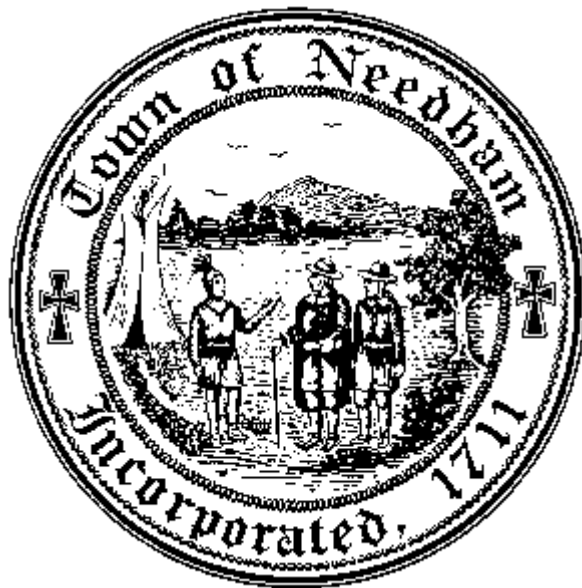


SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, NOVEMBER 8, 2010

7:30 P. M.

NEWMAN ELEMENTARY SCHOOL

CENTRAL AVENUE

NEEDHAM

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Newman Elementary School:

MONDAY, THE EIGHTH DAY OF NOVEMBER, 2010

At seven-thirty in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: HOME RULE PETITION – TAKING FOR BRIDGE REPAIR

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court. The Town Manager is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO TAKE BY EMINENT DOMAIN EASEMENTS IN LAND OWNED BY THE COMMONWEALTH OF MASSACHUSETTS ADJACENT TO SOUTH STREET AND THE CHARLES RIVER FOR THE PURPOSE OF INSTALLING UTILITIES AND TO CHANGE THE USE OF THE LAND FROM OPEN SPACE TO UTILITY USE UNDER ARTICLE OF AMENDMENT XLIX.

Section 1. The Town of Needham, acting by its Board of Selectmen, may take easements in land owned by the Department of Conservation and Recreation located adjacent to South Street and the Charles River in Needham for the purposes of accommodating Mass Highway Department's reconstruction of the bridge over the Charles River that connects South Street in the Town of Needham to Willow Street in the Town of Dover and for installing utilities to accommodate the reconstruction of the bridge.

Section 2. There shall be no damages paid to the Department of Conservation and Recreation for such takings.

Section 3. Under the provisions of Article of Amendment XLIX of the Constitution of the Commonwealth of Massachusetts, the Town of Needham is authorized to change the use of the land in which it takes easements from the Department of Recreation and Conservation adjacent to South Street and the Charles River in the Town of Needham from open space to highway purposes and utility purposes and may grant easements to utility companies and cable companies to install equipment necessary for them to provide their services.

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

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Massachusetts Department of Transportation Highway Division is in the process of replacing the South Street/Willow Street Bridge over the Charles River between Needham and Dover. In order for the work to proceed, the Town is required to obtain a drain and utility easement within the state Department of Conservation and Recreation property adjacent to the bridge in order to allow MassDOT to relocate a storm drain pipe and utility pole. The legal process requires that the Town seek permission from the State Legislature under Article 97 of the Amendments to the State Constitution to take the easement, and to reassign the use of the property within the easement for a different public purpose than what was originally intended. This home rule petition was approved by the November 2, 2009 Special Town Meeting but was not approved by the Legislature during the last legislative session and must be re-filed.

ARTICLE 2: TRANSFER OF PROPERTY – MBTA COMMUTER LOTS

To see if the Town will vote to authorize the Board of Selectmen to exchange title to approximately 58,340 sq. ft. of land known as the Upper Hersey Commuter Parking Lot, for approximately 71,438 sq. ft. of land presently owned by the Massachusetts Bay Transportation Authority, known as the Needham Heights Commuter Parking Lot, under such terms and conditions as such Board determines to be appropriate; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town's lease of commuter parking lots with the MBTA has expired, and the Town has been in discussions with the MBTA about the future arrangement for management of the commuter lots in Needham. As part of these discussions, the Town and the MBTA have developed a proposal for a land swap. Subject to the approval of Town Meeting and the Board of Directors of the MBTA, the proposal would include the following features. The Town would receive the fee simple interest in the +/- 71,438 parcel located adjacent to Needham Heights Commuter rail station, which is currently owned by the MBTA and used as a 229 space commuter lot. The MBTA would retain an easement to allow operation and maintenance of 85 commuter parking spaces and pedestrian access to the commuter rail station. The land would be restricted to municipal use. The MBTA would receive fee simple interest in the +/- 58,340 square foot parcel commonly referred to as Upper Hersey. In the event that a parking structure is required for the Upper Hersey lot in the future, the MBTA agrees to participate in a community planning process. In the event that the MBTA decides to offer the Upper Hersey Lot for sale, the Town will have the first right of refusal to purchase the property at market value. The Senior Center Exploratory Committee prioritized the Needham Heights Commuter Lot as its highest recommended site for the construction of a senior center.

