

SELECT BOARD Meeting Agenda 5:30 p.m. March 14, 2023 NEEDHAM TOWN HALL Select Board Chambers & Zoom **REVISED**



Pursuant to Chapter 22 of the Acts of 2022, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the meeting or click the link below to join the webinar:

<https://us02web.zoom.us/j/85183601452?pwd=T1didopEUU1tUnNWS1VNcUIUTo5MZZ09>

Passcode: 008785

One tap mobile: +13092053325,,85183601452#

Webinar ID: 851 8360 1452

	5:30	Executive Session, Exception 3: Collective Bargaining – Fire Union
	6:00	Public Comment Period Citizens are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board’s policy on public participation in meetings can be found here .
1.	6:00	Proposed Amendment to Town By-Laws and Charter to Appoint Certain Currently Elected Town Officers <ul style="list-style-type: none"> • Public Hearing
2.	6:15	Town Alcohol Regulations – Proposed Revisions <ul style="list-style-type: none"> • Public Hearing
3.	6:45	Sustainability Coordinator Position Discussion <ul style="list-style-type: none"> • Stephen Frail, Climate Action Planning Committee Chair
4.	7:00	MSBA Statement of Interest <ul style="list-style-type: none"> • Matt Spengler, School Committee Chair • Andrea Longo Carter, School Committee Vice Chair • Dan Gutekanst, Superintendent of Schools

		<ul style="list-style-type: none"> • Anne Gulati, Assistant Superintendent of Schools • Hank Haff, Director of Building Design and Construction
5.	7:30	Human Rights Committee Discrimination Complaint Process <ul style="list-style-type: none"> • Tina Burgos, Chair, Human Rights Committee • Marlene Schultz, Member, Human Rights Committee
6.	7:45	Parking Study Presentation <ul style="list-style-type: none"> • Amy Haelsen, Economic Development Officer • Catrina Meyer, Stantec • Jason Schrieber, Stantec • Liza Cohen, Stantec
7.	8:45	Stormwater Fee Discussion <ul style="list-style-type: none"> • David Davison, Assistant Town Manager/Director of Finance • Carys Lustig, Director of Public Works • Tom Ryder, Town Engineer
8.	9:00	Town Manager <ul style="list-style-type: none"> • Open Special Town Meeting Warrant • 2023 Annual Town Meeting Warrant
9.	9:15	Board Discussion <ul style="list-style-type: none"> • Dangerous Dog Update • Select Board Code of Conduct • Committee Reports

APPOINTMENTS

1.	Alison Borrelli	Single Parcel Historic District Study Committee Term Exp: 6/30/2026
2.	Adam Block	Single Parcel Historic District Study Committee Term Exp: 6/30/2026

CONSENT AGENDA *=Backup attached

1.*	Approve minutes of February 28, 2023 (open session), March 6, 2023 (open session), February 14, 2023 (executive session), February 28, 2023 (executive session).
2.	Approve a request from Kevin Keane , event coordinator, to hold the Needham 2 Arlington walk in Needham. The event is scheduled for Saturday, April 22, 2023, 8:30am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.
3.	Approve a request from Ashly Scheufele, event coordinator, to hold the annual Needham Baseball & Softball Opening Day parade in Needham. The event is scheduled for Sunday, April 30 th , 11:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.
4.	Accept the following donations made to the Needham Community Revitalization Trust Fund: \$325 from Henry Hospitality Inc and \$325 from Needham Music Inc for the Tiger Okoshi Mural, \$1295 from Roy & Clare Heffernan for the Bert & John Jacobs' Mural, and \$100 from Needham Diversity Initiative Inc. for the Chapel Street Banner display.

5.	Move to continue the Public Hearing relative to the ABCC Alteration of Premises Amendment application for Poet King, LLC d/b/a Hungry Coyote to April 12, 2023.
6.	Move to continue the Public Hearing relative to the suspension of the Section 12 All Alcohol License for Poet King, LLC d/b/a Hungry Coyote to April 12, 2023.
7.	Approve a One Day Special License from Robert Timmerman of Needham Knights of Columbus for Friday, March 24, 2023, 6:00-11:00PM for Exchange Club Trivia Night. The event will be held at Needham Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order.
8.*	Sign the Warrant for the Annual Town Election to be held on Tuesday, April 11, 2023.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Executive Session Exception #3 Collective Bargaining – Fire Union Contract
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	1.) Exception 3: Collective Bargaining Fire Union Contract
2.	VOTE REQUIRED BY SELECT BOARD
	<p>Exception 3: To discuss strategy with respect to collective bargaining an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.</p> <p>The Board will reconvene in open session at 6:00PM.</p>
3.	BACK UP INFORMATION ATTACHED
	none



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Proposed Amendment to Town By-Laws and Charter to Appoint Certain Currently Elected Town Officers
Presenter(s)	Public Hearing

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
This agenda item is scheduled as a public hearing to allow for community and licensee input relative to the proposed amendment to Town By-Laws and Charter to appoint certain currently elected Town officers.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
1. Text of proposed amendment	

Annual Town Meeting Warrant
Articles Pertaining to Elected/Appointed Officials
Select Board Public Hearing
March 14, 2023

AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

To see if the Town will vote to amend the General By-laws by deleting from Section 1.9 (Election of Officers) subsections (f), (g) and (h) in their entirety, and to re-letter the remaining subsections contained in Section 1.9.1 in appropriate alphabetical order, provided, however, that this amendment of the General By-laws shall not become effective before the effective date of the special legislation referred to in Article ___, approving the corresponding changes to the Town Charter.

AMEND CHARTER/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

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

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

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from Section 19 subsections (iii) and (iv) in their entirety and to renumber the remaining subsections contained in Section 19 in appropriate numerical order.

SECTION 2. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from the first paragraph of Section 7, subsection (e), the phrase “and the commissioners of trust funds.”

SECTION 3. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by striking out Section 20(b) and inserting in place thereof the following:

(b) The Select Board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, members of the historic commission, conservation commission, commission on disabilities, members of the board of assessors, commissioners of trust funds, constables and, except as provided in section 19, all other boards, committees and commissions for whom no other method of selection is provided in this charter or by-law.

SECTION 4. This act shall take effect upon passage.

or take any other action relative thereto.

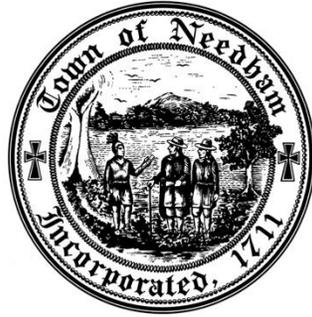


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Town Alcohol Regulations – Proposed Revisions
Presenter(s)	Public Hearing

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	<p>Staff will present to the Board an updated draft of proposed revisions to the Town Alcohol Regulations, following Board input at its last regularly scheduled meeting.</p> <p>This agenda item is scheduled as a public hearing to allow for community and licensee input relative to the proposed changes.</p>
2.	VOTE REQUIRED BY SELECT BOARD
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	<ol style="list-style-type: none">1. Draft Revision of Town Alcohol Regulations 3/7/2023 – Clean2. Draft Revision of Town Alcohol Regulations 3/7/2023 – Mark-Up



TOWN OF NEEDHAM
REGULATIONS FOR THE SALE OF ALCOHOLIC
BEVERAGES

[insert table of contents]

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the applicable regulations of

Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

3.1.1 No patron shall be served or sold alcoholic beverages before or after the hours stated in the license.

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 11 p.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

3.1.3 Off-Premises Consumption

The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any Licensee shall be from 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.4 Adjustments

The Board may adjust hours for individual and/or classifications of Licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.5 Employees and Staff

With the exception of the Licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed

establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a Licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the Licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

3.2 Payment of Charges and Taxes

Applicants and Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.3 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

3.3.4 Insurance

No license shall be issued for the sale of alcoholic beverages (Special Event licenses excluded) in the Town until such time as the Applicant shall present to the Select Board a certificate of insurance showing that the Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

3.3.5 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

3.3.5.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. Filing fees shall not be pro-rated for any reason.

3.3.5.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

3.3.6 Floorplans and Signage

3.3.6.1 When a submittal of a floorplan is required by the ABCC, Applicants for a new or amended license shall submit an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;

- b) the location of any proposed Bar Service Areas, cocktail lounge, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- j) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- k) total occupant load;
- l) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- n) any other licensed spaces not covered by the above.

3.3.6.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

3.3.6.3 Where outdoor service is proposed, the Applicant shall provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant

manager shall have full authority to make decisions concerning the operation of the establishment.

3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided to the Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 Trainings

3.4.3.1 All managers, assistant managers, and bartenders shall attend an in-person alcoholic beverage server training program satisfactory to the Select Board within 30 days of employment and once every two years thereafter. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.2 All employees not covered by Section 3.4.3.1 shall complete a Town-approved training program within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.3 It is the obligation of the license manager to inform all employees about the rules and regulations of the Select Board, the ABCC, and any and all applicable Massachusetts laws.

3.5 General and Miscellaneous Provisions

3.5.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D.

3.5.2 No Licensee shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC. No change of such area or location shall be made without prior written approval of the

Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 3.5.3 The licensed premises must be well lighted at all times.
- 3.5.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 3.5.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 3.5.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.
- 3.5.7 No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.
- 3.5.8 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise Licensees only, including Farmer Series Pouring Permittees).
- 3.5.9 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.10 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.13 The Licensee shall request proof of identification prior to any alcohol sale and confirm the authenticity of the identification card through the use of a digital card scanner.

IV. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS ONLY

- 4.1 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- 4.2 The service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- 4.3 Section 5.3 of these policies shall apply to the restaurant and dining areas of the licensed establishment.
- 4.4 With the approval of the Select Board, an Innholder may sell sealed wine and malt beverages at a concession stand in the lobby of the hotel. Such sales shall be to individuals renting rooms at the establishment only and must be consumed within the rented rooms. Any wine and malt beverage purchased at the concession stand must remain sealed until the purchaser has returned to their room.

V. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS

5.1 Purpose

It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.

5.2 Common Victualler's License

No alcohol license will be issued to any Applicant unless such Applicant is the Licensee named in a common victualler's license and has operated a restaurant for the twelve-month period immediately preceding the filing of an application.

5.3 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. For those establishments with no table service, the Bar Service Area shall include the entire area where patrons may consume alcohol. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:

- a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the Licensee’s business plan;
- c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas.

5.6 Reporting

Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds fifty percent (50%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

- 6.1 Every club Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Select Board.
- 6.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 6.3 Each Applicant shall furnish a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Select Board.
- 6.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 6.5 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.
- 6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VII. RULES AND REGULATIONS APPLICABLE TO SPECIAL EVENT LICENSES

- 7.1 Hours of Sale
Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.
- 7.2 Notice
Special Event Licenses are exempt from the legal notice and publication requirements.
- 7.3 Eligibility
 - 7.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

7.3.2 No person shall be granted a Special Event License for more than 30 days in a calendar year.

7.5 Application

The Applicant shall provide the following information and documents to the Select Board:

- a) Town of Needham Select Board Event Information Sheet
- b) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
- c) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- d) Written evidence of the owner's permission to use the proposed licensed premises.
- e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- g) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

7.6 Conditions

The Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The Special Event Manager shall display such Special Event License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIII. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

8.1 General Provisions

- 8.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may employ

a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

- 8.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.
- 8.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 8.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 8.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 8.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 8.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

8.2 Deliveries

- 8.2.1 For all deliveries conducted off the licensed premises, the Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the

Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

8.2.2 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

8.3 Sample Tastings

Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the Licensee, by any person is strictly prohibited except for sample tasting.

8.4 Food Store Alcohol License Requirements

8.4.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an Applicant is a food store as set out herein and in compliance with any and all requirements.

8.4.1 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.

8.4.2 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

- 8.4.3 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

IX. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

9.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on receipt of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

X. VIOLATIONS

10.1 Violations

Any violation of the License terms and conditions, these Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including General Laws Chapter 138, or the Town’s General Bylaws may be grounds for action by the Select Board, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. The suggested order shall not be construed as to limit the Select Board’s ability to consider alternative dispositions, further conditions on a license, or alternative sanctions (e.g., rolling back service hours or non-punitive written warnings).

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten days to 30 day suspension
4 th Offense	Revocation

In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances.

10.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, which are intended to be educational by design. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee’s prior record, and aggravating or mitigating circumstances.

Offense	Suggested Order
1 st Offense	Suspension of one day to be held in abeyance.
2 nd Offense	One to two day suspension.

3 rd Offense	Three to five days.
4 th Offense	Five to ten days. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.
5 th Offense	Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.

10.4. Training

All employees involved in the improper sale of alcohol shall complete another training course in accordance with Section 3.4.3, notwithstanding when the course was last completed. The new training shall be completed within 30 days of the issuance of the Select Board's decision and proof of completion shall be provided to the Select Board.

10.5. Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

10.6. Hearings

10.6.1 A Licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.6.2 A Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be

held notwithstanding such a waiver, in which case the Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.7 Notice of Suspension

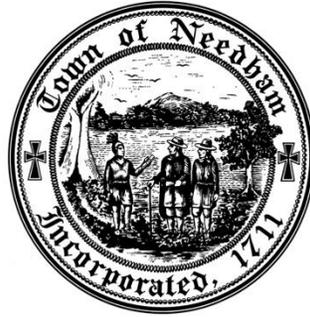
On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
 Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



TOWN OF NEEDHAM
REGULATIONS FOR THE SALE OF ALCOHOLIC
BEVERAGES

[insert table of contents]

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the

applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the ~~licensee~~Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

~~III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)~~

- ~~3.1 Bar Service The sale or service of alcoholic beverages for consumption at any~~

~~unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:~~

- ~~a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas;~~
- ~~b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may after hearing, with notice pursuant to M.G.L. Chapter 138 section 15A, authorize a greater number where such seats are intended for food service customers as part of the licensee's business plan;~~
- ~~c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;~~
- ~~d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas; and~~
- ~~e) Each licensee with bar seating shall annually as part of its license renewal application provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds thirty five percent (35%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing modify the license to require the licensee to reduce its amount of Bar Service Area seating.~~

IV.III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

3.1.1 ~~No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.~~

~~**3.1.2 On-Premises Consumption:**~~

~~**3.1.2**~~

3.1.2.1 ~~The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p.m. on secular days Monday through Saturday and from 10:00 a.m. to~~

11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

- 3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.
- 3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.
- 3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

~~3.1.3—Off-Premises Consumption:~~

~~3.1.3~~

~~The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licenseeLicensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Select Board.8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation Holiday sales hours are further limited to the holiday schedule set by the ABCC.~~

~~3.1.4—Adjustments:~~

~~3.1.4~~

~~The Board may adjust hours for individual and/or classifications of licenseeLicensees upon receipt of their request(s) for consideration of special circumstances and/or occasions. 4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)~~

~~3.1.5 Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.~~

Employees and Staff

~~3.1~~ ~~4.2~~ Hours of Operation

~~4.2.1~~ The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p.m. on secular days and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board.

~~4.2.2~~ The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Select Board. Holiday sales hours are further limited to the holiday schedule set by the ABCC.

~~3.1.6~~

~~3.1.7~~ ~~4.2.3~~ The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.83.1.5

~~4.2.4~~ Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

~~4.2.5~~ No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.

~~4.2.6~~ No alcoholic beverages shall be served for on-premises consumption within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

~~4.2.7~~ All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty five (45) minutes of the established closing hour.

~~4.2.8~~ With the exception of the ~~licensee~~Licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license.- Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licenseeLicensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licenseeLicensee shall

cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

~~3.2~~
~~3.3~~ ~~4.3~~ Payment of Charges and Taxes
~~3.2~~

Applicants and ~~licensee~~Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

~~3.3~~ ~~4.4~~ Filing and Application Requirements (excludes ~~One Day~~ Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

~~34.34.31~~ Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the ~~applicant~~Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

~~34.34.42~~ Insurance

No license shall be issued for the sale of alcoholic beverages (~~Special Event one day special~~ licenses excluded) in the Town until such time as the ~~applicant~~ Applicant shall present to the Select Board a certificate of insurance showing that the ~~applicant~~ Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licenseses shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

34.34.53 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

34.34.53.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. ~~The Board's filing fee shall be paid by check, made payable to the "Town of Needham." Filing fees required by the Commission must be by certified check or bank treasurers check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission."~~ Filing fees shall not be pro-rated for any reason.

34.34.53.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. ~~The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham."~~ The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

34.34.64 Floorplans ~~On Premises Licenses and Signage~~ (M.G.L. Ch 138 s.12 and Farmer Series Pouring Permittee)

34.34.64.1 When a submittal of a floorplan is required by the ABCC, Applicants for a new or amended license shall submit ~~With the exception of applicants for package store licenses and a one day special events license and without limiting the application of~~

~~Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:~~

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b) the location of any proposed Bar Service Areas, cocktail lounges ~~(for innkeepers license only)~~, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- ji) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- jk) total occupant load;
- kl) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- n) any other licensed spaces not covered by the above. , or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

34.34.64.2.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

34.34.64.3 Where outdoor service is proposed, the Applicant shall

provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)

~~4.4.4.4~~
~~Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.~~

~~4.5.5 Floor Plans Off Premise Licenses (M.G.L. Ch 138 s. 15)~~

~~4.5.5.1~~ Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- ~~a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;~~
- ~~b) gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;~~
- ~~c) entrances and exits;~~
- ~~d) storage areas;~~
- ~~e) restrooms;~~
- ~~f) cash register areas.~~

~~4.5.5.2 Applicants shall submit a plan for signage including window display signs.~~

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the ~~licensee~~Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.

3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. ~~An updated employee roster shall be provided to the~~

Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 Trainings

3.4.3.1 All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Select Board within 30 days of employment and once every two years thereafter once every two years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3^[MT1] 4.3.2 *On-Premises Licensees Only:*

All employees not covered by Section 3.4.3.1 Newly hired employees shall complete a Town-approved training program upon within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.3 *Off-Premises Licensees Only:*

Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training within 30 days of employment, or provide proof of training certification at a Town approved course within the last three years, and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.34 It is the obligation of the licensee license manager to inform all employees about the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission ABCC, and any and all applicable Massachusetts laws.

No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges their obligation to

~~abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.~~

~~In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.~~

~~3.4.5 Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.~~

~~3.4.6 No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges their obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.~~

34.56 General and Miscellaneous Provisions

34.56.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D.~~No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1(i). This does not apply to package stores and sales conducted pursuant to G.L. c.138, §19C or §19D.~~

34.56.2 No licensee~~Licensee~~ shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC, including a license issued by the Alcoholic Beverages Control Commission only. No change of such area or location shall be made without prior written approval of the Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

34.56.3 The licensed premises must be well lighted at all times.

34.56.4 There shall be no indecent or immoral entertainment on the licensed premises.

~~34.56.5~~ Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.

~~34.56.6~~ The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.

~~34.56.7~~ Food service shall be available in all areas where alcoholic beverages are to be served for consumption on premises.

~~4.6.8~~ Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores, Farmer Series Pouring Permittees, and one day licenses are excluded from this provision.

~~4.6.9~~ No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.

~~34.56.8-10~~ Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise ~~licensee~~ Licenses only, including Farmer Series Pouring Permittees).

~~4.6.11~~ At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverage server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.

~~a)~~ A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

~~b)~~ Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee

will provide an approved training program certificate of completion for the manager to the Town with the application.

- e) ~~All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Select Board once every two years. Newly hired employees shall complete a Town-approved training program upon employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.~~
- d) ~~No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.~~

~~34.56.9~~¹² Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The ~~licensee~~^{Licensee} shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The ~~licensee~~^{Licensee} may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

~~34.56.10~~¹³ —The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

3.5.13 The Licensee shall request proof of identification prior to any alcohol sale where the individual purchasing alcohol appears under the age of 30 and confirm the authenticity of the identification card through the use of a digital card scanner.

IV. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNHOLDERS ONLY

~~Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:~~

- ~~45.1~~ No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety nine [99] persons and living capacity of not less than fifty [50] rooms.C
- ~~5.2~~ Each applicant shall submit to the Select Board with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Select Board for the sale of alcoholic beverages is requested.
- ~~5.3~~ Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- ~~45.24~~ The sService of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- ~~4.3~~ Section 5.3 of these policies shall apply to the restaurant and dining areas of the licensed establishment.
- ~~4.4~~ With the approval of the Select Board, an Innholder may sell sealed wine and malt beverages at a concession stand in the lobby of the hotel. Such sales shall be to individuals renting rooms at the establishment only and must be consumed within the rented rooms. Any wine and malt beverage purchased at the concession stand must remain sealed until the purchaser has returned to their room.

VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS ~~AND FUNCTION ROOMS~~

~~Subject to further limitations fixed or from time to time modified or amended by the Select Board acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:~~

- ~~56.1~~ Purpose

It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

~~6.2~~ The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.

