting after 10:30 p.m. Late sessions can be exhausting and can lessen the interest of members in having full and necessary discussions about articles. We endorse this proposition, with the caveat that this rule will be waived upon motion approved by two thirds of those present. Some flexibility in this rule is necessary in order to permit extended meetings on the last night of Town Meeting or in other circumstances which might arise.

A number of members expressed some frustration about time taken up at the beginning of meetings for invocations and other purposes. Some even suggested that such matters should begin at 7:00 p.m., prior to the 7:30 p.m. commencement of meetings. However, the Committee believes that ceremonies are appropriate at the beginning of our meetings, but urges that the ceremonies be brief, so that the work of Town Meeting can begin. The Committee recommends that the clergy who are invited to speak be instructed that this is not a bully pulpit; they are there simply to provide spiritual guidance, and their remarks should be limited to less than five minutes.

It is not possible to recommend or pre-determine how many sessions will be necessary for any single Town Meeting. One nearby town does all of its work in a single evening, while another municipality devoted fourteen evenings to Town Meeting last year. However, like most members, the Committee endorses reasonable steps to expedite Town Meeting. For example, the Committee supports the use of the consent agenda to save time. The current consent procedure is useful, but TMMs should anticipate its use and should know before they enter the session whether they wish to raise a question. Shortening the time for debate has also been proposed, but the Committee believes that the Moderator, who controls debate, has been effective and has reasonably exercised his discretion to extend debate for good reason. Instead of formally limiting debate through further rules, the Committee urges TMMs to be mindful, when they speak, that Town Meeting has much to do within a limited amount of time.

### **MOVING THE PREVIOUS QUESTION**

One time-saving procedure criticized by some members is the motion to move the previous question, also known as “calling the question”. Requiring a two-thirds vote, the motion, if approved, cuts off all debate. By its nature, the motion prevents people who may have something to say from speaking. The Committee believes that the motion continues to serve a useful purpose, but urges members to invoke it conservatively in order to allow fellow members to speak their minds. In other words, Town Meeting should err on the side of having an overly lengthy debate rather than a short-circuited discussion. Despite the occasional misuse of the motion in the past, eliminating it from Town Meeting would remove any means to stop unreasonable filibustering.

### **RECOGNIZING SPEAKERS**

Some Town Meeting Members have also suggested that the method for recognizing speakers at Town Meeting is less than ideal. Currently, individuals are recognized by the Moderator when they raise their hands, stand up, and/or call out to the Moderator. They can also inform the Moderator before debate about their wish to speak. Members have suggested that it is difficult to be recognized at times, that it appears that

same individuals are repeatedly called upon, and that new members particularly feel left out. The Moderator has assured the Committee that his practice is to recognize all members who wish to speak. It appears that more experienced members have an advantage in that they are more aggressive than others in seeking recognition. In other places in this report, the Committee recommends more intensive orientation of new TMMs to our traditions, including how to be recognized to speak. The Committee urges new members to be aggressive in seeking such recognition.

However, the Committee has also considered one particular logistical change to address this issue. If, instead of passing the microphone to individuals in their seats, we required speakers to come into the aisles where microphones would be set up, anyone who wished to speak could come to the microphone and no one would be overlooked. Other towns have adopted this approach. The Committee recommends that Town Meeting give this method a trial in order to determine how well it works.

### **APPOINTMENT OF COMMITTEE MEMBERS**

The Committee has concluded that delay in the appointment or replacement of members of Town Meeting committees has, from time to time, hindered the work of those committees, including the Finance Committee. We therefore recommend that appointments to newly created committees be completed within one month of the conclusion of the Town Meeting which created such committees. The Study Committee also recommends that vacancies in committees be filled within one month of the vacancy.

The Committee recognizes that the lack of volunteers or qualified volunteers may well have led to appointment delays in the past. We recommend that the Procedures Committee, which we have proposed (see below) solicit the names and qualifications of potential volunteers for TM committees in order to be able to identify and recommend such individuals quickly and efficiently to the appointing authority, including the Moderator, as soon as the need develops.

### **PRECINCTS AND THEIR ROLE AT TOWN MEETING**

Under our state Constitution and laws, precincts in towns play an important role in state and local elections. They are critical to our republican form of government with its reliance on the choice of elected legislative bodies, including U.S. Congressmen and other elected officials on a “one person, one vote” basis. Every town of more than 2,500 inhabitants, whether it has an open town meeting or a representative town meeting, is required to divide itself into new population-equal precincts following each federal decennial census. No such precinct may contain more than 4,000 inhabitants.

Town Meeting Members chosen from precincts have a dual responsibility, first to the well-being of the Town at large, and then to the concerns and interests of their respective precincts.

