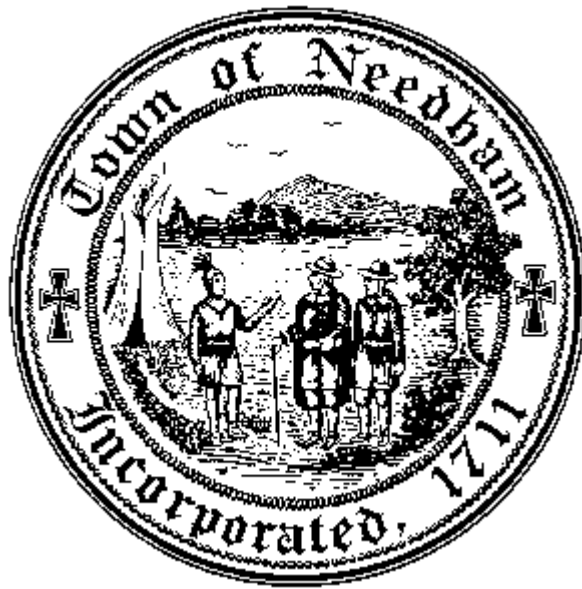


# **SPECIAL TOWN MEETING**

## **WARRANT**



# **TOWN OF NEEDHAM**

**MONDAY, MAY 14, 2012**

**7:30 P. M.**

**JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL**

**1471 HIGHLAND AVENUE**

**NEEDHAM**

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

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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 Town Hall:

**MONDAY, THE FOURTEENTH DAY OF MAY, 2012**

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

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**ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – POLICE UNION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; 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 2: FUND COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Superior Officers Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; 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 3:      **AMEND THE FY2012 OPERATING BUDGET****

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Operating Budget adopted under Article 25 of the May 2011 Annual Town Meeting and amended under Article 8 of the November 7, 2011 Special 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	Group Health Insurance & Benefits	\$9,519,724	To be Determined
4	Retiree Insurance & Insurance Liability Fund	\$3,906,275	To be Determined
23	Minuteman Assessment	\$562,637	\$592,989
10	Reserve Fund	\$ 1,166,524	To be Determined
28B	Public Facilities Expenses	\$4,666,935	To be Determined
28C	Public Facilities Capital	\$0	To be Determined

or take any other action relative thereto.

INSERTED BY: Finance Committee

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

**ARTICLE 4:      **APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS****

To see if the Town will vote to raise and/or transfer and appropriate a sum for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, as follows, and that \$4,346.04 be transferred from Overlay Surplus; or take any other action relative thereto.

<u>Department</u>	<u>Vendor</u>	<u>Description</u>	<u>Fiscal Year</u>	<u>Amount</u>
Department of Public Facilities	Allston Supply Company, Inc	Custodial Maintenance Supplies – Public Safety	FY2011	\$ 199.16
Department of Public Facilities	Allston Supply Company, Inc	Custodial Maintenance Supplies – Public Schools	FY2011	\$4,078.88
Department of Public Facilities	Allston Supply Company, Inc	Custodial Maintenance Supplies – Public Services	FY2011	\$ 10.57
Department of Public Facilities	Allston Supply Company, Inc	Custodial Maintenance Supplies – Library	FY2011	\$ 57.43
Total				\$4,346.04

INSERTED BY: Board of Selectmen

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

*Article Information: State law requires Town Meeting action in order for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation.*

**ARTICLE 5: AMEND ZONING BY-LAW - DESCRIPTION OF FLOOD PLAIN DISTRICTS AND FLOOD PLAIN DISTRICT REGULATIONS**

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

- (a) In Section 2.3, Description of Flood Plain Districts, by revising the first paragraph thereof so that the entire paragraph shall read as follows (new language underlined):

“The Floodplain District is herein established as an overlay district. The areas included in the Flood Plain Districts are defined as follows:”

- (b) In Section 2.3, Description of Flood Plain Districts, Subsection 2.3.1, by adding a new paragraph 2.3.1 to read as follows:

“2.3.1 All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016E, 25021C0017E, 25021C0018E, 25021C0019E, 25021C0028E, 25021C0036E, 25021C0037E, 25021C0038E, and 25021C0039E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.”

- (c) In Section 2.3, Description of Flood Plain Districts, by renumber former paragraphs 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, and 2.3.7 as paragraphs 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.3.7 and 2.3.8 respectively.

- (d) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.3, Uses Requiring a Special Permit, by adding language to the first sentence of subparagraph (a) so that the entire subparagraph shall read as follows (new language underlined):

“(a) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvements) of residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100-year flood plain elevation) and the Town of Needham Zoning Map. No new construction or substantial improvement shall be permitted unless it can be demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.

- (e) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.3, Uses Requiring a Special Permit, by adding language to the first sentence of subparagraph (b) so that the entire subparagraph shall read as follows (new language underlined):

“(b) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvement) of non-residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100-year flood elevation) and the Town of Needham

Zoning Map or are flood proofed and watertight to the applicable flood elevation. In the case where watertight flood proofing is permitted, a registered professional engineer or architect shall certify to the Building Inspector that the methods used are adequate to withstand flood depth pressures and velocities impact and the uplift of forces and other factors associated with the 100-year flood. No new construction or substantial improvement shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.”

- (f) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.5, General Provisions Relating to Flood Plain District, by adding language to the first sentence of subparagraph (a) so that the entire subparagraph shall read as follows (new language underlined):

“(a) All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR); (ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); (iii) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

- (g) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.5, General Provisions Relating to Flood Plain District, by revising the first sentence of subparagraph (c) so that the entire subparagraph shall read as follows (new language underlined):

“(c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 17, 2012.”