~~6.3~~ ~~No function room may be separately licensed.~~

56.24 Common Victualler's License

No alcohol license will be issued to any ~~applicant~~Applicant unless such ~~applicant~~Applicant is the ~~licensee~~Licensee named in a common victualler's license and has operated a restaurant ~~and function rooms~~ for the twelve-month period immediately preceding the filing of an application. ~~When deemed appropriate by the Select Board this provision may be waived.~~

56.35 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. ~~Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.~~ Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.-

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar

Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. For those establishments with no table service, the Bar Service Area shall include the entire area where patrons may consume alcohol. –Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. –Such authorization may be granted under the following conditions:

- ~~f)a)~~ The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- ~~g)b)~~ No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the ~~licensee~~ Licensee’s business plan;
- ~~h)c)~~ The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- ~~i)d)~~ All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas. ~~;~~ and

5.6 Reporting

- ~~j)~~ Each licensee with bar seating shall annually as part of its license renewal application Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds ~~thirty five~~ fifty percent (50~~35~~%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. –If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing ~~modify the license to require the licensee to reduce its amount of Bar Service Area seating.~~ require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

~~VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS SEEKING AND ISSUED ALCOHOLIC BEVERAGE LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)~~

~~Licenses issued by the Needham Select Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:~~

- ~~6.7.1~~ Every club ~~applicant~~ Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and

existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Select Board.

67.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.

67.3 Each ~~applicant~~Applicant shall furnish ~~the Licensing Board with~~ a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Select Board.

67.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.

67.5 Each ~~licensee~~Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VIII. RULES AND REGULATIONS APPLICABLE TO ~~ONE-DAY~~ SPECIAL EVENT LICENSES

~~The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.~~

78.1 Hours of Sale

~~Request for the sale of alcohol under a Special~~ Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on ~~secular days~~Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.

78.2 Notice

~~One-Day Special Event L~~icenses are exempt from the legal notice and publication requirements.

78.3 Eligibility

7.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

7.3.2

8.4 No person shall be granted a Special Event License for more than 30 days in a calendar year.

78.5 Application

Forms and documentation required for One-Day Special License: The Applicant shall provide the following information and documents to the Select Board:

- ~~a)~~ ABCC Notice of Approval of Special License (completed by the Town)
- ~~b)~~ a) Town of Needham Select Board Event Information Sheet
- ~~e)~~ b) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
- ~~d)~~ c) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- ~~e)~~ d) Written evidence of the owner's permission to use the proposed licensed premises.
- ~~f)~~ e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- ~~g)~~ f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- ~~h)~~ g) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- ~~i)~~ h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

78.6 Conditions

The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such Special Event One-Day License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIIIX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES
(M.G.L. CH 138, SEC. 15)

89.1 General Provisions

89.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such ~~licensee~~Licensees may employ a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

89.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store ~~licensee~~Licensee upon or within the licensed premises, or upon any area under the direction and control of the ~~licensee~~Licensee without the Select Board's consent.

89.1.3 Where the liquor licenses are granted to serve the public, ~~licensee~~Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.

~~9.1.4~~ ~~No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.~~

~~9.1.5~~ ~~Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.~~

~~9.1.6~~ ~~Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.~~

~~9.1.7~~ ~~The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Select Board. In determining suitability for licenses, the Select Board will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as~~

determined by the Board.

~~89.1.48~~ ~~Section 15 Package Store L~~licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.

~~89.1.59~~ Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the ~~licensee~~Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.

~~89.1.610~~ Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.

~~89.1.711~~ "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

~~89.2~~ Hours Of Operation Deliveries

~~89.2.1~~ For all deliveries conducted off the licensed premises, the ~~licensee~~Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the ~~licensee~~Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

~~9.2.2~~ ~~All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.~~

~~89.2.23~~ Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

89.3 Consumption On Premises Prohibited Except Sample Tastings

~~9.3.1~~ Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, by any person is strictly prohibited except for sample tasting.

9.4 Limitations On Transferability Of Off Premises Section 15 Licenses

~~9.4.1~~ An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

89.45 Food Store Alcohol License Requirements

~~89.45.1~~ A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.

~~89.45.12~~ A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.

~~9.5.3~~ Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the

~~Select Board. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Select Board of plan to properly secure all alcoholic beverages on the premises from public access during that time.~~

~~89.45.24~~ Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

~~89.45.35~~ Package store licenses issued to food stores shall be limited to wine and malt beverages only.

IX. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

9.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on ~~submittal receipt~~ of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the ~~licensee~~Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler’s license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

XI. VIOLATIONS – ~~DETERMINATION OF PENALTIES~~

10+1.1 Violations

Any violation of the License terms and conditions, these ~~Town's Liquor~~ Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including and/or General Laws Chapter 138, or the Town’s General Bylaws may be grounds for action by the Select Board ~~(Board)~~, ~~as Local Licensing Authority~~, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. The suggested order shall not be construed as to limit the Select Board’s ability to consider alternative dispositions, further conditions on a license, or alternative sanctions (e.g., rolling back service hours ~~or~~ non-punitive written warnings).

<u>Offense</u>	<u>Suggested Order</u>
<u>1st Offense</u>	<u>One to five day suspension</u>
<u>2nd Offense</u>	<u>Six to ten day suspension</u>
<u>3rd Offense</u>	<u>Ten days to 30 day suspension</u>
<u>4th Offense</u>	<u>Revocation</u>

~~11.2~~ In determining the appropriate action in any given case, the Select Board shall ~~will~~ consider the violation ~~alleged~~, the facts of the case, other relevant factors including the ~~licensee~~ Licensee's prior record, and aggravating or mitigating circumstances.

~~11.3~~ In ordering suspensions, the Select Board may, within its discretion, order a suspension with one or more days to be served and the remainder to be held in abeyance for such time as the Select Board may determine.

~~11.4~~ A licensee shall have a right to notice and public hearing before modification,

~~suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.~~

~~11.5 A licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.~~

~~11.6 On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.~~

10.34.7 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of licenseeLicensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department.

~~11.7.1~~ — The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, **which are intended to be educational by design**^[MT3]. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the licenseeLicensee's prior record, and aggravating or mitigating circumstances.

<u>Offense</u>	<u>Suggested Order</u>
<u>1st Offense</u>	<u>Suspension of one day to be held in abeyance.</u>
<u>2nd Offense</u>	<u>One to two day suspension.</u>
<u>3rd Offense</u>	<u>Three to five days.</u>
<u>4th Offense</u>	<u>Five to ten days. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not</u>

	<u>occur.</u>
<u>5th Offense</u>	<u>Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.</u>

11.7.210.4. Training

All employees involved in the improper sale of alcohol shall complete another training course in accordance with Section 3.4.3, notwithstanding when the course was last completed. The new training shall be completed within 30 days of the issuance of the Select Board's decision and proof of completion shall be provided to the Select Board.

10.5 Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

11.7.3 Compliance Check Violation Guideline Penalties:

10.6 SECOND OFFENSE: Hearings

Suspension, one

10.6.1 A Licensee shall have a right to ~~three days.~~

10.7.3.3 THIRD OFFENSE:

Public notice and public hearing required.

Suspension, three to five days.

10.7.3.4 FOURTH OFFENSE:

Public Hearing required.

Suspension, Five (5) to Ten (10) Days

Licensee shall be required as a condition before modification, suspension, revocation, nonrenewal or cancellation of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure by the Board, except that a further offense will not occur.

~~10.7.3.5 FIFTH OFFENSE:~~

~~Public hearing required.~~

~~Minimum ten (10) day suspension. Based on relevant the Board may under emergency circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, compulsory initiation by the licensee of transfer of ownership to a responsible party to be approved by the Board, non-renewal, or revocation of the license allowed by Law suspend the license pending hearing.~~

10.6.2 A licensee Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the licensee Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.76 Notice of Suspension

On the days when Suspension of License is being served, the Licensee Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

~~11.7.3.1 FIRST OFFENSE:~~

~~Written warning, or Suspension of one day.~~

~~11.7.3.2 SECOND OFFENSE:~~

~~Suspension, one to three days.~~

~~11.7.3.3 THIRD OFFENSE:~~

~~Public hearing required.~~

~~Suspension, three to five days.~~

~~11.7.3.4 FOURTH OFFENSE:~~

~~Public Hearing required.~~

~~Suspension, Five (5) to Ten (10) Days~~

~~Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity~~

holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.

~~11.7.3.5 FIFTH OFFENSE:~~

~~Public hearing required.~~

~~Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, compulsory initiation by the licensee of transfer of ownership to a responsible party to be approved by the Board, non-renewal, or revocation of the license.~~

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
 Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Sustainability Coordinator Position Discussion
Presenter(s)	Stephen Frail, Chair, Climate Action Planning Committee (CAPC)

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>Mr. Frail will discuss the CAPC's recommendation to create the position of sustainability coordinator.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p>Discussion Only. A request for consideration of ARPA funding for this position will be presented to the Board at the next meeting.</p>	
3.	BACK UP INFORMATION ATTACHED
<p>a. Memo to Marianne Cooley, Chair from Stephen Frail, CAPC dated March 6, 2023 b. Draft Job Posting</p>	

memo

To: Marianne Cooley, Chair, Select Board
From: Stephen Frail, Chair, Needham Climate Action Planning Committee
CC: Kate Fitzpatrick, Select Board
Date: 3/6/23
Re: Sustainability Coordinator/Director position

Comments: Per request of Kate Fitzpatrick, the Climate Action Planning Committee (CAPC) submits the following in support of the creation of a Sustainability Coordinator/Director position.

The Sustainability Coordinator position is a primary component of the governance structure that the Governance Working Group recommended as its most important action that Needham can take in that workstream. The Governance Working Group's top recommended action is as follows:

Action 1: Establish a governance structure to support the implementation of the Climate Action Plan (CAP)

1. Municipal departments should review policies and operations to update to CAP goal standards, include climate awareness into programs, and regularly review vulnerabilities and opportunities to build resiliency into town projects
2. Report on an annual basis the implementation progress and GHG inventory to town leaders, town meeting and the community and include a 5 year total plan review and update
3. Employ a **sustainability coordinator** to improve the town's organizational capacity to understand and coordinate the elements of the CAP in support of climate goals
4. The CAPC, or a successor committee, should continue to meet to establish priorities, incorporate new information, and monitor implementation progress towards CAP goals

In addition, all other CAP Working Groups identified a Sustainability Coordinator position as critical to the successful implementation of their top proposed actions.

With 97.5% of the Town's GHG emissions coming from non-municipal sources, a concerted effort led by an individual whose primary responsibility is the implementation of the Climate Action Plan is essential if the Town is serious about meeting its reduction targets.

The activities of a Sustainability Coordinator can be broadly grouped into several categories:

- **Community outreach** to drive awareness of our goals and change in behavior at the whole Town level (critical need given the timeline we are on -- 50% reductions within 7 years, 75% in 17 years, net zero by 2050)
- **Assist residents, organizations, and businesses** in their own projects, helping them to take advantage of available funding programs and have the knowledge to make informed decisions and are not misled by contractors

- **Reporting**, both that required by statute (e.g., municipal aggregation, Green Communities) and things such as the GHG inventory to measure Needham's progress towards its GHG reduction goals (to help the Town understand if it's on track or needs to shift course)
- **Driving implementation** of specific programs such as municipal aggregation and be a resource for community questions (several Town officials have expressed concern that the Town reach everyone on town to provide clear information on the program and their rights under municipal aggregation; reaching everyone in a meaningful way will be a massive undertaking, one that staff and volunteers simply cannot accomplish alone)
- **Securing grants** from federal, state, and other sources to support municipal projects where GHG might be reduced (e.g., Emery Grover, Jack Cogswell, Linden St Apts, HVAC system replacements, building out EV infrastructure in Town, procuring fleet vehicles)
- **Providing thought leadership** to Town Manager and departments on the ever changing legislative environment, ensuring that sustainability becomes woven into all Town decision making processes, identifying new best practices from other municipalities, keeping a finger on the pulse of GHG reduction technologies and processes.
- **Updating Needham's bylaws, permitting process, and building code** in concert with the Planning Board, Select Board, and other Town departments.

While the Climate Action Planning Committee strongly urges the Town to make a Sustainability Coordinator/Director a permanent position, even an 18-month contract position as this critical juncture could yield significant benefits to the Town. Within 18 months, a Sustainability Coordinator could help to drive and implement the following projects:

- Working with the CAPC and the outside consultant to hold public meetings to gather feedback on proposed actions in the Climate Action Plan, and use that feedback to write the plan.
- Work with Town Manager to develop a governance and communication strategy for the CAP
- Identify grant opportunities and submit grant applications to support Emery Grover, bus electrification, Jack Cogswell solar array, Needham Housing Authority projects
- Research the potential for adding solar to the water pump station property, and calculate the net GHG reduction should trees need to be removed
- Work with the municipal aggregation team to develop the plan, gather feedback from all sectors of Town, and put the plan through the approval process
- Work with Town Staff, the Select Board, and Planning Board to prepare zoning and permitting changes that will help remove barriers to local installation of solar, heat pumps, and other GHG reducing technologies
- Work with Town staff, committees, and boards to implement other high priority actions identified by the CAP, preparing warrant articles as necessary

The CAPC stands by to support the Town as it conducts a search for a Sustainability Coordinator, and to support the individual who takes on that role.

Job Posting Template

Position Title / Classification:	Special Assignment Support / Schedule C	Dept/Div:	Office of the Town Manager
Title for Job Ad:	Sustainability Manager	Hiring Manager:	Town Manager
Anticipated Hiring Range:	\$80,125.50 - \$90,343.50	Status	Full Time/Benefit Eligible/Temporary: Assignment subject to availability of funding, current grant funding ends 12/31/2024.

Description:

Introduction to the job, summary of the main duties and what the hiring manager is looking for in a candidate. Provide a summary that helps the right candidates visualize a typical day on your team. Consider describing your department's mission and what makes the position attractive. Possible things to include: reporting structure, role within department, department work-environment, desired competencies or behavioral traits.

The Sustainability Manager, under the general supervision of the Town Manager, develops and administers programs, policies and initiatives to advance Needham's sustainability objectives. Coordinates closely with Town Committees and Boards, including the Climate Action Plan Committee (CAPC). Establishes benchmarks and metrics for measuring Needham's sustainability performance and documents progress in meeting the metrics established in the Climate Action Plan.

Duties and Responsibilities:

Using the Job Description, pick the core duties, and other specific duties that will be critical to highlight for potential applicants. These should be bullet-points, straight to the point on each one.

1. Oversee the implementation and prioritization of the Climate Action Plan to achieve Needham's sustainability objectives; work closely with the Climate Action Plan Committee (CAPC)
2. Form strategic partnerships across all Town departments, boards and committees and build community alliances to advance goals.
3. In concert with Public Information Officer (PIO), develop the climate communication strategy and disseminate information to homeowners and businesses to achieve sustainability goals; create a cultural shift toward greater sustainability.
4. Identify sustainability-related program funding sources and grant opportunities, prepare requests and coordinate project implementation and report results.
5. Oversee data collection efforts, including greenhouse gas baseline and inventory and commercial suppliers and manage energy use databases; set goals and track progress against key performance indicators.
6. Implement municipal Community Electricity Aggregation (CEA), including coordination across Town departments and school district, and report results.
7. Keep abreast of industry news, law and policy changes, conduct research on new energy technology, infrastructure upgrades and project opportunities to help Needham achieve its sustainability goals.
8. Recommend and support sustainability guidelines and policies.
9. Design and implement effective education and training programs for Town employees.
10. Prepare and present warrant article, motions and presentations to Town Meeting, Select Board, and other committees and departments as needed.
11. Interview, retain and manage external consultants, as necessary, to conduct studies, projects and reviews.

Job Posting Template

Typical Qualifications

Use the Minimum Entrance Requirements (MERs) from the [Job Description](#). **Must** include Education level, Years of Experience and any required licensure. Required Knowledge, Skills and Abilities as listed within the Job Description can be listed as desired – not all need to be listed in the posting.

The following requirements **may be substituted** by any equivalent combination of education, training and experience which provides the necessary knowledge, skills, and abilities required to perform the job:

- Bachelor's degree in Environmental Studies, Energy or Environmental Policy, Urban or Regional Planning, or another related field,
- 4-6 years of related experience sustainability planning, energy efficiency and/or renewable energy market
- Effective communicator both verbally and in writing; skilled in influencing others and consensus building.
- Excellent interpersonal skills, including ability to maintain effective working relationships with the community, Town boards and committees, staff and contractors.
- Ability to comprehend and apply technical knowledge as it relates to energy uses and conservation; strong analytic and collaboration skills; demonstrated competency in utilizing creative and innovative thinking.
- Establishes courses of action to accomplish specific goals; develops and uses tracking systems for monitoring progress; effectively uses resources such as time and information.
- Proficient in Spreadsheet applications, data management, and statistical interpretation. Ensures accuracy of data and analyzes results by organizing information and presenting it verbally, in writing, and graphically in user-friendly ways.
- Commitment to diversity, equity, and inclusion and strong ability to work and interact effectively with individuals and groups with a variety of identities, cultures, backgrounds, and ideologies.

Preferred Qualification:

- Extensive knowledge and experience in sustainability planning, environmental management, climate change, energy efficiency, renewable energy and environmental sustainability principles.
- Previous experience in community engagement, marketing or promotion.
- Previous experience in grant writing and administration.
- Formal training or certification in change management or project management principals and techniques.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	MSBA Statement of Interest
Presenter(s)	<ul style="list-style-type: none">• Matt Spengler, School Committee Chair• Andrea Longo Carter, School Committee Vice Chair• Dan Gutekanst, Superintendent of Schools• Anne Gulati, Assistant Superintendent of Schools• Hank Haff, Director of Building Design and Construction

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	<p>School staff and School Committee members will discuss the proposed Statements of Intent (SOI) to be filed with the Massachusetts School Building Authority (MSBA) for project funding.</p> <p>Affirmative votes of the School Committee and the Select Board are required in order for the SOIs to be submitted.</p>
2.	VOTE REQUIRED BY SELECT BOARD
	<p>Discussion Only: The Board is scheduled vote on this item on March 28th.</p>
3.	BACK UP INFORMATION ATTACHED
	<ul style="list-style-type: none">a. Mitchell School Statement of Intentb. Pollard School Statement of Intentc. MSBA Presentation

Massachusetts School Building Authority

Next Steps to Finalize Submission of your FY 2023 Statement of Interest

Thank you for submitting an FY 2023 Statement of Interest (SOI) to the MSBA electronically. **Please note, the District's submission is not yet complete if the District selected statutory priority 1 or priority 3.** If either of these priorities were selected, the District is required to mail the required supporting documentation to the MSBA, which is described below.

ADDITIONAL DOCUMENTATION FOR SOI STATUTORY PRIORITIES #1 AND #3: If a District selects Statutory priority #1 and/or priority #3, the District is required to submit additional documentation with its SOI.

- If a District selects statutory priority #1, Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering or other report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The District also must submit photographs of the problematic building area or system to the MSBA.
- If a District selects statutory priority #3, Prevention of a loss of accreditation, the SOI will not be considered complete unless and until a summary of the accreditation report focused on the deficiency as stated in this SOI is provided.

ADDITIONAL INFORMATION: In addition to the information required above, the District may also provide any reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or SOI@massschoolbuildings.org.

Massachusetts School Building Authority

School District Needham

District Contact Anne Gulati TEL: (781) 455-0400

Name of School William Mitchell

Submission Date 3/2/2023

SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- The district hereby acknowledges that current vote documentation is required for all SOI submissions. The district will use the MSBA's vote template and the required votes will specifically reference the school name and the priorities for which the SOI is being submitted.
- The district hereby acknowledges that it must upload all required vote documentation on the "Vote" tab, in the format required by the MSBA. All votes must be certified or signed and on city, town or district letterhead.
- The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all required supporting documentation for statutory priority 1 and statutory priority 3. If statutory priority 1 is selected, your SOI will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If statutory priority 3 is selected, your SOI will not be considered complete unless and until you provide a summary of the accreditation report focused on the deficiency as stated in this SOI. The documentation noted above must be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.

**LOCAL CHIEF EXECUTIVE OFFICER/DISTRICT SUPERINTENDENT/SCHOOL COMMITTEE CHAIR
(E.g., Mayor, Town Manager, Board of Selectmen)**

Chief Executive Officer * School Committee Chair Superintendent of Schools

(signature)	(signature)	(signature)
Date	Date	Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

Massachusetts School Building Authority

School District Needham

District Contact Anne Gulati TEL: (781) 455-0400

Name of School William Mitchell

Submission Date 3/2/2023

Note

The following Priorities have been included in the Statement of Interest:

1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2. Elimination of existing severe overcrowding.
3. Prevention of the loss of accreditation.
4. Prevention of severe overcrowding expected to result from increased enrollments.
5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6. Short term enrollment growth.
7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8. Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

SOI Vote Requirement

I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI, which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA. All SOI vote documentation must be uploaded on the Vote Tab.