The Committee’s research found that in many towns, precinct organization is an important aspect of Town Meeting. In some towns, precinct members may meet together and with other precinct residents prior to town meeting to discuss the warrant and its impact on the precinct, thus educating and involving them from the grass roots. Precinct members may choose leaders, who then play various roles at Town Meeting and for the Town Meeting Members of their precinct, such as disseminating information in meetings

or via email. Having a smaller group can allow more voices to be heard than when the whole body is in session or online.

Our precinct system should be utilized to encourage citizens to know and communicate with their TMMs. Based upon our research, it is quite clear that most Needham TMMs are seldom approached by other residents about the business of the Town. In fact, it is our view that most Needham residents do not know who their Town Meeting representatives are and many do not know in any detail how Town Meeting works.

For many years the League of Women Voters of Needham held Warrant Meetings at homes in each precinct. During the last few years Warrant Meetings have been held in one location (the Pollard Middle School) with TMMs from two precincts doubling up in each classroom. The reason for this change was to make it easier for the Town officials (Selectmen, School Committee members, etc.) to move around, not because of a conflict concern.

Changing the role of the precincts could affect Needham Town Meeting significantly and should not be done lightly. For example, it has the potential to encourage TMMs to weigh the interests of a particular precinct over the concerns of the Town as a whole. This was mentioned as a concern in some of the towns that we researched and our Committee would not welcome that development. However, precinct organization also has the potential for good. Our Committee has recommended elsewhere in this report that an additional standing committee, a Procedures Committee, be created. That Committee, among other things, would constantly monitor the strengths and weaknesses of Town Meeting and recommend appropriate changes to the Moderator and/or Town Meeting. Our Committee recommends that the Procedures Committee study the role of precincts and provide its considered recommendations to Town Meeting in the near future regarding this issue.

### **ABSENTEEISM**

Since the mid 1990's there have been numerous articles, editorials and letters in the Needham newspapers that focused on and were very critical of absenteeism at annual and special Town Meetings. In 2007 an individual was quoted as saying "There is an outrageous degree of absenteeism at Town Meeting." The first mandate to the Town Meeting Study Committee was to examine the amount and nature of Town Meeting absenteeism; is it a serious problem, and, if it is, what recommendations should be made to deal with it?

In order to analyze and place in perspective Town Meeting attendance, old Town reports and current files were researched. Committee members also contacted other towns with representative town meetings to ascertain their levels of attendance.

Average Needham Town Meeting attendance for each of three periods of time:

FY1934-FY1986---86% for 54 meetings (at five year intervals)

FY1990-FY1999---84% for 70 meetings

FY2000-FY2008---84% for 45 meetings

Average Needham Town Meeting attendance for FY2000-FY2008

FY2000---80%	FY2005---78%
FY2001---84%	FY2006---84%
FY2002---87%	FY2007---85%
FY2003---88%	FY2008---84%
FY2004---86%	

Average Town Meeting attendance in other Towns (years vary):

Dedham-----86%-90%
Lexington----86%-91%
Norwood-----52%-64%
Wellesley-----86%-88%
Winchester---83%

Based on this information, the Committee has concluded that there is not a Town Meeting attendance crisis and therefore, there is no need to enact Charter or By-Law change to address absenteeism. In comparing recent Town Meeting attendance numbers with those from previous decades and with those from other towns, the average Town Meeting attendance of 84%-86% is reasonable and not a cause for concern. Since 1934, when representative town meeting was first introduced in Needham, there has never been a “golden age” when attendance was regularly 95%-100%. It is unrealistic to expect, in Needham or in any other town, near perfect attendance at town meetings with 250 members.

Nevertheless, the Committee would like to address two issues: Some members are chronically absent from sessions and others leave during the break or before adjournment. During the five Town Meeting sessions in May 2008, sixteen individuals missed all of them, four missed four of the five meetings and fourteen were absent for three of the five meetings. Statistics for previous years also show similar numbers of Town Meeting Members who were not present for 50%-100% of the sessions. There are no records to indicate how many individuals leave before a session is adjourned.

The Committee is recommending that individuals who miss 50% or more of the meetings during the year should be personally contacted by someone from the newly established Procedures Committee (or by the Moderator or Town Clerk) and their attendance reviewed. Town Meeting attendance records should be made available on the Town’s website. We recommend that the Needham Times/LWVN Voters Guide should also publish the three, two or one year attendance records (as well as the year first elected) of those TMMs who are up for reelection. With this information residents can cast a more informed vote.

Committee members and others are critical of TMMs (often the same ones) who leave at the break or before the end of the meeting. At this time, the Committee does not recommend establishing a formal check-out procedure at adjournment; the benefit would be outweighed by the inconvenience. We suggest that the Procedures Committee monitor this.

In conclusion, an analysis of Town Meeting attendance records in Needham and a comparison of Needham with other towns show that attendance at Town Meetings is not

a problem. However, the Committee would like to have the small number of those who are chronically absent dealt with.