ARTICLE 3: CHANGE OF PROPERTY FOR MUNICIPAL USE

To see if the Town will vote to change the use of 18,764 square feet, more or less, of land at Ridge Hill Reservation as described on a plan entitled "Ridge Hill Cathodic Protection System Permitting Plan prepared by Vanasse Hangen Brustlin, Inc.," on file with the Town Clerk, from conservation to municipal use in accordance with M.G.L. Chapter 40, Section 15A, and further to authorize the Conservation Commission and Board of Selectmen to grant an easement of 19,564 square feet, more or less, of the land

for the installation and maintenance of a cathodic ground bed for natural gas transmission purposes; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Conservation Commission

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: In September 2010, Algonquin Gas Transmission, LLC (Algonquin) installed a cathodic protection system to provide additional cathodic protection along a portion of the existing natural gas pipeline within Ridge Hill Reservation. The installation of the ground bed is necessary to meet U.S. Department of Transportation Regulations for the maintenance, safety, and reliability of the existing natural gas pipeline.

In accordance with the provisions of M.G.L. c. 40 Section 15A, Town Meeting approval is required to transfer the use of the property from conservation use to municipal use to allow for the installation of the cathodic protection ground bed. In addition to the transfer of use, a right-of-way easement of approximately 19,564 is required to support the ground bed installation. Of this amount, about 800 square feet is located within land under the jurisdiction of the Board of Selectman (held for municipal purposes/senior center) and approximately 18,764 square feet is located within land under the jurisdiction of the Conservation Commission.

Approval of the State Legislature is also required to authorize the change in use and the granting of this easement. A Home Rule Petition seeking such approval is included under Article 5 of this warrant. As a condition of the granting of the easement, Algonquin Gas will make a contribution of \$20,000 to the Conservation Trust Fund which will support trail maintenance and the construction of new trails and trail bridges.

ARTICLE 4: CONVEYANCE OF PROPERTY FOR MUNICIPAL USE

To see if the Town will vote to change the use of 375 square feet, more or less, of land off Mary Chilton Road, as described on a plan entitled "Norfolk County, Massachusetts, Town of Needham, Tract N-215A," on file with the Town Clerk, from conservation to municipal use in accordance with M.G.L. Chapter 40, Section 15A, and further to authorize the Conservation Commission and Board of Selectmen to dispose of the land for gas transmission purposes; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Conservation Commission

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: In February 2006, Algonquin Gas Transmission, LLC (Algonquin) discovered that 375 square feet of its existing data building associated with the natural gas pipeline main line regulator facility off Mary Chilton Road was built on a portion of Ridge Hill Reservation. Ridge Hill Reservation was acquired by the Town for conservation purposes and is held under the jurisdiction of the Conservation Commission.

In accordance with the provisions of M.G.L. c. 40 Section 15A, Town Meeting approval is required to transfer the use of the property from conservation use to municipal use to allow for the sale of the property to Algonquin Gas. It is not practical to relocate the Algonquin building.

Approval of the State Legislature is also required to authorize the Conservation Commission and the Board of Selectmen to dispose of this property. A Home Rule Petition seeking such approval is included

under Article 5 of this warrant. As a condition of this sale, Algonquin Gas will provide the Town with a \$50,000 contribution to the Conservation Trust Fund which will support trail maintenance and the construction of new trails and trail bridges.

**ARTICLE 5: HOME RULE PETITION – DISPOSAL OF CONSERVATION LAND
/GRANTING OF EASEMENT**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court. The Town Manager is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO DISPOSE OF BY SALE 375 SQUARE FEET OF CONSERVATION LAND AND TO GRANT A PERMANENT GROUND BED EASEMENT TO SUPPORT NATURAL GAS TRANSMISSION UNDER ARTICLE OF AMENDMENT XLIX.