SOI Program: Core

Potential Project Scope: Potential New School

Is this a Potential Consolidation? No

Is this SOI the District Priority SOI? No

School name of the District Priority SOI: Pollard Middle

Is this part of a larger facilities plan? Yes

If "YES", please provide the following:

Facilities Plan Date: 11/19/2020

Planning Firm: Dore & Whittier Architects (DWA)

Please provide a brief summary of the plan including its goals and how the school facility that is the subject of this SOI fits into that plan:

The scope of this project is to renovate/replace the Mitchell School and increase its capacity for the purpose of addressing significant building deficiencies and overcrowding. This project has been identified in several Town facilities plans: Town-wide Comprehensive Facilities Study, Kaestle Boos Associates, Inc. (5/15/1998, KBA); Facilities Master Plan – Town of Needham, DiNisco Design Partnership (11/15/ 2006, DDP); Comprehensive Facilities Assessment- Mitchell & Hillside Schools, Dore & Whittier Architects Inc. (8/22/2011, DWA); Pre-Feasibility Study – Mitchell & Hillside Schools, (7/6/2012, DWA); Master Plan update by HKT Architects, Inc. (2014) and in the most recent School Master Plan by Dore & Whittier Architects (2020). DWA subsequently updated its Master Plan document in 2022.

The Mitchell School is a high priority for a comprehensive building renovation/ or replacement project, due to the age of the building (70+ years), deficiencies in the size and number of core educational spaces (42%) under current Massachusetts School Building Authority (MSBA) standards for the permanent structure), inaccessibility of the teaching spaces for handicapped students and/or their parents, noted deficiencies and/or end-of-life conditions in most building systems, poor energy performance, and site constraints due to topography, wetlands and the current location of the facility. The 2020 Master Plan included updated evaluations of every aspect of the building by the following professional (A&E) disciplines: site (civil and landscape), architectural, structural, mechanical, electrical, plumbing, fire protection, hazardous materials and energy savings, with a cost analysis of short-term and long-term improvements. Although the Needham Public Schools has undertaken significant repair and maintenance of the building over the years through its Capital Improvement Planning (CIP) and budgeting processes, all plans agree that this aging facility is in need of total renovation and/or replacement. Additionally, the project seeks to address the building's undersized educational spaces. During the summers of 2014 and 2019, the Town invested in modular classrooms to temporarily reduce, but not permanently solve, the overcrowding problem. The 2014 project built a 7,000 sq.ft. modular building that is independent of the main building structure, for the purpose of avoiding triggering the codes that would require substantial upgrades to the existing building. The new modular building created four (4) new (kindergarten) classrooms, which allowed the District to implement a full day kindergarten program in September 2019. The 2019 project added a 3,500 sq. ft. independent modular classroom building to accommodate an art and a music classroom. This allowed the school to repurpose the existing art and music rooms into general classrooms and special education spaces. The second modular building is also detached from the existing school. The modular classroom additions are a temporary "band aid" that have helped to reduce some of the severe overcrowding at Mitchell (from being 42% undersized to an estimated 30% undersized, based on gross square feet of the building, compared to current MSBA standards) while the District awaits a more comprehensive repair and/or replacement of the school.

Please provide the current student to teacher ratios at the school facility that is the subject of this SOI: 20 students per teacher

Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI: 22 students per teacher

Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? Yes

If "YES", please provide the author and date of the District's Master Educational Plan.

Several studies have documented facility goals for the Mitchell School, including the most recent School Master Plan by Dore & Whittier Architects (2020). The Town of Needham also updates its Facilities Master Plan about every decade. The 1998, 2006 and 2014 master plans all identified the need to renovate/replace the Mitchell School to address overcrowding and building deficiencies. In addition, the building's deficiencies, and recommendations for remediation, have been documented in the fol

Is there overcrowding at the school facility? Yes

If "YES", please describe in detail, including specific examples of the overcrowding.

The Mitchell School, a four-section, 425-student K-5 school occupying 49,027 sq. ft. (excluding modular classrooms) is undersized by approximately 48%, compared to MSBA guidelines for gross square feet, based on enrollment. (When the modular classrooms totaling 9,900 sq. ft. are included, the deficit drops to about 37%.) As noted in the Comprehensive Facilities Assessment (DWA, 2011), specific educational spaces are undersized by the following percentages: 1948 wing classrooms (-18%), 1958 wing classrooms (-8%), library media center (-25%), cafetorium (-31%), kitchen (-60%), gymnasium (-10%). The only spaces that meet current MSBA guidelines are the two classrooms at the end of the 1968 wing and the detached, modular classrooms installed in 2014 and in 2019. As a comparison, the new Sunita Williams Elementary School (constructed in partnership with MSBA), which is a four-section K-5 facility serving 529 students, has a total gross square foot area of 94,000 sq.ft.

Additionally, there is a significant lack of remedial/tutorial and special education spaces. Small group instruction often occurs in corridors and former storage rooms. Currently, single offices and classrooms are shared by multiple teachers. For instance, occupational therapy, physical therapy, speech and language therapy, and special education administration all share the same space. Students must walk through general education classrooms to access the guidance counselors and special education spaces which are located in a former entrance foyer. Special education parent meetings often occur in spaces that are shared by other service providers, which has created a confidentiality issue for the students being seen at that time. In addition, there is limited, shared space for gross motor activities, and OT services are often provided in the hallway. As a result, Mitchell is not able to house the OT equipment necessary for some students. Moreover, due to the shared use of space by service providers, special education, speech/language, and occupational therapy sessions often are interrupted or displaced by meetings. Finally, the undersized and inadequate spaces mean that, during the Massachusetts Comprehensive Assessment System (MCAS) administration windows, Mitchell lacks sufficient testing areas to accommodate students whose Individualized Education Plans (IEPs) require separate testing space.

Due to a lack of appropriate specialized program space, special area programming is delivered in a way that compromises the educational program. Less than half of the school's Physical Education (PE) classes can be scheduled in the undersized gym. The remaining classes take place in the classroom and the cafeteria. As a result, Mitchell does not have the same physical education program as the other elementary schools in Needham. For instance, Mitchell 4th and 5th graders do not have two consistent PE times per week as they do in other schools. This arrangement also limits the availability of the stage/cafeteria space for school wide events, or special joint classroom events that need larger spaces to only two afternoons per week. The stage is not handicapped-accessible, which limits student access and participation. PE classes are bothered by students queuing for lunch in the cafeteria, as well as by the noise from the kitchen, the motors from the vending machines and milk cooler, and the raising and lowering of tables by the custodian. In addition, the size and layout of the Media Center require technology and media classes to run simultaneously within the same space, with no sound separation and with limiting access to the library collection.

The kitchen also is undersized by approximately 60% and has limited functionality. There are two stovetop burners for the entire school, and the school lacks a mechanical dishwasher (as well as the capacity to add one.) Due to the limited kitchen area, additional refrigerators and freezers were installed in the cafeteria space and some food prep occurs outside of the kitchen, as well. These deficiencies have limited the menu options for students.

Finally, there is inadequate space for administrative activities. The administrative suite is undersized by (-44%), compared to the MSBA guidelines. The Principal's Office is only accessible via an adjacent conference room, which is used several times per day for lunch groups, special education, reading, testing and assessment, parent/teacher conferences, team meetings, and small group work with students. This is problematic because the Principal, and visitors to the Principal's Office, must walk through and interrupt these meetings and testing situations. The overuse of the conference space also limits the Principal's access to the conference room for his own meetings with teacher teams, administrative teams, School Council, and parent groups.

Has the district had any recent teacher layoffs or reductions? Yes

If "YES", how many teaching positions were affected? 7

At which schools in the district? Broadmeadow Elementary, Sunita Williams Elementary, Mitchell Elementary and Newman Elementary

Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).

FY23 teachers: 1.0 FTE Newman; 1.0 FTE Mitchell; 0.7 FTE Broadmeadow visual arts 0.7 FTE Williams visual arts; 0.13 FTE Mitchell visual arts teacher; 0.2 FTE Newman visual arts; 0.17 FTE Mitchell world language.

Has the district had any recent staff layoffs or reductions? Yes

If "YES", how many staff positions were affected? 5

At which schools in the district? Broadmeadow Elementary, Eliot Elementary, Sunita Williams Elementary, Newman Elementary and Needham

Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).

FY23: 1.0 FTE Broadmeadow kindergarten TA; 0.8 FTE Sunita Williams COTA; 0.8 FTE Newman SLPA; 0.5 FTE Eliot TA, 1.0 FTE NHS permanent building substitute.

Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.

The teacher reductions in FY23 were made in response to enrollment/scheduling changes in the respective schools. The staff reductions were made to better reflect student support service requirements, including the conversion of paraprofessionals to certified teaching staff. The changes had no impact on program, class size, or curriculum.

Please provide a description of the local budget approval process for a potential capital project with theMSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District’s most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities).

The budget process begins in September/October, when the School Committee votes budget guidelines. The budget is developed in October-December, with a public hearing and budget review in December - January. The School Committee votes its final budget recommendation at the end of January and the Town Manager's balanced budget proposal (including the School Committee voted budget, if different) is due to the Finance Committee by January 31. The Finance Committee's recommendation, which is voted by March 15, becomes the main motion at Town Meeting. Annual Town Meeting occurs during the first and second weeks of May, at which time the school budget is approved and funds are appropriated. The fiscal year begins July 1. Planned budget reductions for FY24 include: the conversion of 7.4 FTE teaching assistants to 3.29 FTE certified special education teachers; the conversion of a 0.55 FTE occupational therapist position to a full-time certified occupational therapy assistant; the conversion of a 0.5 FTE psychologist position to a 0.5 FTE special education team chair; the reduction of 2.41 FTE vacant classroom and special area teachers to match enrollment projections/scheduling requirements; and the elimination of 0.35 FTE vacant clerical support positions. The aforementioned budget reductions do not have an impact on school facilities or class size. Generally, the changes strengthen the program overall by converting paraprofessional staff to certified teachers.

General Description

BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

The Mitchell Elementary School was originally constructed in 1948 as a one-story brick and steel frame elementary school with a pitched roof and an “I-shaped” floor plan. The original building included offices, one kindergarten classroom, seven general classrooms and a cafegymnasium. A full basement under the front of the building holds the boiler room and storage. In 1958, a series of additions were made that included: 1) eight classrooms on the east side of the existing building with two connecting corridors, creating an interior courtyard space, 2) a second Kindergarten room on the southwest corner and 3) a 2,400 sq. ft. gymnasium (approximately ½ the size of MSBA guideline for an elementary school gymnasium) on the NW corner of the original building. The 1968 addition included the library/ media center, toilet rooms and six classrooms to the northeast end of the 1958 wing. The 1958 and 1968 buildings were constructed with flat roofs.

To remediate the space shortage at Mitchell School on a temporary basis, the District installed four modular classrooms, which opened in Fall, 2014. These modular classrooms were constructed as an independent building structure to avoid triggering extensive code upgrades to the existing building including sprinklers, ADA compliance, and structural upgrades. In 2019, a second modular classroom building with two classrooms was added on the east side of the site. This building is also an independent building structure that serves art and music. Students must leave the main building to attend these classes several times a week.

TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions.

49027

SITE DESCRIPTION: Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

The Mitchell Elementary School is located in a residential area near the center of Town, with its primary address at 187 Brookline St. The 12.47-acre parcel has about 8.35 acres that are viable for the school building, parking and field uses. The site is about twice as long (1,100 ft.) in the east-west axis as it is wide (550 ft.) on the north-south axis. The school building sits roughly in the middle of the lot with a setback of 150 feet to Brookline Street and 120 feet to Tower Ave. The site has about 620 ft. of frontage onto Brookline St. and 45 ft. of frontage at a back entrance on the north side onto Tower Avenue. Each point of access has sidewalks, a car drop-off loop and parking, but there is no interconnecting road between the north and south sides. Emergency access to the east side is limited. Emergency access to the west side of the building is provided through the playground. The existing school parcel has a dense stand of trees on the east, where the land drops off by about 25 feet to a wetland area. On the west side of the building adjacent to the playground is an open playing field. At the edge of the open playing field, there is an adjacent Town-owned lot with a park called “Mitchell Woods,” a heavily wooded sloping parcel, which slopes 50 feet down to James Ave. The school is the only use on this parcel of land. The playfield is bordered by residential homes to the north and south.

The majority of students walk to the school, due to the proximity of houses to the school and the compactness of the Mitchell School District. The neighborhood is zoned as SRB single family residence-B, which allows for quarter acre lot sizes. As a result, it is one of the more densely populated single-family districts in Town.

The site has about 89 car parking spaces. There is a striped lot for 48 cars located on Brookline St. and an additional striped lot for 33 cars located at the rear entrance to the school and accessed from Tower Ave. (The back lot is used primarily by teachers.) Eight visitor spaces are available in the front of the building in the drop-off loop;

parking in these spaces is limited to non drop-off and pick-up times. Site traffic and circulation during drop-offs & pick-ups are not contained on the site, resulting in traffic back ups onto Brookline St. On-street parking is restricted near the school.

There is an 80 sq. ft. x 130 sq. ft. hard-surfaced play area adjacent to the 1948 wing on the west side of the building, with an adjacent paved basketball court located near the back parking lot. A playground with swings and play structures is adjacent to this play area and further, to the west, are two 60 ft baseball diamonds in an open playing field.

Utilities serving the school come mainly from Brookline St. There is municipal water and sewer service including: a four-inch cast iron water main, a six-inch cement sewer from the original building, and a six-inch asbestos cement sewer from the 1968 addition. A two-inch gas line in Brookline Street was recently connected to the school to serve a relocated dual fuel (oil & gas) boiler. A twenty-year-old, double-walled underground 10,000-gallon oil storage tank is located within the planted circle at the front of the building, with iron oil supply piping to the basement boiler room.

ADDRESS OF FACILITY: Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

William Mitchell Elementary School, 187 Brookline Street, Needham, MA 02492

BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

The envelope of the building, including the structure and roof, is reaching the end of its useful life and does not meet contemporary energy code requirements.

Building Envelope:

The building envelope varies depending upon the phase of construction. There is little or no insulation within the walls and the exterior brick walls are in fair condition with some areas in poor condition. The original structure shows the least deterioration, with a small amount of efflorescence and brick decay. The 1958 addition shows some efflorescence and fungal growth on the exterior and there is evidence of brick settlement and cracking in several locations. Deterioration of the exterior surface was observed in areas of the 1958 and 1968 additions. Repointing is needed in many areas. All of the window glazing within the building is single glazed and therefore very energy inefficient. Windows in the original building are steel sash with 'hopper style' venting at both the top and bottom of the window units. In the 1958 addition, the windows are a mix of steel frame and wood frame. Several of the wood windows are near the grade and show signs of wood rot. The 1968 wing metal frame windows have evidence of rust and are allowing water to enter some of the window frames. The building envelope is very energy inefficient, when compared to contemporary codes and energy standards. Comprehensive replacement of all windows and most walls would be required to meet contemporary energy codes.

Grills and vents around the school are damaged and are being replaced under the current maintenance plan, as these are affecting the performance of existing mechanical systems. Many exterior doors around the building have been replaced; however these new insulated fiberglass panel doors, which have been set within the existing metal frames, are in poor condition. Some of the remaining existing doors are original to the building and further replacement is required.

Building Structure:

1948 Building - The original building was constructed about four feet above grade, with a utility basement for boilers and storage at the front of the building and a crawl space beneath the rest of the building. Foundations are traditional, cast-in place concrete with interior concrete pilasters on footings and concrete walls around the perimeter of the structure. The ground floor structure consists of exterior masonry walls and eight-inch-wide flange steel columns and beams supporting roof framing of trusses with eight-inch and ten-inch steel purlins. The roof substrate has 1-½ inch wood planking spiked to the purlins and trusses. The exterior walls appear to be solid

brick with steel lintels supporting the brick veneer. 1958 Addition – The single-story wing has a flat roof. Foundations are traditional cast-in-place concrete with a four-inch cast-in-place concrete un-insulated floor slab. The roof framing is supported on steel columns both on the corridor and exterior. Twelve-inch girders and ten-inch-deep steel beams support fourteen-inch-deep open web steel joists thirty – inches on center with perlite on steel-tex decking. The exterior walls have curtain-wall with masonry to sill level consisting of various materials including solid brick and concrete breeze block. Masonry cavities vary from one-inch to two –inches, typically without any insulation. 1968 Addition – This single-story flat-roofed classroom section has traditional un-insulated cast-in-place concrete foundations and a four-inch uninsulated slab on grade. Steel columns and beams support open web steel joists at four feet on center and 1- ½ inch deep steel decking. The structural frame is in sound condition, but would not meet contemporary seismic code requirements. While the roof probably meets current loading requirements, any new rooftop equipment would require structural assessment prior to installation. The building was not designed for the addition of any future stories. Any major renovation would require lateral stabilization of the exterior and interior masonry walls to meet contemporary seismic codes and limit removal of any existing lateral bracing and walls within the structure.

Roof:

The 1948 building has a pitched roof with asphalt shingles, while both of the additions have flat, internally-drained roof systems with built-up roofing. The asphalt shingle roof is about twenty-six-years old, while the flat roof sections were replaced in 2007. There was approximately two to three inches of insulation above the ceiling in the original building, and an additional 6 to 8 inches of insulation were added in 2016 to improve energy efficiency and maintain better temperature control of these classrooms. The flat roof additions have only 2 inches of rigid insulation on top of the metal roof deck with built-up asphalt and gravel roofing materials. The rigid roof insulation thickness would need to triple in depth to meet contemporary codes.

Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES

Year of Last Major Repair or Replacement:(YYYY) 2001

Description of Last Major Repair or Replacement:

The exterior wood panels of the Mitchell school were painted in 2012. In 2000 and 2001, major structural repairs were made to the concrete block walls between Room 22 and 23 and Rooms 20 and 21.

Roof Section A

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 20664

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

1948 wing: Pitched roof with asphalt shingles

Age of Section (number of years since the Roof was installed or replaced) 26

Description of repairs, if applicable, in the last three years. Include year of repair:

The sloped roof was last replaced in 1997. It has exceeded the 20-year life expectancy.

Roof Section B

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 17280

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

1958 wing: flat, internally-drained roof systems with built-up asphalt and gravel roofing

Age of Section (number of years since the Roof was installed or replaced) 16

Description of repairs, if applicable, in the last three years. Include year of repair:

All flat roofing was replaced in 2007. The new roof has a life expectancy of 20 years and should be replaced in 2027.

Roof Section C

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 11083

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

1969 wing: flat, internally-drained roof systems with built-up asphalt and gravel roofing

Age of Section (number of years since the Roof was installed or replaced) 16

Description of repairs, if applicable, in the last three years. Include year of repair:

All flat roofing was replaced in 2007. The new roof has a life expectancy of 20 years and should be replaced in 2027.

Window Section A

Is the District seeking replacement of the Windows Section? YES

Windows in Section (count) 76

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

1948 wing: steel sash with 'hopper style' venting; All windows single glazed

Age of Section (number of years since the Windows were installed or replaced) 75

Description of repairs, if applicable, in the last three years. Include year of repair:

Original windows.

Window Section B

Is the District seeking replacement of the Windows Section? YES

Windows in Section (count) 85

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

1958 wing: mix of steel frame and wood frame; All windows single glazed

Age of Section (number of years since the Windows were installed or replaced) 65

Description of repairs, if applicable, in the last three years. Include year of repair:

All windows in the gym were replaced in 2006 with polycarbonate windows. In 2012, the gym windows were replaced with thermal pane windows.

Window Section C

Is the District seeking replacement of the Windows Section? YES

Windows in Section (count) 18

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

1968 wing: metal frame; All windows single glazed

Age of Section (number of years since the Windows were installed or replaced) 55

Description of repairs, if applicable, in the last three years. Include year of repair:

Original windows

MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).

Generally speaking, all of the heating, ventilation and air conditioning (HVAC) systems (with the exception of those in the modular units) are in poor to fair condition and reaching the end of their useful lives. The electrical systems also are at capacity, are obsolete and are in need of replacement.

Mechanical Systems

The building is heated with two, cast iron, sectional-type HB Smith low-pressure steam boilers. One boiler was replaced in 1997; the second boiler is about 10-years older. In 2013, gas service was brought to the building and two salvaged dual fuel burners from the Pollard School were installed at Mitchell. The total capacity of both boilers is approximately 6,000 lbs/h of steam or 5,700 MBH. Natural gas is now the primary fuel source for the boilers, but #2 oil is still stored in a 30-year-old 10,000 gallon underground storage tank (UST) as a backup. Three fuel oil pumps remain with the associated oil supply piping. Heating distribution piping in the boiler room is about 21-years old, but the piping is original elsewhere in the building and is in fair to poor condition. Sections need to be replaced every year.

There is no central air conditioning system within the building. The classrooms get outdoor air and heating from the 1968 floor-mounted unit ventilators. General heating is provided by finned tube radiators and convectors along the perimeter walls of the building. The radiators and convectors are original to their phase of construction. The

1968 addition has a hot water hydronic loop, which serves the unit ventilators in that section of the building and uneven heating in the most remote spaces is an ongoing problem. Some classrooms have window-mounted air conditioners (AC), where windows have been removed. These air conditioners are in fair or good condition. There is no energy recovery system in the main building. Fresh air enters through the unit ventilators and is exhausted through vents on the corridor wall of each classroom to rooftop fans. The HVAC system in the two newer wings is controlled by a 30-year-old direct digital central building control system. A pneumatic control system operates the older zones of the building. All controls are in need of replacement. The modular classrooms have electric heat pumps that provide both heating and cooling.