### **TOWN MEETING MEMBER EDUCATION**

It is a privilege to be a Town Meeting Member. Members are making a commitment to attend all town meetings after reviewing the warrant and information from various town committees. One duty of the Town Meeting Member is to be informed of current happenings, which can be accomplished by attending town committee meetings and hearings, watching televised hearings, and communicating with town officials when necessary. The Committee recognizes that conflicts can occasionally cause a necessary absence, but since Needham has a representative form of Town Meeting, attendance is important. It is also imperative to communicate with one's constituents, if at all possible, to learn about their concerns.

A public meeting revealed what the Committee has discussed – that new TMMs do not realize the extent of their obligations when they become a TMM. Currently, a packet with information is sent to all newly-elected TMMs which includes an invitation to attend a new Town Meeting Member orientation given by Michael Fee, the Moderator. Also included is the Needham Town Meeting Handbook, which Michael Fee compiled in 1998 as a guidebook which contains some practical information about our representative town meeting's history and rules. Information includes: how to prepare articles for the Warrant, duties of finance and standing committees, and order of business and procedure. There is also an article written by James Hugh Powers entitled "Preparing for Town Meeting – a Matter of 'Homework'".

The Committee has discussed how to help new TMMs understand the extent and importance of their commitment. The Committee recommends that an informational video with the Moderator giving his orientation about the history of Needham's Town Meeting and the rules and procedures be developed and given to all newly-elected TMMs. This information would be a resource for further questions to be asked at the mandatory orientation meeting for new TMMs.

Increased use of the Town website should be encouraged as an excellent source of information for all TMMs, new and old.

### **CODE OF CONDUCT**

It became evident during our discussions and research that the duties and responsibilities of a Town Meeting Member are not clear, especially to newer members. Therefore, the Committee recommends adoption of the attached by-law to set forth expectations of TMMs without ambiguity. In brief, TMMs need to educate themselves throughout the year about the issues that are likely to come before Town Meeting. Staying informed by attending hearings on key issues, watching televised hearings, communicating with Town officials and reviewing governmental reports is necessary to be an effective TMM. In Needham's representative form of Town Meeting, absence by an elected member disenfranchises a larger portion of the population than the single member. Attendance at all Annual and Special Town Meeting sessions is imperative. The Committee recognizes that conflicts occasionally will cause a necessary absence, but emphasizes the importance of attending.

## **WEBSITE AND COMMUNICATION**

The Committee supports the efforts made by the Town to post information, meeting minutes for committees (ours included), the entire warrant, and information that the departments have prepared. The Town should continue to support the use of the Internet and monitor the usage of the various sites and pages of its website. This monitoring will indicate if greater efforts are needed to promote Internet usage by Town Meeting Members.

We recognize the legal requirements placed on the Town to mail certain materials and do not suggest that those practices be abandoned, but we do recommend that all information be posted to the website with sufficient instruction to citizens on how to find the information either on their own computers, at the library, or other places allowing public use of the Internet.

As noted above, as much as possible, departments and committees should provide information that can be read and absorbed prior to Town Meeting instead of distributing paper versions as members enter the hall. A TM website could advance this goal. Citizens wishing to offer amendments or other supporting information could have them posted. The Moderator's materials for the orientation of new members could also be placed on the website.

We also recommend that the Town Clerk collect email addresses from TMMs wishing to be notified of new information. Those without email could request mail notification if they wish advance information before Town Meeting.

## **PROCEDURES COMMITTEES IN OTHER TOWNS**

Many towns in Massachusetts with representative Town Meeting have Town Meeting procedure committees. The membership of these committees is chosen exclusively from Town Meeting Members from precincts. The members are either elected by the other members of their precinct or appointed by the moderator. These towns include: Amherst, Arlington, Billerica, Burlington, Dedham, Framingham, Norwood, Plymouth, Reading, Stoughton, Winchester, Brookline, Holbrook, Lexington, and Wellesley.

The procedures committees have names such as Town Meeting Procedures Committee, Town Meeting Coordinating Committee, Town Meeting Rules Committee, and Precinct Organization and Caucuses.

These committees have many different roles:

- take responsibility for the education and orientation of new TMMs
- hold precinct warrant review meetings before Town Meeting
- advise the Moderator and Town Meeting on procedures and rules
- advise the Town Meeting on warrant articles
- propose changes in the Town Charter and By-Laws
- sponsor bus tours of sites related to warrant articles
- assist the Moderator in the selection of appointees to committees of Town Meeting
- review and make recommendations regarding all matters referred by Town Meeting
- review all aspects of the operation of Town Meeting and make an Annual Report in writing

Lexington has an independent Town Meeting Members Association which maintains its own website (at <http://www.lexingtontmma.org>). Its mission is to support, encourage and inform discussion among Town Meeting Members.