Section 1. The Town of Needham is authorized to sell 375 square feet, more or less, off of Mary Chilton Road, for the purposes of operating and maintaining a gas transmission line utility.

Section 2. The Town of Needham is authorized to change the use of 18,764 square feet, more or less, of land at Ridge Hill Reservation, 461 Charles River Street, Needham, Massachusetts, as described on a plan entitled “Ridge Hill Cathodic Protection System Permitting Plan prepared by Vanasse Hangen Brustlin, Inc.,” from conservation to municipal use, for the purpose of installing and maintaining a cathodic protection system for a gas transmission line.

Section 3. The Town of Needham is authorized to grant and convey a cathodic protection easement of 19,564 square feet, more or less, within the land known as Ridge Hill Reservation, 461 Charles River Street, Needham, Massachusetts, as described on a plan entitled “Ridge Hill Cathodic Protection System Permitting Plan prepared by Vanasse Hangen Brustlin, Inc.,” for the purpose of installing and maintaining a cathodic protection system for a gas transmission line.

Or take any other action relative thereto.

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

Article Information: In accordance with Article 97 (which amended Article 49) of the Amendments to the State Constitution, legislative approval is required for any change in the use of land acquired for conservation purposes. This home rule petition seeks legislative approval for the sale of 375 square feet of land off Mary Chilton Road, the change in use of 18,764 square feet of Ridge Hill Reservation (the Legislature previously approved the change in use of 800 square feet of the proposed easement), and the granting of an easement of 19,564 square feet of land as proposed under Articles 3 and 4 of the November 8, 2010 Special Town Meeting Warrant.

ARTICLE 6: AUTHORIZE ELDER SERVICES ZONING AGREEMENTS

To see if the Town will vote to authorize the Board of Selectmen to enter into agreements with NHP Property Business Trust, a Massachusetts business trust, Continental Wingate Development Co., and WHC Needham, Inc., both Massachusetts business corporations, regarding taxes on real and personal property to be located within the Elder Services Zoning District, said district having been established by votes of the Town under Articles 1 and 2 of the May 10, 2010 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article will allow the Board of Selectmen to enter into agreements regarding payment in lieu of taxes with NHP Property Business Trust, Continental Wingate Development Co., and WHC Needham, Inc. The purpose of the agreements is to ensure that real estate taxes and personal property excise taxes will continue to be paid for property located within the Elder Services Zoning District and used for elder services uses, whether or not the property is owned by a tax exempt entity.

The Elder Services Zoning District and the accompanying Amendment to the Zoning Map referring to the proposed District were adopted at the Special Town Meeting held in May 2010, as set forth in Articles 1 and 2.

The subject agreement regarding payment in lieu of taxes was executed by NHP Business Trust prior to the May 2010 Special Town Meeting and has been held in escrow by Town Counsel pending approval of the noted zoning articles by the Attorney General of Massachusetts. The same agreement is being executed by Continental Wingate Development Co., and WHC Needham, Inc. who will be buying the affected properties. The Attorney General approved the articles on September 7, 2010. Accordingly, the requested authorization will enable the Selectmen to execute and record the noted agreements ensuring tax payments from the property irrespective of whether or not the property is owned by a tax exempt entity.

ARTICLE 7: AMEND GENERAL BY-LAW/REGULATION OF DOGS

To see if the Town will vote to amend the General By-laws by deleting Section 3.7 and inserting in place thereof the following:

“SECTION 3.7 DOG REGULATIONS

3.7.1 Use of Leashes. No person shall allow a dog owned or kept by her/him to go beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash.

3.7.2 Disturbing the Peace. No person shall own or keep within the Town any dog which bites, barks, howls or in any other manner disturbs the peace and quiet of any neighborhood, or endangers the safety of any person, domesticated animal or farm animal.

3.7.3 Complaints. The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of sub-sections 3.7.1, 3.7.2, 3.7.4,

3.7.5, 3.7.6, 3.7.7, or 3.7.8 for which the following penalties shall be imposed:

1. First Offense – twenty-five dollars (\$25.00)
2. Each Subsequent Offense – fifty dollars (\$50.00)

3.7.4 Restraint of Dogs. In addition to the foregoing penalties, the animal control officer is also authorized and empowered to muzzle or restrain a dog, or to order the owner or keeper of a dog to muzzle or restrain a dog, pending a hearing before the Board of Selectmen as hereinafter provided, when the animal control officer finds that a dog has bitten or threatened any person or domesticated or farm animal, or has chased any vehicle upon any way open to public travel in the Town, or the owner had violated the provisions of sub-section 3.7.4 more than three times in any calendar year. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of sub-section 3.7.4 may request in writing to the Board of Selectmen that the animal control officer vacate such order.