Electrical Systems

The building is supplied by an underground electrical service with a 208Y/120 Volt, 3-phase, and 4-wire supply. In the basement, the electric service is split into a metered 400 Amp section and a metered 200 Amp and 100 Amp section. The panels and switches appear to be original. All panels are full and there are no empty circuits or spaces for new circuits. Certain circuits within the school trip the breakers during AC operation, and no expanded service to classrooms for enhanced technology is currently possible. The circuit breakers and main service are obsolete and unavailable, making maintenance impossible. Replacement of the primary electrical transformer, main circuit board and sub-panels is the only option during a renovation. Upgrades would require comprehensive replacement of the electrical service. The existing electrical service is not adequate to support the growing technology and HVAC needs of the school. Each set of modular classrooms has a new separate 200A electrical service with overhead wiring from Brookline St.

Other Systems:

The fire alarm system is a zoned analog type system manufactured by FCI, is in good condition and was updated in 2019. System components include outside beacon, Knox-box, pull stations, heat detectors, horn /strobes. The system in the main building does not have smoke detectors, only heat detectors, but is in good operating condition. The school has a public address system with an integrated bell, which operates throughout the building, and functions properly. A clock system is in place with 90% of the clocks functioning properly.

The lighting within most of the classrooms is surface-mounted 2-lamp 1ft x 4ft fluorescent light strips with prismatic lens placed in rows about 4 to 8 feet apart. The lighting is functional and in fair condition throughout the school. The modular classrooms have their own independent 600-amp electric service. New LED lighting was installed in 2020, as part of a town-wide energy savings program.

Boiler Section 1

Is the District seeking replacement of the Boiler? YES

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 100

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Natural gas with backup Heating Oil

Age of Boiler (number of years since the Boiler was installed or replaced) 6

Description of repairs, if applicable, in the last three years. Include year of repair:

Oil tanks were replaced in 1992-1993. In 2009, Boiler Number 1 was replaced and the boilers, univents, and air handling units were upgraded to digital control. Also in 2009, the piping in crawl spaces and in the boiler room were insulated, exterior air leaks were sealed, and a Rentar catalyst unit was installed. In 2013, boiler burners converted to dual fuel oil and natural gas-fired units and hot water heaters replaced with natural gas-fired units.

Has there been a Major Repair or Replacement of the HVAC SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 1998

Description of Last Major Repair or Replacement:

Partial repair/replacement: Window air conditioning units are replaced as needed. The rooftop HVAC unit above the Media Center was replaced in 1998. Modular classroom equipment is all new in 2014 and 2019.

Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 2009

Description of Last Major Repair or Replacement:

In 2006, there was an electrical update that included all exit signs and emergency lighting, safety upgrades to several electric distribution panels, rewiring 1 main distribution circuit, rebuilding 1 flush wall mounted electrical sub-panel in the 1968 corridor, and replacing cafeteria fans. The kitchen was wired for a new convection oven in 2009. The intercom, clock, and bells were updated in 1997, and LED bulbs were installed in 2020. The media center was rewired in 2005. Modular classroom service is all new in 2014 and 2019.

BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Interior

The floor in the main corridor of the original 1949 building is 1ft x 1ft ceramic tile, is original to the building and in good condition. Classrooms and offices within this wing have Vinyl Composite Tile (VCT) flooring in good condition. The corridor and classroom flooring in the 1958 & 1968 additions are VCT and are well maintained. The low-pile carpet in the Media Center is in good condition. Carpet squares and area rugs are replaced as needed. Bathroom floors are ceramic tile, in good condition. The gymnasium floor is hardwood, in good condition. Many interior walls in the original wing are constructed of four inch steel stud with plaster finish, and are generally in good condition, except for a few locations with cracking or peeling due to prior water damage. In the 1958 addition, the interior walls were constructed of structural concrete masonry unit (CMU) block walls. Because of the limited insulation within the exterior walls and single glazed windows, it can be uncomfortable to sit near the exterior walls in winter.

Most ceilings are in good condition although water damage and staining from HVAC units is visible in certain areas. Glue-applied perforated ceiling tiles are installed in several of the original areas of the building and are in poor condition. Ceiling tiles in the school kitchen are not washable and therefore inappropriate for that location. The ceilings in the 1948 & 1958 corridors and classrooms have two-by-four tectum acoustical ceiling tiles.

The interior doors are largely original to their date of construction. Many doors lack the push / pull clearance and proper hardware to meet Americans with Disabilities Act (ADA)/ Massachusetts Architectural Access Board (MAAB) requirements. Few of the interior doors are fire rated, as would now be required, and several doors and sidelights contain wire glass. Many doors lack hardware to meet accessibility requirements. Extensive renovations to address door clearance and the replacement of all interior doors, frames and hardware would likely be required as a part of any major renovation.

Building codes have changed significantly since the original construction and subsequent additions to the Mitchell School. Although the building has several ramped access pathways into the building, not all of the spaces within the single-story building are accessible for people with disabilities. The Gymnasium and former Kindergarten room are only accessible by stairs or by walking outside and around the building. The PE program is forced to use the stage in the Cafeteria twice per week, due to lack of available space in the building. This elevated platform has no ramp or lift access. Retrofits were completed in 2021 for one set of boys and girls' bathrooms to be compliant with ADA and MAAB criteria, but most restrooms still lack proper entrance clearances, stall sizes, grab bars, insulated pipes at the sinks, urinals at proper heights, dispensers at proper heights, entrance and turning radii clearances, pull side clearances at entry doors and the correct door hardware. Additionally a person entering the front door who is unable to climb steps would need to travel around the entire building to enter the administration office that is located adjacent to the front door but at a higher level.

Technology

Technology distribution through the building has been retrofitted over the past two decades and is minimal in comparison to other modern classrooms in the District and current MSBA standards. Technology distribution is further constrained by the lack of/and improper location of many power receptacles, as well as the inability to add new power receptacles. White boards typically require rubber floor strips to hide power and technology cables and avoid creating a tripping hazard. The school does not have sufficient available space to have a full computer lab. Therefore, an area within the Media Center contains multiple computers for training, but this area has no sound

separating walls.

Hazardous Materials

Some floor tiles contain asbestos (ACM) and a program of phased remediation and replacement has been in place for the past decade. Hard joint insulation of heating pipes was found to contain asbestos in various locations. The asbestos has been remediated and removed from the boiler room, but ACM's still remain in the utility tunnels. The exterior and interior window framing and glazing caulking are assumed to contain ACM's and polychlorinated biphenyls (PCB's) and would require abatement as a part of repair / replacement. Other locations assumed to contain asbestos are wall and door framing caulking, unit vent/grill caulking, blackboard glue, underground waste water pipes, damp proofing on foundation wall, and thru-wall flashing. The painted surfaces are assumed to contain lead. All of these materials would need to be remediated during a comprehensive repair or replacement project.

PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).

Students in Grades K-5 receive the regular elementary curriculum, including art, music, media, Spanish, technology and PE instruction. Special needs instruction is provided on an integrated and pull-out basis.

Due to lack of space, small group instruction often occurs in inappropriate locations, such as corridors and former storage rooms and shared spaces. Multiple teachers share special education classroom spaces. The use of shared space to hold parent meetings has created a confidentiality issue for the students being seen at that time. In addition, the school has only limited, shared space for gross motor activities and often has to provide services in the hallway. As a result, Mitchell is not able to house the OT equipment necessary for some students. This leads to inequity among buildings, with regard to OT services. Moreover, due to the shared use of space by service providers, special education, speech and language, and occupational therapy, sessions often are interrupted or displaced by team meetings. The psychologist works in a 50 s.f. space next to the nurse's office and bathroom, where work is distracted by conversations and bathroom noises. Finally, the undersized and inadequate spaces mean that, during the MCAS administration windows, Mitchell lacks sufficient testing areas to accommodate students whose IEPs require separate testing space.

Due to the lack of appropriate specialized program space, Spanish and media/technology education are delivered in a way that compromises the educational program. Less than half of the school's PE classes can be scheduled in the undersized gym. The remaining classes take place in the classroom and the cafeteria. This arrangement creates scheduling issues with other specials, limits the availability of the stage/cafeteria space for school wide events, or special joint classroom events that need larger spaces to only two afternoons per week, and creates an inequity with regard to the delivery of PE curriculum throughout the District. Also, the stage is not handicapped-accessible, which limits student access and participation in both PE class and stage performances or activities. PE classes are bothered by children queuing for lunch in the cafeteria, as well as by the noise from the kitchen, the motors from the vending machines and milk cooler and the raising and lowering of tables by the custodian. The Media Center size is problematic because the limited size and layout require technology and media classes to run simultaneously within the same space with no sound separation.

Access to the Principal's Office is only via an adjacent conference room, which is used several times per day for lunch groups, special education, reading, testing and assessment, parent/teacher conferences, team meetings, and small group work with students. This is problematic because the Principal, and visitors to the Principal's Office, must walk through and interrupt these meetings and testing situations, and the lack of acoustical separation between the two spaces means those using the space outside the Principal's office can often hear the conversations that occur within the Principal's office. The overuse of the conference space also limits the Principal's access to the conference room for his own meetings with teacher teams, administrative teams, School Council, and parent groups.

Finally, other building deficiencies have a negative impact on the educational program, including the inadequate electrical system, which limits the ability to add technology, since there are no available circuits in any of the

electrical panels, or to add hubs that make the building wireless. The heating system is insufficient, requiring children to wear coats in classrooms where the temperature drops below 68 degrees, and the intercom does not reach all areas of the school in an emergency. The lack of accessibility limits the full participation of students with mobility constraints, and the electrical and technology limits impact the ability to upgrade the building security systems.

The temporary modular classrooms are separate from the main school, requiring students to go outside to get to the music and art rooms and for kindergarteners in the modular classrooms to access the gymnasium and the cafeteria.

EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

The core educational spaces include the following:

Classrooms:

1958 wing (870 avg sq. ft.): 4 Grade 3, 1 Grade 4, 2 Grade 2, 1 Special Education

1948 wing (780 avg sq. ft.): 2 Grade 2, 4 Grade 1, 1 Grade 5 (Reading Room, & SPED Room) 1968 wing (980 avg sq. ft.): 3 Grade 4, 3 Grade 5

No science room

Four temporary modular classrooms opened in Fall 2014, each 1200 sq. ft. used for kindergarten. The 2019 modular classrooms, each 1200 sq. ft., are used for art and music.

Common Areas:

1 Gymnasium- 2400 sq. ft.

1 Cafeteria/Auditorium- 2400 sq. ft.; Stage 540 sq. ft., 1 Kitchen- 640 sq. ft.

1 Media Center

Student Support/Other Instructional:

2 Special Education/ Guidance/ Occupational Therapy

1 Nurse Suite -346 sq. ft.

Administration:

3 Administration

1 Teacher Break Room

1 Storage

CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

The calculated capacity of the school is 272 students, based on the total area noted in the Comprehensive Facilities Assessment (DWA, 2011) and current MSBA Space Summary Guidelines. With the addition of the modular classrooms, the calculated capacity of the school is now approximately 300 students. The current enrollment is 425 students, creating a space deficiency of over 36%. As noted in the Assessment report, all of the existing educational spaces are undersized by the following percentages: 1948 Wing (-18%), 1958 wing (-8%), library media center (-25%), cafeteria (-31%), kitchen (-60%), gymnasium (-10%), and former art space (-53%.) The only spaces that meet current MSBA guidelines are two classrooms at the end of the 1968 wing, and the new classrooms in the modular classroom buildings.

The addition of modular classrooms in 2014 also allowed the school to repurpose spaces. One room housed speech and language therapy, occupational therapy, behavioral therapy, and special education administration. The second room served as the music room until the 2019 modular building was constructed and was then repurposed to house

literacy support, math support, ELL support, and the school psychologist. Additionally, the former undersized art room (which was originally a teacher workroom) was repurposed as a multi use space that supports special education, literacy support, math support, the afterschool program, a part-time music teacher, and conference / meeting space. The former occupational therapy / special education space was, in turn, repurposed to create three special education teaching spaces.

The administration has addressed the general lack of remedial/tutorial and special education spaces by using non-traditional and shared spaces for service delivery, such as corridors and storage rooms. The use of moveable partitions allows special educators to share the same space, while working with students at the same time. For instance, one room is currently shared by five different disciplines through the use of movable partitions. Similarly, partitions are used to screen off a classroom from students who walk through the room to access specialized education support and guidance located in a former entrance foyer between classrooms. The need for space for student lunch groups and testing during MCAS administration periods has been met by setting up tables and chairs in hallways and entrances. Guidance and other support services meet with students in the repurposed kindergarten room, but the office style dividers do not provide acoustical separation of the multiple specialties in this room.

The media center and cafetorium are shared by multiple groups throughout the day. Staff must rearrange the cafetorium stage daily to accommodate the morning band classes, followed by PE classes during the school day. Before-school string classes have been moved to the Media Center, which limits Media Center prep time and displaces the math groups that otherwise would meet in that space. The Media Center also is used for computer and media instruction, which run simultaneously with no sound separation. Currently less than half of the school's PE classes can be scheduled in the undersized gym: the remaining classes must take place in the classroom and the cafeteria. This arrangement creates scheduling issues because staff need time to set up the cafeteria for lunch and then clean and setup for PE classes and after school activities. The combined use also limits the availability of the stage/cafeteria space for grade level events, or special joint classroom events that need larger spaces. PE is often scheduled as students are queuing for lunch in the cafetorium, or as staff prepare meals in the kitchen (which opens to the cafetorium.)

There is a general lack of storage space throughout the building. Many teacher materials have been moved to the basement, or are stored in hallways requiring additional prep time for classroom work. A storage shed was installed near the building, to store auditorium chairs, while the chair storage area is used for other furniture, pallets of paper and the school's snowblower.

MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The Town implemented a structured preventative maintenance program in 2009. This program provides for the quarterly and/or annual maintenance of HVAC, water heating, plumbing, electrical, and general maintenance systems. The Town also funds an annual facility maintenance capital article to address the needs of smaller repairs such as duct cleaning, asbestos abatement, flooring replacement, and HVAC upgrades.

A chronology of capital repairs to the facility follows:

1997 – The intercom, clock, and bells were updated

1998 – Hot water tank was installed

1999 – Master fire alarm panel was upgraded

2000, 2001 – Major structural repairs to concrete block exterior walls in some parts of the building 2004 – Rigid insulation was installed to resolve drafts

2004, 2005 – Window air conditioning units were installed

2004, 2006 – Electrical updates and exterior light fixtures were added

2005 – Media Center was rewired

2006 – Entrance ramp outside room 1 was replaced

2007 – Flat roofing was replaced

- 2007 – Playground was re-patched and paved, and the rear entrance ramp and handrail were replaced
- 2009 – Boiler #1 was replaced and mechanical system was upgraded
- 2009 – Systemic plumbing corrections were made including installing low flow toilets
- 2009 - In 2009 asbestos abatement was undertaken, floor tiles were replaced, and interior walls were painted
- 2011 – Motion sensors installed
- 2012 – Exterior doors were replaced (the original frames remain)
- 2012 – All windows in the gym were replaced with polycarbonate windows
- 2013 - Replaced hot water heater with gas-fired unit, converted boiler burners to natural gas units, asbestos abatement and re-insulation, repaired granite steps at main entrance, installed bathroom occupancy sensors, installed rear door awning, installed induction lights in parking lot, interior painting.
- 2014 - A free standing, 7,000 sq. ft. modular building with four classrooms and bathrooms was installed. The two former kindergarten spaces in the building were repurposed for music, special education/occupational therapy, reading, and administrative meeting space.
- 2015 - roof repairs, replaced window AC units, cleaned ductwork, welding repairs to steam piping
- 2016- LED lighting in gym; window repairs in lobby; painting of south, west and north sides; refinished all wood floors in building; installed electrical lift to basketball hoops in gym
- 2017- new AI-phones in front office; crack sealed parking lots; bathroom stall repairs; LED lighting upgrades in classrooms
- 2018-Cafeteria LED lighting upgrades, wood floor refinishing, replaced additional window AC units.
- 2019- A freestanding modular building with two classrooms (3,000 sq. ft.) for Art and Music was added; fire alarm system upgrades; phased window shade replacement; duct cleaning; roof repairs/ maintenance; steam trap repairs; boiler and HVAC repairs.
- 2020- Full COVID induced retro-commissioning and repair of all unit ventilators, fans and related HVAC equipment. Installation of plexiglass dividers throughout the school for social distancing, temporary tent installed in playground for outdoor cafeteria seating; phased window shade replacement; heating, steam trap and rooftop fan system repairs
- 2021-Continued COVID retro-commissioning and repairs to HVAC systems; enhanced filter replacements; continued LED light replacement; Phased window shade replacement; Heating system repairs.
- 2022- Six (6) Bathrooms updated; Created new Staff Bathroom; Insulation added to Grade 5 Wing; Phased LED replacement; Phased window shade replacement; boiler repairs; unit ventilator repairs.
- 2023 - HVAC repairs.

A Comprehensive Facilities Assessment study was completed in 2011 for the Hillside, Mitchell, and Pollard Schools. An updated Facilities Assessment was completed in 2020. Ongoing maintenance is limited to those essential repairs, which are needed to extend the useful life of this facility, and are funded through the Town's five-year Capital Improvement Planning (CIP) and budgeting processes.

Priority 2

Question 1: Please describe the existing conditions that constitute severe overcrowding.

The Mitchell School, a four-section, 425-student K-5 school occupying 49,027 sq. ft. (excluding modular classrooms) is undersized by approximately 48%, compared to MSBA guidelines for gross square feet, based on enrollment. (When the modular classrooms totaling 9,900 sq. ft. are included, the deficit drops to about 37%.) As noted in the Comprehensive Facilities Assessment (DWA, 2011), specific educational spaces are undersized by the following percentages: 1948 wing (-18%), 1958 wing (-8%), library media center (-25%), cafeterium (-31%), kitchen (-60%), gymnasium (-10%). The only spaces that meet current MSBA standards are the two classrooms at the end of the 1968 wing and the modular classrooms installed in 2014 and in 2019. As a comparison, the new Sunita Williams Elementary School (constructed in partnership with MSBA), which has four-sections per grade K-5 serving 529 students, has a total area of 94,000 gross sq.ft.

Additionally, there is a significant lack of remedial/tutorial and special education spaces. Small group instruction often occurs in corridors and former storage rooms. Currently, single offices and classrooms are shared by multiple teachers. For instance, occupational therapy, speech and language therapy, and special education administration all share the same space. Students must walk through general education classrooms to access the guidance counselors and special education spaces. Special education parent meetings often occur in spaces that are shared by other service providers, which has created a confidentiality issue for the students being seen at that time. In addition, there is limited, shared space for gross motor activities, and OT services are often provided in the hallway. As a result, Mitchell is not able to house the OT equipment necessary for some students. This leads to inequity among the other elementary schools in the district with regard to OT services. Moreover, due to the shared use of space by service providers, special education, speech/language, and occupational therapy sessions often are interrupted or displaced by meetings. Finally, the undersized and inadequate spaces mean that, during the Massachusetts Comprehensive Assessment System (MCAS) administration windows, Mitchell lacks sufficient testing areas to accommodate students whose Individualized Education Plans (IEPs) require separate testing space.

Due to a lack of appropriate specialized program space, special area programming is delivered in a way that compromises the educational program. Less than half of the school's PE classes can be scheduled in the undersized gym. The remaining classes take place in the classroom (requiring disruption to the classroom arrangement as furniture and student work must be moved to allow space for the PE activity) and in the cafeteria. This arrangement limits the availability of the stage/cafeteria space to only two afternoons per week. The stage is not handicapped-accessible, which limits student access and participation. PE classes are bothered by students queuing for lunch in the cafeteria, by the noise from the kitchen as staff prepares meals, by the motors from the vending machines and milk cooler (which are located within the cafeteria space due to a lack of kitchen space), and by the raising and lowering of tables by the custodians as they prep for lunch. The schedule requires that technology and media classes occur at the same time but the size and layout of the Media Center offer no sound separation between these spaces.

The kitchen is undersized by approximately 60% and has limited functionality making meal prep difficult. There are two stovetop burners for the entire school, and the school lacks a mechanical dishwasher (as well as the capacity to add one.) Due to the limited kitchen area, additional refrigerators and freezers were installed in the cafeteria space and some food prep occurs in the cafeteria (outside of the kitchen space.) The kitchen deficiencies have limited the menu options for students.