- (h) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.5, General Provisions Relating to Flood Plain District, by revising the first sentence of subparagraph (d) so that the entire subparagraph shall read as follows (new language underlined):

“(d) Within areas designated Zone A, AH, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study, dated July 17, 2012, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

- (i) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.5, General Provisions Relating to Flood Plain District, by adding a new subparagraph (e) to read as follows:

“(e) Within Zone AH on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.”

- (j) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.6, National Flood Insurance Program (NFIP) Requirements, by revising the first sentence of the first paragraph so that the entire paragraph shall read as follows (new language underlined):



“Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 17, 2012 – both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special permits authorized above under Subsections 3.3.3 and 3.3.4, the Board of Appeals shall, as appropriate, require the following as conditions of approval:”

- (k) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.6, National Flood Insurance Program (NFIP) Requirements, by revising the first sentence of subparagraph (c) so that the entire subparagraph shall read as follows (new language underlined):

“(c) Require that adjacent communities, the site coordination office and the NFIP State Coordinator at the Massachusetts Department of Conservation and Recreation be notified prior to any alteration or relocation of a water course, and that a copy of such notification be submitted to the Federal Emergency Management Agency (FEMA) Administrator.”

or take any other action relative thereto.

INSERTED BY: Planning Board

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

*Article Information: This article amends the flood plain district to reference the new FEMA Flood Insurance Rate Maps for Norfolk County which become effective July 17, 2012. Additionally, the article updates Code of Massachusetts (“CMR”) regulatory references and notification requirements as they pertain to projects altering or relocating a watercourse. In order for residents of a community to be eligible to receive flood insurance, the community must agree to abide by the National Flood Insurance Program’s minimum requirements for flood plain management. These modifications have been prepared to ensure compliance with the requirements of that program. Failure to adopt these revisions will result in Needham’s suspension from the National Flood Insurance Program.*

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**ARTICLE 6:        AMEND ZONING BY-LAW—USES IN THE NEW ENGLAND BUSINESS CENTER DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 3.2.4, Uses in the New England Business Center District, Subsection 3.2.4.2 (e) by adding after the words “Indoor athletic or exercise facilities”, the words “and/or outdoor pool(s) associated with such facilities.”

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

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

*Article Information: Indoor athletic or exercise facilities are allowed by special permit in the New England Business Center District (NEBC). This amendment would allow the addition of an outdoor pool or pools to be provided as an additional amenity to such facilities in the NEBC if approved by the special permit granting authority.*

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**ARTICLE 7: CHANGE IN USE AND CONVEYANCE OF REAL PROPERTY**

To see if the Town will vote to change the use of parcels of land between Great Plain Avenue, the Dedham Town line, the Charles River, and Route I-95 from highway purposes and water supply purposes to conservation and recreation purposes, and to authorize the Board of Selectmen to convey same to the Commonwealth of Massachusetts for conservation and recreation purposes; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: MassDOT has requested that the Town of Needham convey approximately 5 acres of property held for roadway and water supply purposes by the Town of Needham to the Division of Conservation and Recreation. This action will permanently preserve the property, which abuts the Charles River, and can be used by MassDOT as part of its mitigation requirements imposed by the Federal government for work performed as part of the Route 128 transportation Improvement (“Add-a-Lane”) project. The Town will retain an easement for access to its utilities in the area.*

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**ARTICLE 8: APPROPRIATE FOR PROPERTY ACQUISITION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,175,000 for the acquisition of real property known as 59 Lincoln Street and 89 School Street, and associated improvements thereto, 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 acquisition of 59 Lincoln Street and 89 School Street would allow for the future expansion of the Police and Fire Station which is immediately adjacent to the two properties. The parcels will be immediately available to satisfy the existing lack of parking at the two stations.*

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**ARTICLE 9: EXTINGUISH SEWER EASEMENT – NEHOIDEN STREET**

To see if the Town will authorize the Board of Selectmen to abandon a sewer easement at 263 Nehoiden Street, in the town of Needham, being more fully described in a grant to the Town recorded at the Norfolk Registry of Deeds in Book 4818, page 462 and to accept the grant of a new sewer easement and sidewalk easement at 263 Nehoiden Street as shown on a plan entitled Grant of Easements Plan of Land, 263 Nehoiden Street, Needham, Mass.”, dated January 2, 2012, scale 1”= 20’, prepared by Field Resources, Inc. which is on file at the Needham Engineering Department; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

*Article Information:* Town Meeting action is required to extinguish a sewer easement previously accepted by the Town. The developer of the 263 Nehoiden Street property requested permission to relocate the sewer line and to grant a new sewer easement in order to accommodate the construction of a new house on the parcel. Because the sewer line has been relocated, the existing sewer easement is no longer needed.

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**ARTICLE 10: APPROPRIATE FOR WORKERS COMPENSATION RESERVE FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Workers Compensation Reserve Fund, 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:* The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The target balance for the fund is \$1,000,000.

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**ARTICLE 11: 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., Ch. 40, Sec. 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 12: APPROPRIATE FOR 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

May 2012 Special Town Meeting Warrant

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: 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.*

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

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

Given into our hands at Needham aforesaid this 11<sup>th</sup> day of April 2012.

**GERALD A. WASSERMAN, *Chairman***  
**DANIEL P. MATTHEWS, *Vice Chair***  
**JOHN A. BULIAN, *Clerk***  
**MAURICE P. HANDEL**  
**MATTHEW D. BORRELLI**

*Selectmen of Needham*

A TRUE COPY

Attest:

Constable:

*(This page has been left intentionally blank.)*

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

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

**ATTN: SPECIAL TOWN MEETING WARRANT**