3.7.5 Uncontrollable Dogs. In addition to any other statutory authority contained in M.G.L. Chapter 140, the animal control officer may, with the approval of the Board of Selectmen, enter a complaint before the Board of Selectmen to obtain an order to control or dispose of a dog found to be uncontrollable, or whose owner or keeper is unresponsive to any other penalties contained in Section 3.7.

3.7.6 Restricted Areas. No person shall allow a dog, other than a service dog, owned or kept by him or her, whether leashed or unleashed, to trespass on Memorial Park or DeFazio Park.

3.7.7 Removal of Pet Waste. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Needham, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in a trash receptacle.

3.7.8 Off-Leash Areas. The Town may authorize an area or areas to be used as off-leash areas for dogs licensed in the Town of Needham for which a separate fee will be assessed and for which the Board of Selectmen may, from time to time, establish regulations for use. No person owning or keeping a dog shall suffer, permit or allow such dog to use the off leash area without the proper license or in violation of such regulations.”

And by deleting section 4.1.1 and inserting in place thereof the following:

“4.1.1 Licenses. Any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license from the Town Clerk for that dog commencing on January 1st of each year, as required by M.G.L. Chapter 140.”

And by inserting a new section 4.1.5 as follows:

“4.1.5 Fees. The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Selectmen.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of the proposed amendment to the General By-laws is to clarify and update the Town's dog regulations and license procedures. The proposal would eliminate the existing restriction on the length of allowed leashes; enact a so-called "pooper scooper" law; codify the vote of the Board of Selectmen, School Committee, Park and Recreation Commission, and Memorial Park Trustees to prohibit dogs, other than service dogs, at Memorial Park and DeFazio Park; remove the fee schedule from the By-law so that it can be updated as needed like most fee structures; and authorize the creation of an off-leash dog area.

ARTICLE 8: ACCEPT M.G.L. C.131 OF THE ACTS OF 2010 – SURVIVING SPOUSES OF DISABLED EMPLOYEES

To see if the Town will vote to accept the provisions of Chapter 131 of the Acts of 2010 – An Act Increasing the Supplemental Pension Allowance under M.G.L. 32 Sec 101 to surviving spouses of disabled employees, from an annual amount of \$6,000 to \$9,000; or take any other action relative thereto.

INSERTED BY: Retirement Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Acceptance of this legislation will allow the Needham Retirement Board to increase the benefit to survivors of Accidental Disability retirees who died of causes other than their job-related injuries, and whose option selection form was completed before November 7, 1996. This benefit will take effect on the date that certification of acceptance is filed with the Public Employee Retirement Administration Commission and is not retroactive. Currently, there are five survivors who would qualify for this benefit, and no new survivors will be eligible. The total annual cost of the acceptance of this legislation would be approximately \$15,000 during the lifetime of the surviving spouses. Acceptance of this Act will have no material impact on the annual funding required by the Town to the Needham Contributory Retirement System.

ARTICLE 9: APPROPRIATE FOR FACILITY IMPROVEMENTS AND REPAIRS/POLLARD SCHOOL

To see if the Town will vote to raise and/or transfer and appropriate \$1,200,000 for architectural design, engineering, constructing, remodeling, reconstructing and making extraordinary repairs to the Pollard School including parking lot and access improvements, to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article is intended to secure funding to retrofit the Pollard modular classrooms and make certain parking and access improvements at Pollard School, to accommodate the relocation of Newman School students in September 2011. The modular retrofits are anticipated to include: sub-

dividing classrooms into units/offices (involving the installation of partitions and adjustments to lighting and ventilation), bathroom and drinking fountain modifications, modifications to classrooms that will accommodate preschoolers, and door modifications. The parking/access improvements will include construction of an additional parking lot on the southwest corner of the school property adjacent to the existing lot, and the creation of a one-way access road from Dedham Avenue. The parking and access improvements will address the additional parking requirements associated with the Newman relocation. The parking improvements will also help to meet the long-term need for additional parking at the school, by alleviating congestion on Harris Avenue and providing approximately sixty additional spaces for staff members and visitors.