Finally, there is inadequate space for administrative needs. The administrative suite is undersized by (-44%), compared to the MSBA guidelines. The Principal's Office is only accessible via an adjacent conference room, which is used several times per day for lunch groups, special education, reading, testing and assessment,

parent/teacher conferences, team meetings, and small group work with students. This is problematic because the Principal, and visitors to the Principal's Office, must walk through and interrupt these meetings and testing situations. The overuse of the conference space also limits the Principal's access to the conference room for his own meetings with teacher teams, administrative teams, School Council, and parent groups.

Priority 2

Question 2: Please describe the measures the School District has taken to mitigate the problem(s) described above.

To help with overcrowding, the District constructed a temporary modular classroom building on the paved playground space adjacent to the school during the summer of 2014. These modular classrooms accommodate four kindergarten classrooms. In 2019, a second modular classroom building was added to the front of the school, adjacent to the entrance driveway. This second building houses two classrooms serving art and music. These additional classrooms have helped to reduce the calculated space deficiency from an estimated 48% to 37%, compared to MSBA guidelines.

The addition of modular classrooms in 2014 also freed up spaces that could be repurposed as shared space. One room housed speech and language therapy, occupational therapy, behavioral therapy, and special education administration. The second room served as the music room until the 2019 modular building was constructed and was then repurposed to house literacy support, math support, ELL support, and the school psychologist.

Additionally, the former undersized art room (which was originally a teacher workroom) was repurposed as a multi use space that supports special education, literacy support, math support, the afterschool program, a part-time music teacher, and conference / meeting space. The former occupational therapy / special education space was, in turn, repurposed to create three special education teaching spaces.

The administration has addressed the general lack of remedial/tutorial and special education spaces by using non-traditional and shared spaces for delivery of services. These spaces include corridors, stair landings, and repurposed storage rooms. The use of moveable partitions allows special educators to share the same space while working with students. For instance, one room is currently shared by four different disciplines through the use of movable partitions. As a result, there are students receiving speech and language and occupational therapy services in the same room that do not have access to a quiet and distraction-free environment to receive those services, as would normally be expected. Individuals must also pass through this room and the SLP and OT services areas to get to special education administration, further compounding the issue. Similarly, in general classrooms where students need to pass through the classroom to access special education services and guidance, movable partitions are used to provide privacy to the student and reduce interruption in the classroom. The need for space for student lunch groups and testing during MCAS administration periods has been met by setting up tables and chairs in hallways and entrances.

Additionally, the media center and cafetorium are shared by multiple groups throughout the day. Staff must rearrange the cafetorium stage daily to accommodate Staff must rearrange the stage daily to accommodate the morning band classes, followed by PE classes and then band classes again the next morning. Before-school string classes have been moved to the Media Center, which limits Media Center prep time and displaces the math groups that otherwise would meet in that space. The Media Center also is used concurrently for computer and media instruction, which run simultaneously with no sound separation. Additionally, since less than half of the school's PE classes can be scheduled in the undersized gym, the remaining classes must take place in the classroom and the cafeteria. This arrangement limits the availability of the stage/cafeteria space for school wide events, or special joint classroom events that need larger spaces to only two afternoons per week. PE often happens as students are queuing for lunch in the cafetorium, or as staff prepare meals in the kitchen (which opens to the cafetorium.) The Media Center size is problematic because the limited size and specific layout require technology and media classes to run simultaneously within the same space, with no sound separation and with limiting access to the library collection.

Finally, to mitigate the lack of storage, many teacher materials have been moved to the basement, or are stored in hallways or mechanical/electrical spaces. In addition, a storage shed was installed near the building, to store auditorium chairs.

Priority 2

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

The lack of sufficient space and deficiencies of the facility have created disruptions and compromises to the educational program at Mitchell School.

As noted above, classrooms are undersized and small group instruction is often delivered in stairways, corridors and former storage rooms. The dual use of the core spaces often results in compromised educational programs, and /or creates conditions that are not conducive to learning. Due to space constraints, Mitchell does not have the same physical education program as the other elementary schools in Needham. For instance, Mitchell 4th and 5th graders do not have two consistent PE times per week as they do in other schools. Given the small size of the gym and PE classes being held in the cafeteria, activities need to be eliminated or modified for all grades K-5. In addition, PE instruction is partially delivered in general education classrooms and in the cafeteria. The use of a classroom for PE limits the type of PE activities provided, and disrupts the classroom environment. (Furniture must be moved to provide space for PE, and the time needed to move furniture and student work reduces the amount of instructional time available.) The stage and gym are not accessible, which limits student access and participation. The use of the stage for band and PE class requires the gym teacher or other staff to move equipment off and on the stage for the gym classes. The use of the Media Center for simultaneous technology and media education creates a congested and noisy learning environment, which is distracting for students, and limits access to the library collection.

Additionally, there is a significant lack of remedial/tutorial and special education space. Mitchell is the only elementary school in Needham without a learning center space to support special education programming. The front office has been partitioned to provide space for students in mental health and behavioral crises. Students needing a higher level of support are assigned to other school or out-of-district collaboratives. Speech and language therapy, occupational therapy, behavioral therapy, and special education parent meetings all happen in one room. Given the requirements of confidentiality, the availability of these services is limited by the constraints of the space. Small group instruction occurs in places which lack privacy and are distracting to students. The fact that classrooms are used as passageways to other spaces, also creates disruption to the learning environment. The use of shared office space for parent meetings has created a confidentiality issue for the students being seen at that time. Finally, the use of hallways and entrances for MCAS testing is not an environment conducive to focus, concentration and student performance.

Finally, building deficiencies hamper effective administration of the building. As noted above, there is inadequate space for storage and administrative meetings, lunch groups, special education and reading testing and assessment, parent/teacher conferences, team meetings, and small group work with students. The Principal's conference room doubles as an entrance way to the Principal's Office, as well as a space for meetings. The lack of appropriate meeting space leads to disruption and over scheduling of the conference room. It also limits the Principal's access to the space for his own meetings with teacher teams, the Teacher Support Team (TST) team, School Council, and parent groups.

Please also provide the following:

Cafeteria Seating Capacity: 176

Number of lunch seatings per day: 6

Are modular units currently present on-site and being used for classroom space?: YES

If "YES", indicate the number of years that the modular units have been in use: 9

Number of Modular Units: 6

Classroom count in Modular Units: 6

Seating Capacity of Modular classrooms: 22

What was the original anticipated useful life in years of the modular units when they were installed?: 20

Have non-traditional classroom spaces been converted to be used for classroom space?: YES

If "YES", indicate the number of non-traditional classroom spaces in use: 3

Please provide a description of each non-traditional classroom space, its originally-intended use and how it is currently used (maximum of 1000 characters).:

Yes. PE classes are delivered in the cafeteria or classrooms twice per week, due to the lack of space and the presence of three PE teachers in one small gymnasium. In addition, the lack of remedial/tutorial and special education spaces has resulted in the use of non-traditional spaces for small group instruction, such as corridors, stair landings, former entrance ways, and former storage rooms. The Media Center has dual use for technology class and media/library use.

Please explain any recent changes to the district's educational program, school assignment polices, grade configurations, class size policy, school closures, changes in administrative space, or any other changes that impact the district's enrollment capacity (maximum of 5000 characters).:

During the 2019/20 School Year, the District opened the Sunita Williams Elementary School, to replace the aging Hillside School. The Williams School provided some needed capacity to address growing elementary enrollment, and now houses many of the District's elementary intensive learning center programs. Also in the 2019/20 School Year, the District introduced full-day kindergarten for residents. Previously, a half-day program had been provided, with a tuition-in afterschool enrichment program for interested families.

In March of 2019, the School Committee approved policy #JFABC "Assignment of Elementary Students to School." This policy governs the registration of students who wish to attend a school other than the school in their assigned attendance area. It also addresses the enrollment of new students in the event of overcrowding, in the event of under-enrollment, when there is development of a new residential area, when a new school opens, or in other extenuating circumstances. Finally, it provided guidelines around the establishment of buffer zones, and the assignment of students within buffer zones.

There have been no recent changes to the school committee's class size policies.

What are the district's current class size policies (maximum of 500 characters)?:

School Committee Policy #IHB specifies that student/teacher ratios should be within the guidelines: 18-22 in Grades K 3, 20-24 in Grades 4-5, and 'reasonable class size' in Grades 6-12. These guidelines are recommendations, however, rather than absolute limits requiring strict, literal adherence.

Priority 7

Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.

The physical constraints of the Mitchell School have impeded the educational program in a variety of ways.

As previously noted, classrooms are undersized, the number and configuration of spaces are problematic, and there is a significant lack of small group instruction space for remedial/ tutorial and special education. Some small group spaces are only accessible by walking through general classrooms, which creates disruption in the learning environment and comprises the privacy of students receiving support. Occupational therapy has inadequate space for gross motor activities. The school lacks a performance space, which limits student access to creative arts and other school-wide educational programming. There is no dedicated computer lab, due to space constraints, and the size and configuration of the Media Center are problematic.

Deficiencies in the electrical system also cause periodic blackouts, which disrupt educational programming for students. As previously noted, the electrical system is largely original to the building, with no empty circuits. Overloads, created during AC operation, cause the circuits to trip and for portions of the school to lose electricity. The circuit breakers and main service are obsolete and unavailable, making maintenance difficult and costly. The lack of and improper location of power receptacles in classrooms and throughout the building, limit the expansion of technology. The electrical system and most other building systems are nearing the end of their useful lives. The modular classrooms required a new independent electrical service, so as not to over tax the existing school.

The Gymnasium is only accessible by stairs or by walking outside and around the building. The PE program is forced to use the Cafeteria and the stage, which does not have a ramp or lift access. Students with mobility issues who need to access reading, math ELL, or psychological services must walk outside and around the building. The main office is not directly accessible from the front entrance. Individuals with mobility issues need to walk the entire interior perimeter of the school to access the main office and would need to exit the building and walk outside, regardless of weather, to re-enter at the levels of the gym, reading, math, ELL, or psychology. The general lack of accessibility results in a significant increase in out-of-class time for students with disabilities who need to access these areas of the building. In addition, classrooms and restrooms lack proper push / pull clearances at entrances.

Priority 7

Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.

The Mitchell School has taken measures to mitigate many of the deficiencies noted above, but has not been able to address all problem areas.

To accommodate growing enrollment, the District constructed additions to the School in 1958 and 1968, which added classrooms, a gymnasium and a library. To accommodate more recent enrollment growth, full day kindergarten and the increase in special education service, four temporary modular classrooms were constructed in Fall 2014, and an additional two modular classrooms were constructed in 2019. However, despite these additions, teaching and learning continues in a school building that is approximately 42% undersized for its population, and where many spaces need to be shared to accommodate program needs. Future enrollment growth would likely require increases in class size, and/or moving music instruction back to the stage, so that the existing music room could be used as a general classroom. To accommodate enrollment, the district has also used movable partitions to create private teaching spaces in stairways, corridors and to subdivide larger rooms. Former storage rooms and an entrance foyer have been outfitted with tables and chairs to allow for one on one tutoring and small group work. Service providers share program offices, which also are used for parent meetings and administration conference areas double as teaching spaces

Due to a lack of common space, the gymnasium, cafeteria/auditorium and media centers all are put to dual use, which often leads to scheduling conflicts and reduced content delivery as setup and breakdown time for each program needs to be accounted for. The lack of a dedicated technology lab has been partially mitigated by the use of the Media Center for instruction, however, the lack of acoustical separation makes this a difficult environment for dual instruction.

The lack of administrative and storage space has been only partially mitigated by the shared use of conference space (such as the Principal's conference room), and the use of hallways for student work. Hallways, decommissioned bathrooms, and the basement are also used for storage.

The school has not been able, however, to mitigate deficiencies in many of the building systems. The Comprehensive Facilities Assessment and 2020 School Master Plan both indicated that a comprehensive repair/ addition project would be needed to address the following significant deficiencies: the age of the building (70+ years), deficiencies in the size and number of core educational spaces, inaccessibility to bathrooms and certain academic and core classroom spaces, end-of-life conditions in most building systems, poor energy performance, site constraints, and lack of compliance with contemporary building codes, such as automatic sprinklers, seismic structural design and roof snow loading. The reports recommended a comprehensive renovation/addition project to address these needs, as well as the associated code-related upgrades that would be triggered, including life safety, energy efficiency, and accessibility improvements.

Priority 7

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

Although Mitchell is able to provide its educational program, the deficiencies of the facility and the resulting mitigating measures taken by staff have had a negative impact on the educational program for students.

Despite the fact that the building was enlarged in 1958, 1968, 2014 and 2019, the building remains undersized for its population. As previously noted, the calculated capacity of the school is 311 students, based on the total area noted in the Comprehensive Facilities Assessment (DWA, 2011) and classroom count. The current enrollment is 425 students, creating a space deficiency of over 42% (use consistent % here) (or 36% with the modulars.) As noted in the Assessment report, all of the existing educational spaces are undersized by the following percentages: 1948 wing (-18%), 1958 wing (-8%), Library Media Center (-25%), Cafeteria (-31%), Gymnasium (-10%), and former art room (-53%.) The only spaces that are within 10% of the current MSBA guidelines are two classrooms at the end of the 1968 wing and the new classrooms in the modular buildings.

The dual use of common space also has created conflicts between program areas and disruptions for students. The stage is used for gym instruction, which limits the availability of the stage/ cafeteria for school-wide or special joint classroom events. The stage is not handicapped accessible, which limits student access, and makes it difficult for the gym teacher to move equipment on and off the Stage. PE classes are bothered by the noise from the kitchen, the motors from the vending machines and milk cooler and the raising and lowering of tables by the custodian. The necessary placement of freezers, coolers, and kitchen storage in the cafetorium space limits the use of the space for both PE and the performing arts. During assemblies and performances the freezers, coolers, tables, etc. need to be unplugged and removed from the space due to both the disruptive sound of the equipment and the physical restrictions of the space. Use of the Media Center also is problematic, because the size and configuration require technology and media classes to run simultaneously within the same space, with no acoustical separation. Before-school strings classes also have been moved to the Media Center, which limits Media Center prep time and displaces math groups that otherwise would meet in the Media Center.

The use of non-traditional spaces to conduct small group instruction creates space, but does not create a learning environment that is conducive to focus, concentration and student performance. As previously noted, remedial/tutorial and special education instruction often occurs in stairways, corridors and storage rooms. Partitions are used to cordon off areas of some classrooms to permit access to the adjacent reading and small group instruction rooms, which creates disruption in the classroom environment. Tables and chairs are set up in hallways and entrances provide locations for student lunch groups to meet, or for MCAS testing, but are not ideal locations for either of these activities.

Service providers also share office space, creating confidentiality issues among themselves, students and parents. For instance, the reading teachers, math teachers, English language learner teacher, and the school psychologist share office space. Special education parent meetings often occur in shared spaces, where confidential information is being discussed. Moreover, due to the shared use of space by service providers, special education, speech/language, and occupational therapy sessions are often interrupted or displaced by meetings. Occupational therapists often must provide gross motor activities in the hallway. The lack of dedicated space for OT means that the Mitchell School is not able to house the OT equipment that would be ideal for some students, which leads to inequity among buildings, with regard to OT services. Services for students with visual and hearing impairments take place exclusively in the hallways or outside in good weather.

Finally, the lack of administrative office space and inaccessibility of the Principal's Office has created disruption for administrative personnel. The Principal's Office is only accessible via an adjacent conference room. This conference room is used by lunch groups, special education, reading testing and assessment, parent/teacher conferences, team meetings and small group work with students. This is problematic because the Principal, and those who come to see him, must walk through and interrupt these meetings and testing situations. It also limits the Principal's access to the conference room for his own meetings with teacher teams, administrative teams, School Council and parent groups and creates privacy issues regarding principal meetings.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Chief Executive Officer * School Committee Chair Superintendent of Schools

_____	_____	_____
(signature)	(signature)	(signature)
Date	Date	Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

Massachusetts School Building Authority

Next Steps to Finalize Submission of your FY 2023 Statement of Interest

Thank you for submitting an FY 2023 Statement of Interest (SOI) to the MSBA electronically. **Please note, the District's submission is not yet complete if the District selected statutory priority 1 or priority 3.** If either of these priorities were selected, the District is required to mail the required supporting documentation to the MSBA, which is described below.

ADDITIONAL DOCUMENTATION FOR SOI STATUTORY PRIORITIES #1 AND #3: If a District selects Statutory priority #1 and/or priority #3, the District is required to submit additional documentation with its SOI.

- If a District selects statutory priority #1, Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering or other report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The District also must submit photographs of the problematic building area or system to the MSBA.
- If a District selects statutory priority #3, Prevention of a loss of accreditation, the SOI will not be considered complete unless and until a summary of the accreditation report focused on the deficiency as stated in this SOI is provided.

ADDITIONAL INFORMATION: In addition to the information required above, the District may also provide any reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or SOI@massschoolbuildings.org.

Massachusetts School Building Authority

School District Needham

District Contact Anne Gulati TEL: (781) 455-0400

Name of School Pollard Middle

Submission Date 3/2/2023

SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- The district hereby acknowledges that current vote documentation is required for all SOI submissions. The district will use the MSBA's vote template and the required votes will specifically reference the school name and the priorities for which the SOI is being submitted.
- The district hereby acknowledges that it must upload all required vote documentation on the "Vote" tab, in the format required by the MSBA. All votes must be certified or signed and on city, town or district letterhead.
- The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all required supporting documentation for statutory priority 1 and statutory priority 3. If statutory priority 1 is selected, your SOI will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If statutory priority 3 is selected, your SOI will not be considered complete unless and until you provide a summary of the accreditation report focused on the deficiency as stated in this SOI. The documentation noted above must be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.

**LOCAL CHIEF EXECUTIVE OFFICER/DISTRICT SUPERINTENDENT/SCHOOL COMMITTEE CHAIR
(E.g., Mayor, Town Manager, Board of Selectmen)**

Chief Executive Officer * School Committee Chair Superintendent of Schools

(signature)	(signature)	(signature)
Date	Date	Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

Massachusetts School Building Authority

School District Needham

District Contact Anne Gulati TEL: (781) 455-0400

Name of School Pollard Middle

Submission Date 3/2/2023

Note

The following Priorities have been included in the Statement of Interest:

1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2. Elimination of existing severe overcrowding.
3. Prevention of the loss of accreditation.
4. Prevention of severe overcrowding expected to result from increased enrollments.
5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6. Short term enrollment growth.
7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8. Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

SOI Vote Requirement

I acknowledge that I have reviewed the MSBA’s vote requirements for submitting an SOI, which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA. All SOI vote documentation must be uploaded on the Vote Tab.

SOI Program: Core

Potential Project Scope: Renovation\ Addition

Is this a Potential Consolidation? No

Is this SOI the District Priority SOI? Yes

School name of the District Priority SOI: Pollard Middle

Is this part of a larger facilities plan? Yes

If "YES", please provide the following:

Facilities Plan Date: 11/19/2020

Planning Firm: Dore & Whittier Architects (DWA)

Please provide a brief summary of the plan including its goals and how the school facility that is the subject of this SOI fits into that plan:

The scope of this project is the renovation of and addition to the Pollard School, including: upgrading and replacing sections of the school that are obsolete and/or deficient according to current codes, as well as expanding and renovating core educational spaces, in order to provide the full range of programs consistent with state and approved local education requirements. The Town's three recent master plans (the 5/15/1998-Townwide Comprehensive Facilities Study, Kaestle Boos Associates, Inc. (KBA), the 11/15/ 2006 – Facilities Master Plan – Town of Needham, DiNisco Design Partnership (DDP), and the 2014 Facilities Master Plan by HKT Architects) all identified the need to renovate and add to the Pollard School to address size and condition deficiencies. This need was confirmed by the 2020 School Master Plan Study (11/19/2020, Dore & Whittier Architects, DWA) and an earlier, 2011 Comprehensive Facilities Assessment (8/22/2011), also completed by DWA. The DWA studies examined the deficiencies of the typical classrooms, science classrooms, auditorium, gymnasiums, and administrative office spaces in great detail, and included evaluations by the following professional (A&E) disciplines: site (civil and landscape), architectural, structural, mechanical, electrical, plumbing, fire protection, hazardous materials and energy savings programs, with a cost analysis for both short-term and long-term improvements.

Although the Town has undertaken significant repair and maintenance of the Pollard School over the years through its Capital Improvement Planning (CIP) and budgeting processes, all plans agree that this building is in need of a comprehensive repair/addition project to address the following significant deficiencies: the age of the building (between 31 and 67 years), deficiencies in the size and number of core educational spaces (particularly the regular classrooms and science classrooms), the age of the temporary modular classrooms (now 21-years old), deficiencies in many building systems, and poor energy performance.

Please provide the current student to teacher ratios at the school facility that is the subject of this SOI: 20 students per teacher

Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI: 22 students per teacher

Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? Yes

If "YES", please provide the author and date of the District's Master Educational Plan.

Several studies have occurred to document facility goals for the Pollard School, including the most recent School Master Plan by Dore & Whittier Architects (2020). The Town of Needham also updates its Facilities Master Plan about every decade. The 1998, 2006 and 2014 master plans all identified the need to renovate/replace the Pollard School to address building deficiencies. In addition, a Comprehensive Facilities Assessment (DWA, 2011) evaluated the long-term needs at Pollard School.