### **PROPOSED PROCEDURES COMMITTEE FOR NEEDHAM**

The Committee has researched and discussed many issues regarding the in-session operations and procedures of the Town Meeting and has summarized its findings and recommendations above. However, the Committee believes that issues such as information flow, discussion process, proponent presentations, and other subjects mentioned in this report need ongoing monitoring and management by a Procedures Committee.

The Committee met with the Moderator and discussed some of the concerns regarding these issues. The Moderator, working with the Town Clerk, tries to monitor problems and issues, and has made modifications to procedures in the past. After discussion with the Moderator, the Committee reviewed the feasibility of forming a Procedures Committee and a wide range of possible duties for it. We recommend adoption of the attached by-law creating such a committee. Duties discussed ranged from website management to monitoring the length of the mid-session break.

The following duties are recommended for the Procedures Committee, the details of which are more extensively reviewed in other sections of this report.

- Review and monitor attendance.  
Formulate and implement methods for dealing with chronic absenteeism and other attendance issues.
- Develop rules and distribution methods for warrant article information distribution.  
The distribution of information on tables outside the meeting hall is universally seen as poor practice by the Committee and by those commenting to them. The new Procedures Committee would set rules and assist with distribution of information.
- Study the use of the Town website and how it could serve the needs of Town Meeting. Members of the Procedures Committee will consider establishing an additional standing committee of Town Meeting to implement and manage electronic information distribution.
- Monitor and make recommendations regarding the rules and procedures in place during Town Meeting.  
The Study Committee questionnaire asked about the session's starting and ending times. This issue needs ongoing review. The desire for thorough discussion of the warrant articles conflicts with the desire for efficiency; and discussion procedures need ongoing monitoring and recommendations for improvement.
- Assist Moderator and Town Clerk in new member education and orientation.  
It is important that members understand how Town Meeting operates. How to be recognized to question or comment during discussion, types of questions allowed, moving the question, are all of critical importance and not always understood clearly. Town Meeting Members need to understand the overall Town government structure and Town Meeting's important role as the legislative body in Town government.
- Enforce Town Meeting Member Code of Conduct.

As noted, the Study Committee has developed a warrant article by law amendment regarding expectations and requirements for members.

- Provide general assistance to the Moderator in Town Meeting operations.
- Consult with the Warrant Committee on the organization of the Warrant Articles.  
As observed earlier, some other towns place their main budget articles later in the warrant. This and other warrant organization issues need ongoing review.

The Committee discussed various methods for appointment of the Procedures Committee. The recommendation is that the Procedures Committee consists of seven members, serving staggered 3-year terms appointed by the Moderator..

## **CONCLUSION**

The Committee offers its recommendations and comments to Town Meeting in an effort to strengthen an already vibrant institution. Throughout our deliberations, our goal has been not to criticize, but to improve. We have been cautious in considering sudden, dramatic changes to a three-hundred year old body which has served us well. Nevertheless, we see merit in continuing to consider potential reforms in the future, a task which we believe our proposed Procedures Committee can perform well.

We thank the many citizens of Needham who shared their thoughts with us about the many issues which we have discussed. We trust that our views, as expressed in this report, will lead to that most characteristic activity of Town Meeting: full-throated, thoughtful debate.

The Town Meeting Study Committee

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

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

Given under our hands at Needham aforesaid this 10th day of February 2009.

James G. Healy, Chairman  
Daniel P. Matthews, Vice Chairman  
John A. Bulian, Clerk  
Denise C. Garlick  
Gerald A. Wasserman  
**Selectmen of Needham**

a true copy  
ATTEST:

















# **DEBT APPENDIX A**

Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
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**GENERAL FUND WITHIN THE LEVY LIMIT - AUTHORIZED & ISSUED**

DPW Roof	May-1998	\$274,000	Jun-1999	Jun-2009	4.47%	\$26,125	PAID					
Fire Truck #2	May-1998	\$300,000	Jun-1999	Jun-2009	4.45%	\$31,350	PAID					
High School Gym Roof	Nov-1998	\$171,900	Jun-1999	Jun-2009	4.49%	\$15,675	PAID					
High School Roof Repairs	May-1998	\$805,000	Jun-1999	Jun-2009	4.38%	\$104,500	PAID					
Title V - MWPAT T5-97-1027 - R	May-1997	\$85,894	Dec-1999	Aug-2019	(see note)	\$7,759	\$7,519	\$7,305	\$7,056	\$6,794	\$6,530	\$33,216
Storm Water - MWPAT 98-92 (Restructured)	May-1998	\$364,979	Sep-2001	Aug-2019	(see note)	\$36,857	\$36,878	\$34,831	\$34,506	\$33,750	\$32,889	\$192,094
High School HVAC	Nov-2001	\$330,000	May-2003	Nov-2008	2.03%	\$70,744	PAID					
High School Repair	Feb-2001	\$750,000	May-2003	Nov-2009	2.12%	\$128,203	\$75,938	PAID				
Pollard School Modular Classrooms	Nov-2001	\$1,712,000	May-2003	Nov-2010	2.33%	\$235,888	\$299,925	\$228,150	PAID			
Fire Engine	May-2004	\$365,000	Dec-2004	Dec-2008	3.30%	\$66,300	PAID					
Road Improvement Program	May-2001	\$435,000	Dec-2004	Dec-2008	3.39%	\$107,100	PAID					
Road Improvements - Parish Area	May-1999	\$129,000	Dec-2004	Dec-2008	3.82%	\$30,600	PAID					
Road Improvements (Series I)	May-2004	\$400,000	Dec-2004	Dec-2008	3.40%	\$102,000	PAID					
Sidewalk Improvements (Series I)	May-2004	\$115,000	Dec-2004	Dec-2008	3.36%	\$25,500	PAID					
Police Fire Complex Repairs	May-2003	\$400,000	Jun-2005	Jun-2010	3.17%	\$85,200	\$82,600	PAID				
Road & Intersection Improvements	May-2003	\$500,000	Jun-2005	Jun-2010	3.17%	\$106,500	\$103,250	PAID				

Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
Ambulance	May-2005	\$120,250	Dec-2005	Feb-2010	3.41%	\$32,025	\$31,013	PAID				
Police Fire Complex Repairs	May-2004	\$110,000	Dec-2005	Feb-2010	3.42%	\$31,688	\$20,675	PAID				
Road Improvements	May-2005	\$468,400	Dec-2005	Feb-2015	3.48%	\$103,923	\$100,716	\$32,510	\$11,460	\$11,110	\$10,750	\$10,380
Road Improvements (Series II)	May-2004	\$485,000	Dec-2005	Feb-2010	3.41%	\$128,100	\$124,050	PAID				
Sidewalk Improvements	May-2005	\$123,300	Dec-2005	Feb-2010	3.42%	\$32,025	\$31,013	PAID				
Sidewalk Improvements (Series II)	May-2004	\$50,000	Dec-2005	Feb-2010	3.43%	\$10,675	\$10,338	PAID				
Public Works Bucket Truck	May-2006	\$122,000	Nov-2006	May-2009	4.28%	\$57,338	PAID					
Roads, Bridges, Sidewalks & Intersections (Series I)	May-2006	\$500,000	Nov-2006	May-2010	4.11%	\$112,250	\$208,000	PAID				
School Technology Replacement	May-2006	\$166,000	Nov-2006	May-2009	4.30%	\$46,913	PAID					
Mitchell School Roof	Nov-2006	\$580,000	Jun-2007	Nov-2011	4.31%	\$132,106	\$127,219	\$122,331	\$117,444	PAID		
Roads, Bridges, Sidewalks & Intersections (Series II)	May-2006	\$340,000	Jun-2007	Nov-2010	4.33%	\$94,031	\$90,419	\$86,806	PAID			
Roads, Bridges, Sidewalks & Intersections	May-2007	\$1,100,000	Dec-2007	Jun-2010	3.31%	\$404,538	\$387,188	PAID				
Ambulance & EMS Reporting System	May-2008	\$150,000	Nov-2008	Aug-2010	3.40%		\$85,300	\$81,400				
Public Services Administrative Building Design	May-2008	\$120,000	Nov-2008	Aug-2010	3.40%		\$63,975	\$61,050				
Hillside & Mitchell Schools Paving Work	May-2008	\$90,000	Nov-2008	Aug-2011	3.46%		\$33,300	\$31,575	\$30,525			
<b>GENERAL FUND DEBT SERVICE - WITHIN THE LEVY LIMIT</b>						<b>\$2,365,910</b>	<b>\$1,919,313</b>	<b>\$685,959</b>	<b>\$200,990</b>	<b>\$51,654</b>	<b>\$50,169</b>	<b>\$235,689</b>

Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
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**GENERAL FUND DEBT EXCLUDED FROM THE LEVY LIMIT - AUTHORIZED & ISSUED**