ARTICLE 10: APPROPRIATE FOR POLLARD SCHOOL ROOF REPLACEMENT

To see if the Town will vote to raise and/or appropriate the sum of \$3,500,000 for architectural design, engineering, constructing, remodeling, reconstructing and making extraordinary repairs to the roof of the Pollard School, located at 200 Harris Avenue and shown as Lot 1 on the Needham Assessor's Map, numbered 35; which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the Town Manager/Permanent Public Building Committee; that to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty percent (40%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This request is to replace the Pollard School roof with a more durable, energy-efficient roof system. The Pollard roof is a PVC membrane, which was installed in 1988 and 1992, and was under warranty for a ten year period. Roof leaks due to seam failure and cracking in the PVC membrane have increased in recent years and are expected to continue to increase with age. With every rainstorm, new leaks develop, compromising the integrity of the building envelope and increasing the amount of damage within the building. A Statement of Interest has been submitted to the Massachusetts School Building Authority seeking reimbursement of a portion of the overall project cost through the MSBA's new Green Repair Program. The Green Repair Program provides funding for the repair or replacement of roofs, windows and/or boilers in public school facilities that are otherwise structurally sound. This program is a short-term opportunity - projects must be completed by December 2011 to qualify and require a local funding commitment for the total construction cost. If approved, Needham could receive reimbursement in the estimated range of 31-35%. In order to participate, Needham must appropriate the total funds required for design and construction at November Special Town Meeting, so that the state-financed share of the project can be completed during the summer of 2011. (Due to the size and complexity of the roof, the replacement project may take two summers to complete. It is possible that only the costs incurred during the first summer would be reimbursed.) The Pollard roof repair project is not a new project, but rather a part of the overall scope of needed facility repairs, which have

been requested for funding in prior years through the Capital Improvement Program.

ARTICLE 11: APPROPRIATE FOR SENIOR CENTER FEASIBILITY & DESIGN

To see if the Town will vote to raise and/or transfer and appropriate a sum for architectural design and engineering for the construction of a Senior Center, said sum to be to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation, that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority; 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: In September 2008, the Board of Selectmen appointed a Senior Center Exploratory Committee (SCEC) to make recommendations to the Board as to the appropriate location, size, cost, and other matters related to the construction of a new Senior Center. In September of 2010, the SCEC submitted its recommendations to the Board. Based on the report and recommendations of the SCEC, the Board of Selectmen has voted to designate the present Needham Heights MBTA parking lot as the Board's selected site for construction of a new Senior Center.

The purpose of this article is to provide design funding for the Senior Center project. During the upcoming months, a financing plan for the project will be developed for presentation to the November, 2011 Special Town Meeting along with a request for construction funding.

ARTICLE 12: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$715 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: Article be Adopted

Article Information: The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The voluntary fund received \$15,715 in fiscal year 2009. At the May 2010 Annual Town Meeting, the Board of Selectmen proposed and Town Meeting authorized an appropriation to the Property Tax Assistance program of \$15,000. Upon request of Town Meeting Members, the Board agreed to identify funding to bring the appropriation to the full amount of the FY2009 contributions to the voluntary fund – \$15,715.

ARTICLE 13: AMEND THE FY 2011 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2011 Operating Budget adopted under Article 21 of the May 2010 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From:</u>	<u>Changing To:</u>
3	Health Insurance	\$ 9,799,125	\$ 9,549,125
6	Debt Service	\$11,379,319	\$11,406,472
10	Reserve Fund	\$ 1,251,363	\$ 1,451,363
24	Needham Public Schools	\$46,114,078	\$46,424,078
25D	Snow and Ice	\$ 200,000	\$ 400,000
28C	Department of Public Facilities – Capital	\$ 0	\$ 7,645

and to meet this appropriation that \$464,848 be raised from the tax levy, \$7,645 be transferred from Article 2 of the May 2008 Special Town Meeting, and \$22,305 be transferred from debt exclusion offsets (Article 32, 2000 Annual Town Meeting), or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article seeks to appropriate \$494,798 to various budget lines and to transfer \$250,000 from one budget line to another budget line. Funding sources, in addition the line item transfer, include \$464,848 in new revenue that has been identified as available to appropriate to the operating budget, and \$29,950 from other available funds.