Is there overcrowding at the school facility? Yes

If "YES", please describe in detail, including specific examples of the overcrowding.

The building was designed for 45 classroom spaces, which vary approximately from 553 - 872 sq. ft. As enrollment has increased over the years, however, spaces have been converted to accommodate 40 regular education classrooms for core subject delivery and 22 classrooms for elective programs. These elective spaces include use of the Lecture Hall, Auditorium, Cafeteria, Library/Media Center, Computer Labs, Music Lab, and the 10 modular classrooms that were added in 2002 to accommodate the middle school population. The 10 modular classrooms are at the end of their useful life. Overall, core academic spaces are 23% smaller than the MSBA Space Summary guidelines for the 901 current student enrollment. The existing building (exclusive of the modular classrooms) is 139,524 gross square feet. This is about 9,000 gross square feet less than the MSBA guideline for a school of this enrollment. To make up for some of the space deficiency, the District added 10 modular classrooms in 2021. Currently these classrooms serve as World Language and special education spaces. Despite the addition of 10 classrooms many elective classes are held in shared spaces. For example, orchestra classes are held in the Lecture Hall; art classes are offered in a Science classroom; data science and health classes are held in open social studies or english classrooms, and other classes are placed in the Cafeteria, Library, or the Auditorium, when available.

In addition to overcrowding in the classrooms and hallways, the specialty classrooms are all undersized for the student population. The science classrooms are all smaller than the MSBA standard of 1440 sf. These rooms range in size from 661 sq. ft. to 1004 sq. ft. and cannot accommodate enough lab tables for the number of enrolled students. Although there are two gymnasium spaces, both are less than the MSBA guideline of 6000 sq.ft. In order to ensure that all students receive the required Physical Education (PE) curriculum, between 3-4 PE classes are scheduled concurrently in each of the gym spaces. Given class sizes ranging from 24 – 30 students, this means that there are between 75 - 120 students and 3-4 teachers in the gym spaces during a single class period, four times per day. As a result, students ‘sit out’ for approximately 33% of their class time, awaiting their turn to play. The locker rooms are undersized for the school and do not safely accommodate the number of students who are scheduled to use them during PE or the after-school middle school sports program. Similarly, no more than 20 students can occupy the adaptive PE center at once, which is smaller than many classes of 25+ students.

The common areas also are undersized for the student population. Approximately 5 years ago, the main office was relocated to the center of the building, in order to provide for better visibility of students and visitors. The new, main office space occupies a portion of the original Media Center. The current Media Center is now 2,749 sq. ft. and is approximately half the size of the MSBA guideline for this student population. The Kitchen and Cafeteria are approximately right sized to serve the current student body. Overcrowding can be felt in the congested hallways and staircases and circulation throughout the school. The Pollard School has only two staircases and one entrance and exit corridor from the modular classrooms to the main building. Finally, parking is insufficient and student arrival and drop-off is heavily congested. There are approximately 100 striped parking spaces on site, and although the 2011 site improvements reduced the parking deficiency on site, the project required a zoning variance, because a school of this size should have additional parking for about 65 cars. Harris Ave also experiences severe congestion at the beginning and end of the school day, when 17 buses drop off and pick up students, at the same time as parents are waiting on the street to drop off or pick up students. Fortunately, many students live within walking distance of the school. The accessible vans drop off and pick up students at the lower lot, since there are insufficient spaces at the main entry drive.

Has the district had any recent teacher layoffs or reductions? Yes

If "YES", how many teaching positions were affected? 7

At which schools in the district? Broadmeadow Elementary, Sunita Williams Elementary, Mitchell Elementary and Newman Elementary

Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).

FY23 teachers: 1.0 FTE Newman; 1.0 FTE Mitchell; 0.7 FTE Broadmeadow visual arts 0.7 FTE Williams visual arts; 0.13 FTE Mitchell visual arts teacher; 0.2 FTE Newman visual arts; 0.17 FTE Mitchell world language.

Has the district had any recent staff layoffs or reductions? Yes

If "YES", how many staff positions were affected? 5

At which schools in the district? Broadmeadow Elementary, Eliot Elementary, Sunita Williams Elementary, Newman Elementary and Needham

Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).

FY23: 1.0 FTE Broadmeadow kindergarten TA; 0.8 FTE Sunita Williams COTA; 0.8 FTE Newman SLPA; 0.5 FTE Eliot TA, 1.0 FTE NHS permanent building substitute.

Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.

The teacher reductions in FY23 were made in response to enrollment/scheduling changes in the respective schools. The staff reductions were made to better reflect student support service requirements, including the conversion of paraprofessionals to certified teaching staff. The changes had no impact on program, class size, or curriculum.

Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school

committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities).

The budget process begins in September/October, when the School Committee votes budget guidelines. The budget is developed in October-December, with a public hearing and budget review in December - January. The School Committee votes its final budget recommendation at the end of January and the Town Manager's balanced budget proposal (including the School Committee voted budget, if different) is due to the Finance Committee by January 31. The Finance Committee's recommendation, which must be voted by March 15, becomes the main motion at Town Meeting. Annual Town Meeting occurs during the first and second weeks of May, at which time the school budget is approved and funds are appropriated. The fiscal year begins July 1. Planned budget reductions for FY24 include: the conversion of 7.4 FTE teaching assistants to 3.29 FTE certified special education teachers; the conversion of a 0.55 FTE occupational therapist position to a full-time certified occupational therapy assistant; the conversion of a 0.5 FTE psychologist position to a 0.5 FTE special education team chair; the reduction of 2.41 FTE vacant classroom and special area teachers to match enrollment projections/scheduling requirements; and the elimination of 0.35 FTE vacant clerical support positions. The aforementioned budget reductions do not have an impact on school facilities or class size. Generally, the changes strengthen the program overall by converting paraprofessional staff to certified teachers.

General Description

BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

The Pollard Middle School was constructed in 1956 (73,370 sq. ft.) with major additions/ renovations in 1968 (52,586 sq. ft.) and 1992 (8,471 sq. ft.) that nearly doubled the original size of the school. A series of additional renovations were completed in the 1990's including: handicapped accessibility renovations (1996); air balancing (1998) and HVAC / electrical system improvements (1999). In 2002, ten modular classrooms, toilets, and a corridor / ramp that connects the modular building to the lower level of the 1968 wing (totaling 12,797 sq. ft.) were added to the south of the existing building. The main school roof was replaced in 2011 as part of the MSBA Green Roof repair program. Parking was added adjacent to the sports fields with a driveway for buses to Dedham Ave in 2011-12, with some renovations to the modular classrooms. Boiler replacement was completed during the summer of 2013, as part of a strategic investment plan for energy efficiency renovations for the facility. Some student bathroom renovations were completed in 2019 and 2020.

The building has always functioned as a middle school, and at one time contained grades 6, 7 & 8. However, due to overcrowding, the 6th Grade was moved to the newly-reconstructed High Rock School in 2009. The Pollard campus now serves the 7th and 8th Grades, with 901 students utilizing all available space within the building.

TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions.

147224

SITE DESCRIPTION: Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

The Pollard Middle School is located in a residential neighborhood of Needham, with a main entrance at 200 Harris Ave. It also has a west side entrance and parking area accessed from Glenwood Rd. The school is located on a 15.38 acre parcel of land in the south east section of Town, just east of RT 135 (Dedham Ave) and adjacent to DeFazio Park. The property is bound on the south side by Dedham Ave and the Massachusetts Bay Transportation Authority (MBTA) commuter rail line. A tunnel under the tracks provides access from the school property to DeFazio Park, a multi-field athletic complex. The west edge of the property abuts a densely populated neighborhood of single family homes. The east side of the school is bounded by a wooded area with residential homes just beyond the woods. The north side and front entrance abut Harris Avenue. The neighborhood is moderately dense with mostly single family homes. Harris Avenue is a wide boulevard with adjoining side streets. Access to the site is provided via Harris Avenue, Glenwood Road, and (for emergency use only) Dedham Avenue. The Pollard School is the only use on this parcel of land.

The building occupies about 16% of the site area, and sits in the northwest corner of the site. The building appears to be one story tall from the main entrance on Harris Ave. However, due to the land contours, the central and west wings are actually two stories tall as seen from the secondary entrance to the site. The southern side of the site is occupied by playing fields and a tennis court. The southwest corner of the site is a wooded wetland which drains through a culvert beneath the railroad embankment to the south. The Conservation Commission's jurisdictional control extends over the wetlands and to the areas within 100 ft. of the wetlands boundary, restricting development in this corner of the site. Other constraints to development on the playing fields include a 36" storm sewer line extending from the lower parking lot under the fields and through the pedestrian passage of the RR embankment. If a new school building were constructed adjacent to the railroad embankment, the building envelope would require enhanced sound separation features from the train noise and vibration.

The site includes a bus drop-off loop and striped parking lot for 81 cars, split between lots on the east and west sides of the building. Additional parking is available in a small lot adjacent to (and accessed from) the east lot (14 spaces), and along the emergency access drive at the rear of the school (33 spaces). Handicap accessible spaces are provided in the front lot however, access to the front door may exceed the allowable travel distance. Some, but not all, of the exterior pathways are accessible. Handicap accessible spaces are also located in the west parking area, accessible to the lower level entrance near the gymnasium, and along the emergency access road for access to the playfields.

The school and modular classrooms are “existing nonconforming”. Special Permits and Waivers were requested and granted in 2011, including a request for additional parking, modifications to pre-existing non-conforming transition area, pre-existing non-conforming site coverage, off street parking and number of parking spaces, parking illumination, size of parking spaces, landscape requirements in the parking area and the number of trees required in the parking area. Any major future project on this site will need to address the existing nonconforming conditions, as measured against the current Zoning By-laws and apply for additional Special Permits or Waivers, as needed

The school has pedestrian sidewalk access from Harris Ave, Dedham Ave and grass pathway access from DeFazio Park. Improvements to these pathways would be required during a major renovation to meet current Massachusetts Architectural Access Board (MAAB) and Americans with Disabilities Act (ADA) requirements. The site walkways surrounding the building leading from Harris Ave to the playing fields are asphalt and are in generally poor condition. The pathway from the Harris Ave parking lot to the administration wing is not MAAB compliant, although repairs were made in 2014-15 because this is a primary handicapped access pathway to the school.

The Pollard School uses adjacent DeFazio Park for outdoor gym classes, however, it takes between 5-10 minutes to walk to the fields each way, which shortens the gym period time for specific instruction. The DeFazio fields are under the jurisdictional control of the Park & Recreation Commission and serve the entire Town, including several of the Needham High School sports teams. These fields are not available for school construction.

ADDRESS OF FACILITY: Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

Pollard Middle School, 200 Harris Ave, Needham, MA 02492.

BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

Building Structure: The foundation beneath the 1956 original building is uninsulated cast-in-place concrete, with a four-inch cast in-place uninsulated concrete slab on grade. There is minimal rigid insulation isolating the slab from the exterior. The structural frame of the original school included steel WF8 columns and open web steel joists, five feet on center, supporting a low-slope 1.5-inch steel deck roof. The 1968 two-story wing and 1992 addition have a two-story steel frame with HSS 6 x 6 columns supporting 27-inch steel girders and 16-inch steel beams and a 1.5-inch metal deck with cast in place concrete floor. The roof is framed with open web steel joists and 1.5-inch metal low-slope deck. The exterior steel frame on the oldest section of the school is generally exposed steel and the roof beams cantilever to form a roof overhang with no thermal break from the interior. Insulated metal soffit panels were added to the 1968 wing to enclose the cantilevered steel beams within the thermal envelope during the 2011 roof repair project. All of the exposed structural steel columns and beams require regular painting maintenance and some rusting may be compromising the structure after 65 years. Any repairs, renovations, additions or changes of occupancy or use to the existing structure will need to conform to contemporary seismic and snow load design criteria. Capacity of the existing structure to support solar panels will also need to be assessed.

Building Envelope: The walls of this building are largely uninsulated and require an upgrade to meet contemporary energy codes. The building has a double-pane aluminum window wall system (EFCO type), which was installed in 1992 and is in fair to good condition, but at 30+ years in age, some windows are losing their seal and require replacement. The end walls and gymnasium walls are constructed of 6" interior CMU block, 2.75-inch airspace

and four-inch exterior red brick with no insulation. The brick and mortar are generally in good repair. Settlement cracks and water staining require regular repair. Exterior wall louvers bring unconditioned outside air into each classroom through the unit ventilators. Some of the upper facade areas of the building have vertical tongue and groove cedar siding with gray stain in good condition but require regular repainting and repair. Portions of these walls have fiberglass batt insulation. Solid knee walls beneath the windows in most classrooms have one-inch asphalt impregnated insulation board adhered to the exterior brick. The floor and wall system insulation was typical in the 1960's but does not meet contemporary energy codes. All exterior doors have been replaced with red aluminum insulated panel doors, with double-pane insulated vision glass panels with new egress hardware and are in good condition. Exterior stairs leading out of the gym should be replaced or reconstructed to solve water drainage problems that cause occasional flooding. Some of the exterior galvanized metal frame exit stairs from 1958 have rotted wood railings that require replacement. A major renovation project will trigger energy code upgrades and will likely require replacement or upgrade of the building envelope.

The modular classrooms have four-inch wood frame walls with painted plasterboard interior, fiberglass-batt insulation, and vinyl horizontal exterior sheathing. The double-pane, double-hung, vinyl clad windows are operable in the modular classroom wing. The skirt around the crawl space beneath the modular classrooms has a cement board finish with Tyvek wrap installed over plywood with pressure-treated wood framing. Egress stairs from this area are made of pressure treated lumber. These 21-year old temporary classrooms have a maximum useful life of about twenty years, therefore demolition and replacement with permanent space will be required in any major renovation/ repair project.

Roof: The main building has a built-up asphalt sheeting roof with a white granular finish (Tremco system), with six to eight-inches of sloping insulation installed in 2011 as part of the roof project. Annual roof inspections identify continuing repairs. The four sloped skylight structures over the art rooms were replaced with translucent fiberglass insulating skylights (Kalwall System). Similar translucent fiberglass insulating clearstory windows were installed on the two roof monitors in the 1958 classroom wing. New roof drains, cap flashing, downspouts and gutters were also installed in 2011. This repair project provided an important upgrade to the energy efficiency of the building. The modular classrooms roof (not upgraded in 2002) is a black single ply EPDM rubber roof membrane with 1-3" of rigid insulation on a plywood deck on composite wood I-beams.

Has there been a Major Repair or Replacement of the EXTERIOR WALLS? NO

Year of Last Major Repair or Replacement:(YYYY) 1958

Description of Last Major Repair or Replacement:

Original walls. Exterior painting and minor repairs made on a periodic basis, as needed.

Roof Section A

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet) 140000

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Main building: built-up asphalt sheeting roof with a white granular finish (Tremco system.)

Age of Section (number of years since the Roof was installed or replaced) 12

Description of repairs, if applicable, in the last three years. Include year of repair:

new asphalt roof on the main building was installed in 2011, as part of an MSBA Green Roof project. New roof drains, cap flashing, downspouts and gutters were also installed in 2011. The new energy code may require full replacement or enhancement as part of a major renovation project.

Roof Section B

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 12385

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Modular classrooms (2002): black single ply EPDM rubber roof membrane.

Age of Section (number of years since the Roof was installed or replaced) 21

Description of repairs, if applicable, in the last three years. Include year of repair:

Leaks patched as needed. These will be demolished in a major add/reno project.

Window Section A**Is the District seeking replacement of the Windows Section?** YES**Windows in Section (count)** 434**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Aluminum windows with insulated glass and thermally-broken frames, typically with fixed 3'x3' window above and awning 1'x3' window below.

Age of Section (number of years since the Windows were installed or replaced) 31**Description of repairs, if applicable, in the last three years. Include year of repair:**

Aluminum frame double pane energy efficient windows were installed (1992) EFCO-type. New energy code requirements for the building envelope would likely require replacement during a major renovation.

Window Section B**Is the District seeking replacement of the Windows Section?** YES**Windows in Section (count)** 23**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Double pane sliding aluminum windows

Age of Section (number of years since the Windows were installed or replaced) 21**Description of repairs, if applicable, in the last three years. Include year of repair:**

The long-term plan is to demolish the modular classrooms and replace them with permanent construction.

MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**Mechanical Systems**

In 2013, the boilers in the upper boiler room were replaced with three high-efficiency, natural gas condenser boilers. The lower boiler room is rarely used because when operating, the pressure relief valves open due to improper pipe sizing in the original 1992 installation. The 20-year old underground storage tank (UST) was removed in 2013. General heating in the older classrooms is provided through inefficient finned-tube radiators in both floor-mount and ceiling-mount locations. Perimeter classrooms get outdoor air and heating from wall-mounted unit ventilators. Although there is no central cooling system in place, some classrooms have roof-mounted split systems or window-mounted air-conditioning systems. The building has over 50 rooftop fans, which were installed in the 1990's, to improve indoor air quality throughout the school. The modular classroom wing has twelve gas-fired rooftop heating and cooling units that supply hot and cold air to the modular classroom spaces. A Barber-Coleman Network 8000 Microzone pneumatic DDC control system was installed in 1995 to control all the heating, ventilation and air conditioning (HVAC) systems within the building, including the modular classrooms. This control system is past the end of its useful life and should be replaced with an electronically actuated valve system during any major renovation. The entire mechanical system would be replaced during a major add/reno project.

Electrical Systems

The building is supplied by two electrical services. The main school service (upgraded in 1999), is a 2000 Amp, 208Y/120 Volt, three-phase, four-wire underground lateral to a transformer located in a vault, below grade. The switchboard is in good condition, with three 225 AMP spaces and one 400 Amp space for future expansion. The modular classroom service (installed in 2002), is an underground lateral to a pad mounted transformer, is rated 800 Amps at 208Y/120 Volt, three-phase, four-wire, and has no spare capacity. The electrical distribution system in the primary technology classrooms was enhanced in 1999, but otherwise is original to the phase of construction. Areas of the 1958 and 1968 building wings have original wiring that is approaching the end of its useful life. The building has an emergency generator rated at 125kVA/100W, at 208Y/120 Volt, 3 phase, 4-wire. Life safety and emergency egress lighting is illuminated with emergency battery units and LED exit signs. The school has a public address system, which operates through the phone system. The master clock system functions in only 50% to 70% of the rooms. The telephone system was replaced and the intercom system and bells were repaired in 2013. The lighting within the classrooms is typically 2'x4', recessed flat prismatic lens type and the fixtures are in good condition. The balance of the lighting consists of 2'x4' and 2'x2' parabolic louvered fixtures. Corridor lighting is

generally linear fluorescent fixtures either surface mounted or indirect, wall-slot type light cover. The lighting is functional and in fair to good condition throughout the school. The town is in the process of replacing all existing light fixtures with LED lighting in all town buildings.

Plumbing

The building is supplied with a 4" water service line coming to the building from Harris Ave. The water distribution system is contemporary to the phase of the building, with the exception of the hot water heater, which was converted to a high efficiency natural gas condenser hot water heater in 2013. The hot water heater connects with a mixing valve and circulating pump that maintains a constant water temperature supply to the building. The hot water piping appears to be insulated where exposed in the building. The cast iron, oakum and lead draining system is original to the phase of construction and therefore, the older sections are beyond the end of their useful life. The plumbing fixtures within the bathrooms also are largely original to the phase of construction, with wall mounted sinks, toilets and urinals. Some fixtures were replaced in 1996 during accessibility upgrades. However, ongoing phased renovations of some bathrooms are addressing deficiencies for MAAB compliance and accessibility that exist within the bathroom layouts that were noted in the 2011 report.

Fire Protection

The fire alarm system is an addressable system manufactured by FCI, and is in good condition. The building is partially equipped with an automatic sprinkler system added in 1992, and serves those spaces that were added or renovated at that time. The original 1956 building and most of the 1969 addition do not have automatic sprinklers. The modular classrooms have an independent automatic sprinkler system. Many of the larger spaces like the gymnasium and auditorium are lacking coverage. Any renovation will require adding sprinklers to the rest of the building in order to comply with contemporary code.

Boiler Section 1

Is the District seeking replacement of the Boiler? NO

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 100

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Natural gas.

Age of Boiler (number of years since the Boiler was installed or replaced) 10

Description of repairs, if applicable, in the last three years. Include year of repair:

In 2013, the 20-year old dual fuel boilers in the upper boiler room were replaced with three high efficiency, natural gas condenser boilers. The domestic hot water heater also was replaced with high efficiency natural gas condenser hot water heaters. Fresh air intake and exhaust systems were added to improve combustion efficiency. Boiler operations were integrated with the building management system software and the system was programmed for energy efficient cycling of boilers. The underground oil storage tank was removed. The emergency generator fuel pump was installed in 2003. The lower boiler room has two unused 33-year old cast iron boilers. The entire mechanical system will likely need to be replaced in any major add/reno project due to the new energy codes and the Town and state goal of meeting net zero GHG emissions by 2050.