High School Renovations	May-2000	\$5,350,000	Jun-2001	Jun-2011	4.00%	\$599,200	\$577,800	\$556,400	PAID			
Land Acquisition (Wiswall)	Nov-2000	\$1,930,000	Jun-2001	Jun-2011	4.00%	\$212,800	\$205,200	\$197,600	PAID			
Broadmeadow School	May-2000	\$14,000,000	Nov-2003	Nov-2023	4.09%	\$1,136,100	\$1,111,600	\$1,089,725	\$1,066,100	\$1,040,725	\$1,013,600	\$8,544,200
Library Project (Series I)	May-2003	\$11,000,000	Dec-2004	Dec-2019	3.90%	\$1,178,288	\$1,149,763	\$1,118,181	\$1,084,563	\$1,056,038	\$1,026,494	\$5,470,369
Eliot School	May-2000	\$5,500,000	Jun-2005	Jun-2025	3.82%	\$450,381	\$446,444	\$417,344	\$408,894	\$399,794	\$390,694	\$3,856,531
Library Project (Series II)	May-2003	\$750,000	Dec-2005	Feb-2015	3.59%	\$106,668	\$103,799	\$100,930	\$102,955	\$99,805	\$91,565	\$93,420
High School (Series I)	May-2003	\$10,000,000	Nov-2006	May-2026	4.01%	\$879,700	\$888,450	\$907,250	\$865,875	\$845,250	\$823,250	\$7,854,375
High Rock School - Designs	Nov-2006	\$45,000	Dec-2007	Jun-2012	3.28%	\$16,463	\$10,975	\$10,650	\$10,325	PAID		
High Rock & Pollard School Projects	May-2007	\$600,000	Dec-2007	Jun-2012	3.28%	\$169,500	\$164,625	\$159,750	\$154,875	PAID		
High Rock School - Designs	Nov-2006	\$480,000	Jun-2008	Dec-2026	3.91%	\$47,563	\$41,406	\$40,594	\$39,781	\$38,969	\$38,156	\$409,500
High Rock & Pollard School Projects	May-2007	\$1,120,000	Jun-2008	Dec-2026	3.91%	\$101,050	\$98,575	\$96,625	\$94,675	\$92,725	\$90,775	\$954,000
High School (Series IIA)	May-2003	\$9,000,000	Jun-2008	Dec-2024	3.89%	\$856,875	\$835,013	\$817,788	\$800,563	\$783,338	\$766,113	\$7,098,600
High School (Series IIB)	Feb-2005	\$2,000,000	Jun-2008	Dec-2026	3.91%	\$183,363	\$173,906	\$170,494	\$167,081	\$163,669	\$160,256	\$1,719,900
High Rock & Pollard School Projects (Series III)	May-2007	\$5,000,000	Nov-2008	Aug-2027	4.69%		\$531,291	\$468,625	\$459,350	\$450,075	\$440,800	\$4,922,994
<b>EXCLUDED DEBT</b>						<b>\$5,937,949</b>	<b>\$6,338,846</b>	<b>\$6,151,955</b>	<b>\$5,255,036</b>	<b>\$4,970,386</b>	<b>\$4,841,703</b>	<b>\$40,923,889</b>

**RTS FUND DEBT FEE SUPPORTED - AUTHORIZED & ISSUED**

RTS Scale Replacement	May-2005	\$56,000	Dec-2005	Feb-2009	3.45%	\$15,506	PAID					
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Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
Transfer Trailer and Staging Pad	May-2004	\$36,000	Dec-2005	Feb-2009	3.45%	\$10,338	PAID					
Wood Grinder	May-2004	\$157,000	Dec-2005	Feb-2009	3.44%	\$51,688	PAID					
RTS Construction Equipment	May-2007	\$200,000	Dec-2007	Jun-2011	3.30%	\$54,875	\$53,250	\$51,625	PAID			
<b>RTS DEBT SERVICE</b>						<b>\$132,406</b>	<b>\$53,250</b>	<b>\$51,625</b>				
<b>SEWER FUND DEBT SERVICE FEE SUPPORTED - AUTHORIZED &amp; ISSUED</b>												
West Street Force Sewer Main	May-1998	\$881,800	Jun-1999	Jun-2019	4.83%	\$68,256	\$71,456	\$69,375	\$67,238	\$70,100	\$67,700	\$352,000
West Street Sewer Pump Station	May-1998	\$1,939,000	Jun-1999	Jun-2019	4.83%	\$152,346	\$153,296	\$153,903	\$154,153	\$154,165	\$153,885	\$768,000
Sewer - MWPAT 95-01 (Restructured)	May-1991	\$310,656	Aug-2001	Feb-2015 (see note)		\$32,169	\$32,162	\$32,130	\$32,110	\$32,080	\$32,061	\$32,021
Sewer - MWPAT 97-13 (Restructured)	Oct-1996	\$57,700	Nov-2004	Aug-2018 (see note)		\$6,955	\$6,805	\$6,815	\$6,406	\$6,558	\$6,509	\$31,533
Sewer - MWPAT 97-33 (Restructured)	Oct-1996	\$180,300	Nov-2004	Aug-2018 (see note)		\$18,630	\$18,001	\$18,160	\$17,194	\$17,593	\$17,427	\$83,518
Sewer - MWPAT 97-63 (Restructured 2)	May-1997	\$1,019,778	Nov-2004	Aug-2018 (see note)		\$105,269	\$101,808	\$102,444	\$97,017	\$99,729	\$98,417	\$473,073
Sewer - MWPAT 98-10 (Restructured)	May-1997	\$130,200	Nov-2004	Aug-2018 (see note)		\$13,411	\$12,944	\$13,071	\$12,388	\$12,793	\$12,594	\$60,370
Sewer System Rehab - I/I Work (Series II)	May-2003	\$425,000	Jun-2005	Jun-2014	3.14%	\$53,263	\$46,800	\$45,500	\$44,200	\$42,800	\$41,400	
Sewer Pump Station	May-2005	\$484,550	Dec-2005	Feb-2015	3.59%	\$68,477	\$66,621	\$64,765	\$62,840	\$60,915	\$58,935	\$51,900
Sewer Rehabilitation - Rte 128 Area (Series I)	Nov-2005	\$2,000,000	Jun-2007	Nov-2022	4.35%	\$319,413	\$308,788	\$161,138	\$141,781	\$142,638	\$138,388	\$973,556
Sewer Rehabilitation - Rte 128 Area (Series II)	Nov-2005	\$400,000	Dec-2007	Jun-2009	3.34%	\$206,500	PAID					
<b>SEWER DEBT SERVICE</b>						<b>\$1,044,690</b>	<b>\$818,680</b>	<b>\$667,300</b>	<b>\$635,326</b>	<b>\$639,370</b>	<b>\$627,315</b>	<b>\$2,825,972</b>

Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
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**WATER FUND DEBT SERVICE FEE SUPPORTED - AUTHORIZED & ISSUED**

Water Treatment Facility	Nov-1997	\$3,090,000	Jun-1999	Jun-2019	4.83%	\$244,365	\$242,840	\$245,903	\$243,303	\$245,465	\$247,065	\$1,224,750
Water Treatment Facility	May-1996	\$2,665,000	Jun-1999	Jun-2019	4.83%	\$210,233	\$209,608	\$208,595	\$212,183	\$210,295	\$208,095	\$1,050,750
Water Systems - Broadmeadow Area	Nov-2000	\$257,304	Jul-2001	Aug-2011	ZERO	\$25,730	\$25,730	\$25,730	\$25,730	PAID		
Water System Improvement	May-2001	\$665,000	May-2003	Nov-2009	2.12%	\$72,369	\$65,813	PAID				
Water System Designs - St. Mary	Nov-2002	\$120,000	Dec-2004	Dec-2008	3.40%	\$30,600	PAID					
Water System Designs - Webster Area (Series I)	Nov-2002	\$85,000	Dec-2004	Dec-2008	3.39%	\$20,400	PAID					
Water System Designs - Warren Area	May-2004	\$50,000	Dec-2005	Feb-2011	3.44%	\$11,025	\$10,688	\$10,350	PAID			
Water System Rehab - Warren Area (Series I)	May-2005	\$413,500	Dec-2005	Feb-2015	3.60%	\$56,558	\$55,039	\$53,520	\$51,945	\$50,370	\$53,750	\$51,900
Water Treatment Plant Computer System (Series I)	May-2004	\$42,000	Dec-2005	Feb-2009	3.44%	\$15,506	PAID					
Water System Rehab - Warren Area (Series II)	May-2005	\$330,000	Nov-2006	May-2010	4.16%	\$75,775	\$72,800	PAID				
Water System Rehab - Webster Area (Series I)	May-2003	\$788,000	Nov-2006	May-2010	4.16%	\$247,775	\$208,000	PAID				
Water Service Connections (Series I)	May-2006	\$50,000	Jun-2007	Nov-2011	4.31%	\$11,488	\$11,063	\$10,638	\$10,213	PAID		
Water System Rehab - Rte 128 Area (Series I)	May-2006	\$1,500,000	Jun-2007	Nov-2022	4.32%	\$102,300	\$100,600	\$138,050	\$178,694	\$148,913	\$144,663	\$1,170,644
Water Service Connections (Series II)	May-2006	\$100,000	Dec-2007	Jun-2012	3.28%	\$28,250	\$27,438	\$26,625	\$25,813	PAID		
Water Storage Tank Rehabilitation	May-2007	\$600,000	Dec-2007	Jun-2012	3.28%	\$79,500	\$197,550	\$191,700	\$185,850	PAID		
Water System Design	May-2001	\$25,000	Dec-2007	Jun-2012	3.28%	\$10,813	\$5,488	\$5,325	\$5,163	PAID		

Town of Needham - Debt Service - Appendix A

**TOWN OF NEEDHAM DEBT SERVICE - SCHEDULE OF AUTHORIZED & ISSUED**

Project	T.M. Vote	Amount Issued	Bond Issued	Final Maturity	Average Rate	2009	2010	2011	2012	2013	2014	After 2014
Water System Rehab - Webster Area (Series II)	May-2003	\$100,000	Dec-2007	Jun-2012	3.28%	\$28,250	\$27,438	\$26,625	\$25,813	PAID		
Water Treatment Plant Computer System (Series II)	May-2004	\$10,000	Dec-2007	Jun-2009	3.34%	\$5,163	PAID					
Water System Rehabilitation - Rte 128 Area	May-2006	\$230,000	Nov-2008	Aug-2012	3.48%		\$68,788	\$64,900	\$57,888	\$55,963		
<b>WATER DEBT SERVICE</b>						\$1,276,098	\$1,328,879	\$1,007,960	\$1,022,592	\$711,005	\$653,573	\$3,498,044
<b>TOTAL</b>						\$10,757,054	\$10,458,968	\$8,564,799	\$7,113,944	\$6,372,416	\$6,172,759	\$47,483,594

Note: Massachusetts Water Pollution Abatement Trust (MWPAAT) loans include many communities and multiple loans and are frequently restructured by the Trust. The program provides grants and other financial assistance which in effect results in low or no interest rate loan . Under the program the Town usually pays less than it borrows from the Trust.