The \$250,000 reduction in the Health Insurance line is to transfer anticipated savings to the School Department operating budget. These funds would be used to cover costs associated with the collective bargaining agreement that was reached with the Teachers Union earlier this year. The reduction to the Health Insurance budget is reflective of the expected savings with the conversion by the teachers from traditional HMO health plans to “Rate Saver” health plans.

The article also seeks to increase operating contingencies by \$400,000 – increasing the Reserve Fund and snow and ice appropriation lines by \$200,000 each. Because snow and ice expenditures are unpredictable, this budget is one of the only accounts that cities and town are authorized to overspend. The Town is only allowed to deficit spend the snow and ice budget if the Town has appropriated at least as much in the current years as in the past year. Actual snow ice expenditures in the last three years were \$690,404 in FY2010, \$1,130,516 in FY2009, and \$697,378 in FY2008. The proposed change would better reflect the base cost for snow removal.

The change to the General Fund Debt Budget is to appropriate funds that are to be used to pay down excluded debt. These monies will reduce the amount of excluded debt that is actually added to the tax bills. Of the \$27,153 to be appropriated, \$4,848 is from a premium on the sale of bonds received this fall, and \$22,305 is the residual balance associated with the four school related projects approved at the 2000 Annual Town Meeting.

The \$310,000 increase to the School Department budget reflects the transfer from the Health Insurance budget, and an additional \$60,000 to supplement the budget for operational costs that otherwise would be paid from one-time revenue.

The proposed change to the Public Facilities Department in the amount of \$7,645 will be used to

purchase a shed for the Mitchell School to store gas-powered equipment and materials such as a snow blower and salt. The funds are being sought now in order to buy the shed before the winter season. The funds will be transferred from the unexpended balance in the cash capital appropriation approved at May 2008 Special Town Meeting that was for the purchase of two sheds, one at Newman School and the other at Hillside School.

ARTICLE 14: AMEND THE FY 2011 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2011 Sewer Enterprise Fund Budget adopted under Article 23 of the May 2010 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From:</u>	<u>Changing To:</u>
201D	MWRA Assessment	\$5,042,674	\$5,043,945

and to meet this appropriation that \$1,271 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town's final MWRA Assessment was \$1,271 higher than the budget appropriated at the 2010 Annual Town Meeting. Amendment of the Sewer Enterprise Fund Budget is necessary to meet this obligation.

ARTICLE 15: AMEND COMMUNITY PRESERVATION FUND RESERVES

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2011 Community Preservation Fund Reserve appropriations adopted under Article 31 of the May 2010 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

		<u>Changing From:</u>	<u>Changing To:</u>
C.	Community Preservation Fund Annual Reserve	\$376,600	\$449,739
D.	Community Housing Reserve	\$201,300	\$213,320
E.	Historic Resources Reserve	\$143,800	\$155,820
F.	Open Space Reserve	\$201,300	\$213,320

And to meet these appropriations that \$109,199 be raised from FY2011 CPA receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town received a larger than projected Community Preservation Fund match from the Commonwealth in the amount of \$109,199. This request would ensure the statutorily required

allocations to Community Housing, Historic Resources, and Open Space, and the balance to the Community Preservation Fund Annual Reserve.

ARTICLE 16: RESCIND BOND AUTHORIZATION

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

<u>Project</u>	<u>Town Meeting</u>	<u>Article</u>	<u>Authorized</u>	<u>Rescind</u>
Hillside & Mitchell School Parking & Play Area Improvements	2008 ATM	38	\$160,000	\$3,600
Water System Rehabilitation Design (Webster)	11/2002 STM	25	\$105,000	\$11,000
RTS Construction Equipment	2007 ATM	43	\$230,000	\$14,300
High Rock and Pollard Schools	2007 ATM	41	\$20,475,000	\$2,425,000
Total				\$2,453,900

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids.

ARTICLE 17: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate \$82,761 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 as further amended by 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: Article be Adopted

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. The balance in the fund as of September 30, 2010 is \$476,970.

ARTICLE 18: 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 balance in the fund as of September 30, 2010 is \$731,481.

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

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

Given under our hands at Needham aforesaid this 28th day of September, 2010.

John A. Bulian, Chairman
Denise C. Garlick, Vice Chairman
Gerald A. Wasserman, Clerk
Maurice P. Handel
Daniel P. Matthews

A TRUE COPY

Attest:

Constable:

**Town Clerk's Office
Needham, MA 02492**

**First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224**

ATTN: SPECIAL TOWN MEETING WARRANT