Has there been a Major Repair or Replacement of the HVAC SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 1995

Description of Last Major Repair or Replacement:

In 1995, the HVAC system was updated in the 1969 building and the cafeteria building, and was put on the building management system (BMS) for remote control. There were modifications to the system in 1999-2000, including exhaust fans and outlets. Rooftop units and exhaust fans were installed in 2006 and some were replaced in 2011 & 2020. In 2009, a Rentar fuel catalyst was installed, and the pneumatic devices were replaced with digital controls. During the COVID pandemic all the mechanical systems were re-commissioned. Enhanced fresh air exchange rates in some classrooms required opening windows to achieve the designated amounts of fresh air. The pandemic response exposed the many deficiencies of the existing HVAC systems which require constant repairs to maintain the design airflow.

Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 2009

Description of Last Major Repair or Replacement:

In 2009, the electrical and technology infrastructure was upgraded. The 1998 study found that the service switchboard had been upgraded in the previous 10 years and was in excellent condition. New lighting was installed in 1995. Electrical outlets were installed in 2003, 2004, and 2005. In 2003 a closet was constructed and wired in the rear of the lecture hall to house data and port connections. The cafeteria AV closet was rewired and conduits were installed for data cables. Additional data lines were strung in 2004 and 2005. All the electrical systems in the modular classrooms are original to the 2002 construction, with minor upgrades in 2011.

BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Interior:

The flooring throughout the cafeteria, corridors and classrooms is Vinyl Composite Tile (VCT) and is well maintained and in good condition. The low-pile carpet in the Media Center and administrative offices is in good condition, but only in fair condition in the 1968 classroom wing. Bathroom floors are ceramic tile in good condition, except in sections of the locker room shower, which have delaminated from the concrete substrate and require replacement. The gymnasium floors are rubber flooring and the original floors were replaced in 2020. The floors in the utility areas are exposed concrete. Kitchen flooring is quarry tile in good condition. The Auditorium stage floor is wood and in good condition.

The wall finish system varies according to the phase of construction, but incorporates similar materials. Classrooms in the 1958 building have a combination of plaster and SGFT walls. Walls in the 1969 wing are a combination of concrete masonry unit (CMU) and sheetrock and are generally in good condition. Some of the corridor walls have hard-wood panels in good to fair condition. Multi-stall bathrooms are typically 20+ years old and in need of upgrades, with poor lighting, bowed ceiling tiles, chipped ceramic mosaic tile, rusting metal partitions, and sink/ counters that are in poor condition.

Most of the classrooms have dropped ceiling metal grids with 2'x4' Acoustic Ceiling Tile (ACT). The ACT in the administration area and a few of the classrooms in the 1958 wing are at a very low height of 7'-1/2" above finished floor (AFF), instead of the required 7'-6" AFF. Ceilings in the 1969 wing are in good condition. The kitchen has vinyl coated ceiling tile, which is in good condition. The Media Center/ Library and the main entry hall have exposed painted structural metal decks.

The interior doors throughout the building are typically wood and original to their date of construction. The oldest doors in the 1958 wing are in need of replacement, while the doors in the 1969 wing are in generally good condition. Many interior stairways have railings that were acceptable at the time of installation, but do not meet all current egress code and accessibility requirements.

Technology:

The building has Category 5 cabling to every classroom with many classrooms outfitted with smart boards and computers. There are four computer labs within the building, which function as teaching spaces for technology education. The following areas require upgrade: the Auditorium audio visual system; wireless access points in the Auditorium, the Lecture hall, the Cafeteria and gymnasias; projection system in the Lecture Hall; upgrades to the soundfield systems in many classrooms; and technology upgrades in all science labs.

Hazardous Materials:

The Town has an ongoing plan for the assessment and remediation of hazardous materials in the school. Testing confirmed that floor tiles contain asbestos (ACM) and a program of phased remediation and replacement has been in place for the past decade. Asbestos in the hard joint insulation of heating pipes was removed as part of the boiler room upgrades, but ACM's still remain in the utility tunnels. Interior caulking at wall seams is assumed to contain asbestos and PCBs. The exterior and interior window framing and glazing caulking are assumed to contain ACM's and PCB's and will require abatement as a part of repair/ replacement. Other locations assumed to contain asbestos

are door framing caulking, unit vent grill caulking, blackboard glue, underground waste water pipes, damp proofing on foundation wall, and thru-wall flashing. Tubes within light fixtures, exit signs, switches, and thermostats are assumed to contain Mercury. The painted surfaces are assumed to contain lead. All of these materials would need to be remediated during a comprehensive repair or replacement project.

PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).

As noted above, the majority of teaching spaces are undersized and/or inappropriate to the content area delivered. As noted above, the majority of classrooms are undersized, compared to MSBA standards, and can not accommodate actual class sizes, which often range from 22-25 students. This is particularly true of the science classrooms, which range in size from 661 sq. ft. to 1004 sq. ft., and are well below the current MSBA standard of 1440 sq. ft. These classrooms can not accommodate enough lab tables for all enrolled students, lack adequate preparation rooms and storage space, and the built-in casework and plumbing fixtures are in poor condition. Improvements would likely trigger code-required upgrades throughout the building for a complete automatic sprinkler system, handicapped accessibility improvements, seismic design, energy efficiency, as well as infrastructure upgrades to plumbing, fire alarm and electrical systems. The lack of adequate science classrooms and facilities means that Pollard's students do not receive the type of science or engineering instruction expected at the middle school level. Tight spaces, inadequate or missing gas, water, and electrical utilities, crumbling classroom walls, tables, and cabinets mean that teachers avoid certain experiments and learning opportunities that would otherwise be available in more appropriate space. In addition, many elective classes are held in shared spaces that are not appropriate to the curricular content area. For example, orchestra classes are held in the Lecture Hall; art classes are offered in a Science classroom; data science and health classes are held in open social studies or english classrooms, and other classes are placed in the Cafeteria, Library, or the Auditorium, when available.

Moreover, the learning spaces do not reflect the District's "21st Century Learning" and equitable access goals. The traditional layout, undersized rooms and lack of breakout rooms, meeting spaces and collaboration areas do not lend themselves to project-based learning, team-teaching, interdisciplinary collaboration, and modern special education delivery methods.

Other programmatic deficiencies are found in the Auditorium, which is largely original to its construction in 1958. It is not large enough to accommodate a whole grade or the whole school for any activity. In addition, the lighting and sound equipment is outdated, not code compliant and not ADA accessible, and is in constant need of repair. Typically equipment is rented for theatrical productions held in the Auditorium. The HVAC (heat only) system is noisy and can interfere with performance acoustics. Sections of the auditorium seating are broken or missing, and the stage is in need of repair.

The gymnasium also lack sufficient space to fully accommodate the concurrent use by multiple sections of students (as is required by the schedule), which in turn limits the curriculum and requires students to 'sit out' for about 33% of their class time, in order to provide equitable 'movement time' for all students. (The School's goal is for students to be active at least 80% of their time in a PE class.) In addition, much of the wall space is concrete and our climbing wall is not up to code, which could cause injury. Further when it rains, it often floods certain parts of the gym, and the drainage backs into the gym near the egress doors. In addition, there is no scoreboard in the Blue Gym, no spectator seating, no ability to add footholds or equipment for volleyball or other team sports, and the school speaker (PA system for safety announcements) and clocks do not work in the gym. The Pollard School uses adjacent DeFazio Park for outdoor gym classes, however, it takes between 5-10 minutes to walk to the fields each way, which shortens the gym period time for specific instruction.

The school also has too few special education meeting spaces and conference/meeting rooms. Over the past several years, increasing numbers of students have required our Intensive Learning Center Program, creating the need for additional teaching and learning spaces that are restroom-equipped and have break-out spaces, private counseling areas, and therapeutic space. Our learning centers currently share spaces, which are used all day. During busy times, students often receive instruction in the Media Center, Cafeteria or the hallways. On a given day, between

15-20 students can be seen receiving assistance in the common hallways using a desk or table. Additionally, our parent meeting room was turned into a learning center and guidance office. As a result, preparation and meetings often occur in the hallways, the Media Center (if available), or the Main Office.

EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

The building was designed for 45 classroom spaces, which vary approximately from 553 - 872 sq. ft. As enrollment has increased over the years, however, spaces have been converted to accommodate 40 regular education classrooms for core subject delivery and 22 classrooms for elective programs. These elective spaces include use of the Lecture Hall, Auditorium, Cafeteria, Library/Media Center, Computer Labs, Music Lab, and modular classrooms. Presently, there are 10 science rooms and 15 special education classrooms. The science classrooms range in size from 661- 1,004 sq. ft. and are smaller than the MSBA guideline of 1440 sq. ft. for science classrooms. Of the 10 science rooms, only seven are true science classrooms with the proper (but outdated) connections for water/sinks, gas lines and drainage for chemicals. The other three rooms, which are converted general classrooms, have mobile sinks and eye wash stations. The ten modular classrooms and associated spaces, which include two reading classrooms with small offices, four restrooms (male, female, and two all gender rooms, which are shared by staff and students), and a small break room, are at the end of their 20-year lifespan and are in need of replacement.

Pollard has two gymnasiums, one Media Center/Library (which was reduced to accommodate new main office space), and two computer labs. The gymnasia (which include Gym #114 @ 5,785 sq. ft. and Gym #112 @ 5,050 sq. ft.) lack sufficient space to fully accommodate the concurrent use by multiple sections of students (as is required by the schedule). In addition, the concrete wall space and climbing wall are problematic, the gyms often flood when it rains, and lack amenities like scoreboards (Blue Gym), spectator seating, and a working clock/PA system. The modified Library/Media Center is now (2,749 sq. ft.) and undersized, compared to MSBA guidelines. The Auditorium is not large enough to accommodate an entire grade, or the whole school for any activity. In addition, the lighting and sound equipment is outdated, not code compliant and not ADA accessible, and is in constant need of repair.

The school also lacks the following spaces, which are important for educational programming and student support service needs. The school has no location for teachers to collaborate or plan/prepare. When displaced, the teachers will find space in the hallways. The school also lacks conference rooms to meet with families (IEP meetings, 504 meetings, cluster meetings...) or to meet with one another, a space to conduct Tier 2 groups with students, or common collaborative space. The lack of space for collaboration, planning and meetings, leads to inconsistent collaboration and teaming among teachers, to the detriment of students and program, overall. Additionally, the school lacks specific learning spaces for the English Language Learner (ELL) program, METCO program, and curriculum coordinators, so these functions occur in shared spaces and locations like the library and main office. Finally, the school lacks modern science/ engineering/ technology spaces, as well as spaces for project-based learning, interdisciplinary work, lab spaces, music exploration, experiential education, and other classes. Finally, our nurse's room and guidance do not contain smaller, personal spaces. It will be important to address the lack of lactation space for staff, our guidance counseling spaces, ELL services, METCO space, and dedicated tier 2 and 3 learning spaces, which are now all shared.

CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

The school currently is over-crowded, particularly in the classroom and common space areas. Given the existing cluster configuration (consisting of five grade 7 clusters and five grade 8 clusters) and the current enrollment (of 901 students), the average class size is 24 students/ class, which exceeds the design capacity of 22 students. (The

capacity of many smaller classrooms is less than this number.) As such, many classrooms are too small to accommodate a standard size class. Additionally, some science classrooms are too small to accommodate the required number of science tables for enrolled students and have non-functioning sinks. The science teachers have been forced to modify the curriculum, particularly science experimentation, due to the facility constraints. Additionally, the school has adapted to using a much higher classroom utilization rate, than is typically seen in a middle school. Twenty two of the classrooms/ teaching spaces are utilized 100% of our day. All other teaching spaces are utilized at 85% or more, with the exception of the two computer labs and Midilab (which have fluctuating utilization ranging from 50% of the day to 100% of the day.) Those classroom spaces at 100% utilization include the Library/Media Center, the Auditorium (used for daily Advisory, four teaching periods, community meetings, and other special events); the Lecture Hall (used for strings classes, alternative lunch space, and special events), and the gymnasias, which are used both for classes and lunch recess. (The use of the gyms for lunch recess is to reduce the number of students using the cafeteria and outdoor spaces at any one time.)

A number of non-traditional classrooms also are in use. For example, due to the lack of music rooms, the orchestra classes are held in the Pollard Lecture Hall, which is not ADA compliant. The Auditorium is used for all theater arts classes. However, these classes must move on a constant basis to allow the Auditorium to be used for large group events, such as cluster presentations. Art classes are offered in a Science classroom. Data science and health classes are held in open social studies or english classrooms, and other classes are placed in the Cafeteria, Library, or the Auditorium, when available. Given the lack of space for guidance and special education services, the school is actively looking for alternative spaces for students, office, preparation, and transition spaces.

Given overcrowding in the gyms, the Wellness Department has modified the physical education curriculum to accommodate the number of students and space available. In our current situation, students often must wait and sit out for approximately one third of their class time, despite the 80% physical activity educational goal. Additionally, experiential education is taught in a typical classroom, even though the program requires a large activity space. The smaller classroom space limits programming in terms of activities and requires that classes be taken outside, when the weather is warm enough. Finally, given the limited size of the Adaptive PE Center, students are rotated into the space one group at a time to accommodate the number of students. Given the small locker rooms, teachers must supervise students in the gym locker rooms to the best of their abilities and continually remind students about the importance of appropriate behavior. The locker rooms lack appropriate space for LGBTQ students to change clothing, so students seeking privacy must use a restroom.

The limited size of the cafeteria also has required the school to implement split lunches. This, in turn, means the school can not operate on a bell system. Teachers must rely on personal clocks/ laptops for guidance and are required to communicate via the phone system or email. Additionally many of our classrooms and spaces, especially those that have been converted to classrooms do not have a functioning speaker/ PA system, which is a safety concern for any type of school safety issue.

Finally, the widespread use of shared and non-traditional spaces at the school mean that many teachers lack space to hold a preparation period, or collaborate with colleagues. As a result, teachers often work and meet in the Library (if available), hallways or other quiet nooks. The ubiquitous use of shared spaces also limits opportunities for co teaching, collaboration, and/or spontaneous ideas to emerge within the normal course of a day.

Over the next fifteen years, the Pollard student population is projected to grow and peak at 934 students in the 2030/31 School Year. Additional enrollment growth will result in increased class size, the subdivision of existing modular classroom spaces, the conversion of non-traditional spaces to classrooms and/or traveling teachers.

MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The Town implemented a structured preventative maintenance program in 2009. This program provides for the quarterly and/or annual maintenance of HVAC, water heating, plumbing, electrical, and general maintenance

systems. The Town also funds an annual facility maintenance capital article to address the needs of smaller repairs such as duct cleaning, asbestos abatement, flooring replacement, and HVAC upgrades. The recent major capital repair projects include:

2014 - Gym floor repair

2013 - Boiler replacement project (high efficiency gas boilers)

2013 - Telephone system replacement

2011 - Roof replacement (MSBA Green Roof Project)

2011 - Parking lot improvements and minor modifications to modular classrooms

Future capital improvements included in the five-year Capital Improvement Plan include:

FY 2017 - Lighting upgrades to gyms - better lighting and more energy efficient

FY 2019 - Replace rubber flooring in both gyms

FY 2019 - Wood siding removal/ replacement and basketball hoop replacement/ repair and 2 sections of spectator seating installed in green gym for class accommodation.

FY 2020 - Telephone replacements throughout the school & LED lighting replacements

FY 2021 - Retro commissioning of all mechanical systems/ repairs/ replacements

FY 2022 - Select split system repairs / replacements; emergency generator repairs / rental

Priority 2

Question 1: Please describe the existing conditions that constitute severe overcrowding.

The school is currently over-crowded, particularly in our hallways, two staircases, restrooms, most classrooms, and common space areas, such as the Gymnasiums, Library, Cafeteria, Auditorium, Lecture Hall, and Adaptive PE Center.

Most classrooms are undersized for the student population. The average class size is 24 students/ class, given the existing cluster configuration (consisting of five grade 7 clusters and five grade 8 clusters) and the current enrollment (of 901 students). This average class size exceeds the design capacity of 22 students. Additionally, the building was designed for 45 classroom spaces, which vary approximately from 553 - 872 sq. ft. As enrollment has increased over the years, however, spaces have been converted to accommodate 40 regular education classrooms for core subject delivery and 22 classrooms for elective programs. These elective spaces include use of the Lecture Hall, Auditorium, Cafeteria, Library/Media Center, Computer Labs, Music Lab, and modular classrooms. Presently, there are 10 science rooms and 15 special education classrooms. The science classrooms range in size from 661 - 1,004 sq. ft. and are smaller than the MSBA guideline of 1440 sq. ft. Some of these science classrooms are too small to accommodate the required number of science tables for enrolled students. Although the addition of ten modular classrooms in 2002 remediated some of the overcrowding issue, these classrooms are at the end of their 20-year lifespan and are in need of replacement.

The gymnasias, Media Center/Library, Auditorium, Locker Rooms and Adaptive PE Center also are undersized for the student population. The two gymnasiums (which include Gym #114 @ 5,785 sq. ft. and Gym #112 @ 5,050 sq. ft.) lack sufficient space to fully accommodate the concurrent use by multiple sections of students (as is required by the schedule), with negative implications for student instruction. The Library/Media Center (2,747 sq. ft.) is smaller than the MSBA's recommended "2,680 sq. ft. for first 400 students plus 5.75 sq. ft. /student over 400." The Auditorium is not large enough to accommodate an entire grade, or the whole school for any activity. The locker rooms are undersized for the school and do not safely accommodate the number of students who are scheduled to use them during PE or the after-school middle school sports program. Similarly, no more than 20 students can occupy the Adaptive PE Center at once, which is smaller than many classes of 25+ students.

To accommodate the current student population in the Cafeteria, the School has implemented split lunches. As a result, Pollard can not work on a bell system. Thus, teachers must rely on personal clocks for guidance and our hallways are congested particularly the two small staircases which are required to access the gyms, cafe, lecture hall, and the modulars. Although we have 3-4 minutes reported as passing time, students are often late due to congestion and the "no bell" system.

Additionally, the school lacks a sufficient number of guidance, special education, and ELL spaces. Not only do we have shared learning centers and not enough space for our additional ILC students, but we also lack dedicated ELL space for English Language instruction for our non-English speaking students and the school lacks appropriate space for curriculum meetings, resource materials, or offices for the Literacy Specialist and Curriculum Coordinators. Due to shared classrooms, teachers also do not have a dedicated space for their preparation time and often use the hallways, a table in the cafe, or library if available for quiet space to plan, develop, and assess students.

Finally, the lack of administrative space is evidenced by the tight quarters that the administrative personnel occupy, and the use of the lobby space as additional work and copy layout space. Most of the administrative offices and the 2 small conference rooms used for meetings are internalized and lack natural light.

Priority 2***Question 2: Please describe the measures the School District has taken to mitigate the problem(s) described above.***

To mitigate classroom overcrowding, the school has added modular classrooms, implemented shared classrooms across the building, created additional teaching spaces through subdivision, utilized non-traditional teaching spaces and adapted to using a much higher classroom utilization rate than is typically seen in a middle school.

In 2002, modular classrooms were added, which increased the classroom capacity of the school by 10 classrooms. These classrooms, now 21 years old, have reached the end of their useful lives and must be replaced.

In addition, the school has implemented shared classrooms across the building. Most teachers share their teaching space and must find another location or remain in the class (while it is being instructed by a colleague) since there are no common planning spaces for teachers.

The school also created additional teaching spaces by subdividing the Principal's office, the Library, two modular classrooms, a computer lab, and guidance offices. The conversion of all spaces to classrooms to mitigate traveling teachers on carts and provide dedicated, private spaces to counselors have been a priority.

A number of non-traditional classrooms also are in use. For example, due to the lack of music rooms, Orchestra classes are held in the Pollard Lecture Hall- a space that is not ADA compliant, nor able to hold more than 50 students. The Pollard Auditorium, Library, and Cafe are also used for classes and after school activities, and these classes are moved on a constant basis to make the spaces available for other programs, lunch, or other large group presentations.

Finally, the school has adapted to using a much higher classroom utilization rate, than is typically seen in a middle school. Twenty two of the classrooms/ teaching spaces are utilized 100% of our day. All other teaching spaces are utilized at 85% or more, with the exception of the two computer labs and Midilab (which have fluctuating utilization ranging from 50% of the day to 100% of the day.) Those classroom spaces at 100% utilization include the Library/Media Center, the Auditorium (used for daily Advisory, four teaching periods, community meetings, and other special events); the Lecture Hall (used for strings classes, alternative lunch space, and special events), and the gymnasium, which are used both for classes and lunch recess. (The use of the gyms for lunch recess is to reduce the number of students using the cafeteria and outdoor spaces at any one time.)