# **DEBT APPENDIX B**

**Town of Needham - Debt - Appendix B**

**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Open or Requested Authorization
<b>Open General Fund Projects</b>			
Public Services Administration Bldg	Oct-08	5	\$5,725,000
Road, Bridges, Sidewalks and Intersection Improvement	May-08	34	\$820,000
Public Safety Building Roof	May-08	36	\$535,000
Hillside & Mitchell School Parking & Play Area Improvements	May-08	38	\$70,000
Street & Traffic Light Improvements	May-08	42	\$105,000
Public Services Administration Bldg (Design)	May-08	33	\$380,000
Ambulance & EMS Reporting System	May-08	37	\$45,000
Municipal Parking Lot Improvements	May-08	41	\$105,000
High Rock and Pollard School Project	May-07	41	\$13,755,000
Mitchell School Roof Repair	Nov-06	12	\$90,000
Ridge Hill Rehabilitation	May-05	31	\$115,000
High School	Feb-05	1	\$6,412,750
Library New Facility	May-03	30	\$42,497
High School	May-03	31	\$1,594,604
Parking Lot Dedham Avenue	Nov-02	14	\$46,500
Pool Repair - Rosemary	May-01	64	\$23,000
Rosemary Pool Complex - Design	May-00	63	\$72,500
<b>TOTAL</b>			<b>\$29,936,851</b>
<b>Proposed General Fund Projects for the 2009 ATM</b>			
Roads, Bridges, Sidewalks, and Intersection Improvements	Pending	48	\$875,000
Stormwater Master Plan Drainage	Pending	49	\$200,000
Kendrick Street Bridge Repair Design	Pending	47	\$125,000
<b>TOTAL</b>			<b>\$1,200,000</b>

**Town of Needham - Debt - Appendix B**

**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Open or Requested Authorization
<b>Proposed CPA/General Fund Projects for the 2009 ATM</b>			
Town Hall	Pending	36	\$11,300,000
<b>TOTAL</b>			<b>\$11,300,000</b>
<b>Open RTS Enterprise Fund Projects</b>			
Collection Packer Equipment	May-08	44	\$225,000
RTS Construction Equipment	May-07	43	\$30,000
<b>TOTAL</b>			<b>\$255,000</b>
<b>Proposed RTS Enterprise Fund Projects for the 2009 ATM</b>			
RTS Construction Equipment	Pending	53	\$230,000
<b>TOTAL</b>			<b>\$230,000</b>
<b>Open Sewer Enterprise Fund Projects</b>			
Sewer Pump Station - Great Plain Ave.	May-08	45	\$770,000
Sewer System Rehabilitation I/I Work	May-07	45	\$1,756,800
Rte 128 Sewer System Improvements	Nov-05	9	\$655,000
Sewer Pump Station - Great Plain Ave.	May-05	49	\$500,000
Sewer System Rehab - I/I Work	May-03	55	\$175,000
Sewer Pump Station Richardson Drive	Nov-02	20	\$500,000
<b>TOTAL</b>			<b>\$4,356,800</b>
<b>Proposed Sewer Enterprise Fund Projects for the 2009 ATM</b>			
Sewer Pump Station Design - Reservoir B	Pending	55	\$577,500
<b>TOTAL</b>			<b>\$577,500</b>

**Town of Needham - Debt - Appendix B**

**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Open or Requested Authorization
<b>Open Water Enterprise Fund Projects</b>			
Water Main Improvements	May-08	47	\$1,900,000
Water Storage Tank Cleaning & Painting	May-08	48	\$730,000
Water System Improvements (Rte 128 Area)	May-06	71	\$1,270,000
Water Service Connections	May-06	70	\$55,000
Water System Improvements - Warren Street	May-05	54	\$45,000
Water System Designs - Webster	Nov-02	25	\$11,000
Water Pumping Station Design - St. Mary's	Nov-02	26	\$180,000
<b>TOTAL</b>			<b>\$4,191,000</b>
<b>Proposed Water Enterprise Fund Projects for the 2009 ATM</b>			
Water System Improvements	Pending	57	\$1,000,000
<b>TOTAL</b>			<b>\$1,000,000</b>