To mitigate deficiencies in the science spaces, the teachers have been required to modify the curriculum, including science experiments. As previously noted, these rooms are undersized, are lacking in adequate preparation rooms or storage spaces, and are in poor condition (most have non-working sinks). Additionally, since there are no additional rooms that can be converted into science classrooms, two of the ten science classrooms are traditional classroom spaces that have been converted using temporary rolling cart water stations.

Due to congestion in the halls and restrooms, Pollard has implemented "Hall Pass" to limit the number of students at any given restroom. For the halls, we have additional supervision by all teachers and administrators, and give students flexibility with late arrivals to classes. The school has also adjusted its schedule to reduce congestion (varying passing times, split lunches, thoughtful placement of teachers in classrooms, etc....)

The limited gymnasium space has required classes to be scheduled concurrently, and for teachers to modify the physical education curriculum. Currently, the Pollard School schedules 3-4 classes of physical

education concurrently in the gym space which constitutes two gyms. Class sizes range from 24 – 30 students, and as a result, most PE classes have between 75 - 120 students and 3-4 teachers in the gyms during one class period, four times/day. Due to the lack of large activity spaces, experiential education is taught in a typical classroom, which limits what the teacher can do in terms of activities and requires that classes be taken outside, weather permitting. In addition, the lack of appropriate office spaces, teachers are often finding spaces in different areas of the school for their preparation periods.

Finally, to accommodate the current student population, the school has implemented split lunches and will use that space when lunches are not occurring. The school has been unable to fully mitigate the lack of meeting rooms, teacher preparation space, and administrative space. Although the lobby has been utilized as additional work space, it does not offer privacy for meetings with students or other teachers. Offices are undersized and there is a lack of conference and meeting spaces. The School also is in need of additional guidance, ELL, and special education spaces to meet our students' needs.

Priority 2

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

To mitigate the lack of appropriately-sized classroom space for core curriculum, the Pollard School has been required to increase class size, subdivide existing space and/or modify the existing curriculum, to the detriment of the educational program. Given the lack of additional classrooms, the school has created additional learning spaces by subdividing classrooms, offices, and an existing modular classroom space; and has converted non-traditional spaces to learning centers. All teachers, including Science teachers, have modified the existing curriculum, particularly experiments and project based lessons, to meet the existing facility constraints. As previously noted, the science rooms are undersized, are lacking in adequate prep rooms or storage spaces, and are in poor condition (most have non-working sinks.)

Common spaces are undersized or not ADA compliant, which limits activities and learning for students. As noted, Pollard schedules classes of physical education concurrently in the gym space, resulting in anywhere from 75 - 120 plus students occupying the gym at one time. In addition, the physical limitations of the gymnasiums have further limited the educational program. Specifically, there is no space for spectators and the following systems require replacement: lighting, sound system and venting. There also are ongoing heating issues - either the school itself is too hot or too cold. The undersized locker rooms also have significant limitations. Many lockers are damaged or broken. The locker rooms themselves were not well designed for supervision purposes, as there is no office/ ability to supervise safely our students embedded within the locker room, and appropriate changing facilities to provide access and safety for our students who require separate changing facilities do not exist. The locker rooms are not ADA-compliant, and none provide a private changing area for our LGBTQIA+ students. Finally, the Adaptive PE Center is small and obsolete. Currently the space can safely accommodate only 20 students at one time. With classes of 25+, however, it becomes almost impossible to use this space effectively.

The Pollard Auditorium is not large enough to accommodate a whole grade for any activity. The lighting and sound systems are sorely in need of updating/upgrading; they are constantly being repaired. The dimly lit and inadequately sized auditorium is limiting. The stage is not handicapped accessible, the carpet is threadbare, exit stairs are in need of repair, the acoustics are quite poor, and the overall design limits programs and learning opportunities.

Additionally, the school lacks a sufficient number of guidance, special education, and ELL spaces. Not only do we have shared learning centers and not enough space for our additional ILC students, but we also lack dedicated ELL space for English Language instruction for our non-English speaking students and the school lacks appropriate space for curriculum meetings, resource materials, or offices for the Literacy Specialist and Curriculum Coordinators. Due to shared classrooms, teachers also do not have a dedicated space for their preparation time and often use the hallways, a table in the cafe, or library if available for quiet space to plan, develop, and assess students.

The configuration and layout of the existing classroom spaces do not reflect the District's 'next generation' learning priorities, nor its focus on providing equitable access and opportunity for all learners. A reconfiguration of the classroom spaces would be needed to accommodate project-based learning, team-teaching, interdisciplinary collaboration, and special education delivery methods.

To accommodate the current student population, the School has implemented split lunches. As a result, Pollard does not work on a bell system. Thus, teachers must rely on personal clocks for guidance and our hallways are congested particularly the two small staircases which are required to access the gyms, cafe, lecture hall, and the modulars. Although we have 3-4 minutes reported as passing time, students are often late due to congestion and the “no bell” system.

Finally, the lack of administrative space is evidenced by the tight quarters that the administrative personnel occupy, and the use of the lobby space as additional work and copy layout space. Most of the administrative offices and the 2 small conference rooms used for meetings are internalized and lack natural light.

Please also provide the following:

Cafeteria Seating Capacity:	381
Number of lunch seatings per day:	4
Are modular units currently present on-site and being used for classroom space?:	YES
If "YES", indicate the number of years that the modular units have been in use:	21
Number of Modular Units:	10
Classroom count in Modular Units:	10
Seating Capacity of Modular classrooms:	24
What was the original anticipated useful life in years of the modular units when they were installed?:	20
Have non-traditional classroom spaces been converted to be used for classroom space?:	YES

If "YES", indicate the number of non-traditional classroom spaces in use: 10

Please provide a description of each non-traditional classroom space, its originally-intended use and how it is currently used (maximum of 1000 characters):.

Due to the lack of music rooms, orchestra classes are held in the Pollard Lecture Hall, which in turn, has limited the use of that space. The Pollard Auditorium and Library are used for classes; these are moved on a constant basis to make the spaces available for other large class/cluster presentations. The Principal’s office was converted into an ELL teaching space and guidance office and at least 2 conference rooms were converted into classroom spaces. Finally, two former storage spaces are now being used as office spaces and students and teachers can often be found in the hallways at desks and tables completing work. Finally we have no dedicated space for deescalation of students, quieter lunch spaces, lactation spaces, or meeting space for teachers, students or parents/caregivers.

Please explain any recent changes to the district’s educational program, school assignment polices, grade configurations, class size policy, school closures, changes in administrative space, or any other changes that impact the district’s enrollment capacity (maximum of 5000 characters):.

During the 2019/20 School Year, the District opened the Sunita Williams Elementary School, to replace the aging Hillside School. The Williams School provided some needed capacity to address growing elementary enrollment, and now houses many of the District’s elementary intensive learning center programs. Also in the 2019/20 School Year, the District introduced full-day kindergarten for residents. Previously, a half-day program had been provided, with a tuition-in afterschool enrichment program for interested families.

Additionally, in March of 2019, the School Committee approved policy #JFABC “Assignment of Elementary Students to School.” This policy governs the registration of students who wish to attend a school other than the school in their assigned attendance area. It also addresses the enrollment of new students in the event of overcrowding, in the event of under-enrollment, when there is development of a new residential area, when a new school opens, or in other extenuating circumstances. Finally, it provided guidelines around the establishment of buffer zones, and the assignment of students within buffer zones.

There have been no recent changes to the school committee's class size policies.

What are the district's current class size policies (maximum of 500 characters)?:

School Committee Policy #IHB specifies that student/teacher ratios should be within the guidelines: 18-22 in Grades K 3, 20-24 in Grades 4-5, and 'reasonable class size' in Grades 6-12. These guidelines are recommendations, however, rather than absolute limits requiring strict, literal adherence.

Priority 7

Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.

As previously noted, facility deficiencies constrain the educational program, opportunities, and access.

Program offerings at Pollard are diminished by the many building and design inefficiencies. As noted above, the academic classrooms are undersized, overused, and inadequate. Moreover, the small, subdivided classrooms; the inadequate spaces for teacher collaboration and planning; and the crumbling classroom walls, tables, and cabinets, all mean that teachers take shortcuts and avoid certain experiments and learning opportunities that would otherwise be available in more appropriate spaces. Art, science, performing arts, special education, technology, ELL, and other programs are unable to expand due to a lack of adequate and appropriate teaching or learning space. At the middle school level, these programs are essential for students, yet the school is unable to achieve its vision or mission of providing all students with excellent academic programming, nor can the school expand due to the many inefficiencies and inadequacies described.

Pollard lacks dedicated spaces for ELL instruction, increased special education programming, or to implement multi-tiered supports or interventions at Pollard. In addition, inadequate curriculum space has limited the ability of the K-12 Directors or Department Heads to meet with teachers and build a lending library of reference materials or for teacher teams to meet and collaborate as intended with our cluster model. Further, our student support services including OT, PT, SLP, BCBA, Reading Supports, ELL, and guidance and/or adjustment counselors are all in shared spaces without conference rooms or smaller break out spaces for small group sessions.

The undersized common spaces, such as the gymnasiums, Auditorium, Cafe, Lecture Hall and Library, all limit the academic program. As noted above, these spaces are too small to accommodate a grade level of students. Additionally, none are used for their intended purpose; all are shared by multiple classes, which limits their use for large gatherings or assemblies. As shared above, the Pollard Auditorium is not large enough to accommodate a whole grade for any activity, and the lighting and sound systems are in a constant state of disrepair. Finally, without a complete overhaul of the PA system/ loud speakers, the school lacks a way to respond to a safety concern on the campus.

The HVAC deficiencies, leaking roof and plumbing problems also create limitations for the educational program. The HVAC system, which has had multiple issues over the years, including the loss of heat and air conditioning on school days, and inadequate ventilation, has made teaching and learning even more difficult. These issues have resulted in staff grievances, school cancellations, and the relocation of classes. The constantly leaking roof has led to overcrowding, shared spaces, and mildew and mold concerns, especially with our library books. Finally, although the student (larger) restrooms were updated in the past five years, none of the private restrooms, which are deemed *All Gender*, have been updated in more than 40 years. Plumbing issues are a constant in each of the restrooms, causing congestion for staff and students in the few restrooms that do work.

Finally, although improvements were made to the parking areas in 2018, the total parking provided on site (113 cars) is deficient, when compared with current zoning requirements by 66 cars and a staff of 135. This forces some teachers, traveling teachers and staff, and visitors to park on the surrounding streets during daytime visits and congests local traffic on Harris Ave. at the start and end of the school day. The front driveway is not long enough to accommodate all 17 buses, so the school is forced to double load the driveway during release time. This is considered a safety issue as students must pass in front or between buses to access their bus. Additionally there is

no clear path for emergency vehicles while buses are stacked in the driveway. There are no dedicated visitor or medical emergency spaces.

Priority 7

Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.

To mitigate the lack of appropriate and appropriately-sized classroom space for core curriculum, the Pollard School has been required to increase class size, and convert/subdivide available space to create the required number of classrooms. Students have been squeezed into science and engineering classrooms, which do not all contain enough tables for enrolled students, or which are too small to conduct a full complement of engineering projects. As a result, science teachers have modified the existing curriculum, particularly experiments, to meet the space and equipment constraints of their classrooms. As previously noted, the science rooms are undersized, are lacking in adequate prep rooms or storage spaces, and are in poor condition. (Some classrooms have non-working sinks.) Similarly, the limitations of the engineering classrooms (including limited storage space) have limited the type and scope of student projects able to be accomplished in those classrooms..

Additionally, non-traditional spaces have been used for specialized instruction, which has limited the educational program in other ways. For example, due to the use of shared spaces, teachers are forced to find other locations to engage in collaboration or planning, while their assigned classroom is being used. Most, if not all classrooms, are used all periods, which compounds teachers' inability to collaborate, plan, and assess students in a private and thoughtful way. Our common spaces, such as the Cafeteria, Lecture Hall, Library and Auditorium are often used for classes, which are moved constantly to make these spaces available for presentations or large group programming. Specialized programming, such as ELL instruction, is conducted in the Library due to lack of dedicated space, where instruction is often interrupted by the activities of other students. Curriculum instruction and job-embedded professional development has been offered to teachers, but is often provided in the Cafeteria, where teachers are quite uncomfortable, and the space lacks technology, temperature control, or proper seating for professional development.

Priority 7

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

To mitigate the lack of appropriate and appropriately-sized classroom space for core curriculum, the Pollard School has been required to increase class size, subdivide existing space and/or modify the existing curriculum, to the detriment of the educational program. Given the lack of additional classrooms, teachers have modified the existing curriculum, particularly experiments, to meet the existing facility constraints. Units are often designed with safety and facility conditions in mind, rather than promoting student interest or delivering the middle school programming. Similarly, most teachers have limited the type and scope of student projects to those which can be accomplished within the limited classroom and storage space of the classrooms. As enrollment increases, the quality of instruction will be further eroded as more students are squeezed into these spaces or as additional standard classrooms are converted into shared spaces.

Additionally, non-traditional spaces have been used for specialized instruction, which has limited the educational program in other ways. For example, the lack of a dedicated space for ELL instruction compromises the type of focused, 1:1 instruction, Multi-Tiered Level of Instruction that our multilingual students require. Additionally, due to the lack of available space, special education spaces are shared or public, thus compromising the program and confidentiality of our students.

Common spaces such as the Pollard Auditorium, the gymnasiums, the lecture hall, the Library, the Fitness Center, and the Lecture Hall are not large enough to accommodate a whole grade for any activity. Additionally, these spaces are scheduled at 80-100% usage every day, which causes shared spaces and congestion/ overcrowding through the building.

The inadequate space available for curriculum instruction has compromised the professional development program for teachers. As previously noted, the teachers who participate in professional development workshops either are squeezed into too-small spaces, or rotated through a series of venues, neither of which are conducive to promoting effective teacher learning. Additionally, the limited available space constrains Needham's plans to increase collaboration among the professional as there are no teaching collaboration or workspaces.

Finally, the HVAC deficiencies, leaking roof and plumbing problems negatively affect the educational program. The HVAC system, which has had multiple issues over the years, including the loss of heat and air conditioning on school days, and inadequate ventilation, has made teaching and learning even more difficult. These issues have resulted in staff grievances, school cancellations, and the relocation of classes. The constantly leaking roof has led to overcrowding, shared spaces, and mildew and mold concerns, especially with our library books. Finally, although the student (larger) restrooms were updated in the past five years, none of the private restrooms, which are deemed *All Gender*, have been updated in more than 40 years. Plumbing issues are a constant in each of the restrooms, causing congestion for staff and students in the few restrooms that do work.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Chief Executive Officer * School Committee Chair Superintendent of Schools

_____	_____	_____
(signature)	(signature)	(signature)
Date	Date	Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

**In Partnership with the
Massachusetts School
Building Authority**

**Statement of
Interest Process:
Pollard & Mitchell**

Needham Select Board

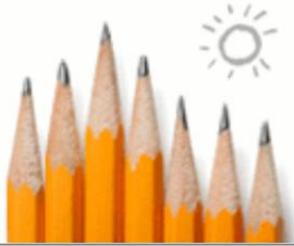
March 14, 2023





Goals of the School Master Planning Process

- **Remediate** the deteriorating physical infrastructure and programmatic deficiencies of the Mitchell and Pollard Schools, including the end-of-life middle school modular classrooms.
- **Alleviate** the general overcrowding and lack of adequate program space at the District's two middle school facilities: High Rock and Pollard.
- **Mitigate** the impact of construction on one or more generations of students.
- **Avoid** expensive building maintenance over time by completing renovations in a timely manner.
- **Avoid** expenditures for temporary facilities, to the extent possible.
- **Provide** elementary enrollment capacity, including preparing Needham for Universal Preschool.



Massachusetts School Building Authority

Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities

- **The Massachusetts School Building Authority (MSBA) is a quasi-independent government authority created in 2004 to work with local communities to create affordable, sustainable, educationally appropriate, and energy efficient schools across Massachusetts.**
- **The initial step to work with the MSBA is to submit a Statement of Interest (SOI).**



Massachusetts School Building Authority

Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities

- **The SOI process includes:**
 - **The MSBA announces the SOI submittal period (In 2023, closes on April 14th)**
 - **District submits separate SOIs for each school facility project for approval.**
 - **SOIs must identify and provide a description of each deficiency of the facility.**



Massachusetts School Building Authority

Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities

- **MSBA requires the vote of the School Committee authorizing the Superintendent to submit the SOI.**
- **MSBA also requires the vote of the municipal governing body (Select Board) authorizing the Superintendent to submit the SOI.**



Massachusetts School Building Authority

Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities

- **MSBA requires the district to indicate which project submitted is the priority project for the community.**
- **If the MSBA invites Needham into the process, this will allow both Needham and the MSBA to have a conversation about the projects submitted, including the priority project.**



Priority: Pollard Middle School

The School Committee voted Options C & D on 4/5/22 as “the most educational sound and overall, less expensive path forward for the students and staff of the Mitchell, High Rock and Pollard Schools.” These scenarios:

- Reconfigure and expand Pollard by 100,000 square feet (gsf) as a Grade 6-8 Middle School**
- Convert High Rock to the District's 6th Elementary School**
- Reconstruct Mitchell as a three-section, 80,000 g.s.f. school**
- Total cost range: \$334.2M - \$349.2M**



Priority: Pollard Middle School

Approved options C & D are preferred because they:

- Avoid costly temporary swing space**
- Offer fastest resolution of Pollard and High Rock issues**
- Offer fastest resolution of Mitchell School issues and best scale for Mitchell site**
- Create elementary classroom capacity for enrollment growth**



Next Steps

- **SOIs Reviewed & discussed by School Committee 3/7, Vote 3/21**
- **SOIs Reviewed & discussed by Select Board 3/14, Vote 3/28**
- **SOIs Reviewed by PPBC 3/13**
- **Business office obtains minutes, signatures & certified vote documentation 3/29 - 4/6**
- **Tentative submission date 4/7; SOI Window closes at MSBA 4/14**
- **Await MSBA decision, tentatively December '23**



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 03/14/2023

Agenda Item	Human Rights Committee Discrimination Complaint Process
Presenter(s)	Tina Burgos, Chair, Human Rights Committee Marlene Schultz, Member, Human Rights Committee

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>Members of the Human Rights Committee will present a recommendation to establish a discrimination complaint process for members of the Needham community who believe their human or civil rights have been violated and are looking for resources or support.</p> <p>Human Rights Committee Membership: Tina Burgos, Nathaniel Hyman, Cynthia Ganung, Jennifer Howard Schroeder, Kerry Hurwitch, Amelia Klein, Finn McKeon, Rinaz Mala Mohamed, Lisa Mesicek, Albert "Bud" Schram, Marlene Schultz, Emerson Ward, Lt. Belinda Carroll (police liaison), Katie King (staff liaison).</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p><i>Suggested vote:</i> That the Board vote to approve the Human Rights Committee's proposed discrimination complaint process.</p>	
3.	BACK UP INFORMATION ATTACHED
<ul style="list-style-type: none">a. Discrimination Complaint Process Overviewb. Flow Chart – <i>updated</i>c. Intake Form	

Needham Human Rights Committee’s Discrimination Complaint Process

Goal: To provide a place to lodge complaints by persons in the Town who believe that their human or civil rights, as defined in local, state, or federal laws, have been violated in the Town.

Guiding Principles (from Arlington HRC)

- Be responsive
- Show empathy
- Respect what complainants want (for outcomes and degree of privacy)
- Connect to resources and professional help (public safety, health and wellness, legal, etc.)
- Track incidents and outcomes

Under this discrimination complaint process the HRC will:

- Be a place for people to be heard
- Facilitate discussions between an aggrieved person and the other party
- Increase understanding between people of different perspectives
- Work with community members involved in an incident to understand the intent versus the impact of their actions
- Provide resources
- Identify opportunities for increased education (individual level or community-wide)
- Identify and monitor trends over time to better understand the community’s lived experiences
- Recommend changes to the Select Board for Town policies or programs

What might a resolution look like?

- A listening ear
- A facilitated conversation between two parties
- An apology
- A referral to other resources/agencies
- A letter of recommendation on Town policies or programs to the Select Board

Which types of cases will HRC process?

HRC will hand-off (and to whom)	HRC will process with consult (and with whom)	HRC will process and can utilize other resources, as needed (ex. NRN, MCAD)
Criminal activity complaint (Needham Police Department)	Complaint about a Town policy or system (Town Management)	Business-related complaint
Complaint about a specific Town Employee (Town Management)	Complaint about a School policy or system (Superintendent’s office)	Neighbor to neighbor complaint
Complaint about a specific School Employee (Superintendent’s office)		Housing complaint

When will HRC refer someone elsewhere?

- When criminal activity may be involved.
- When there is a concern about someone's safety.
- When someone is seeking legal recourse or advice.
- When there is a complaint about a specific Town or School employee.

HRC will NOT:

- Provide legal advice
- Sanction any individual or organization

Resources for Referrals

Legal

- Massachusetts Commission Against Discrimination
- MassAGO
- Mediation services?

Safety

- NPD

Health

- Needham Public Health
- -=

Housing

Needham Housing Authority

Employment

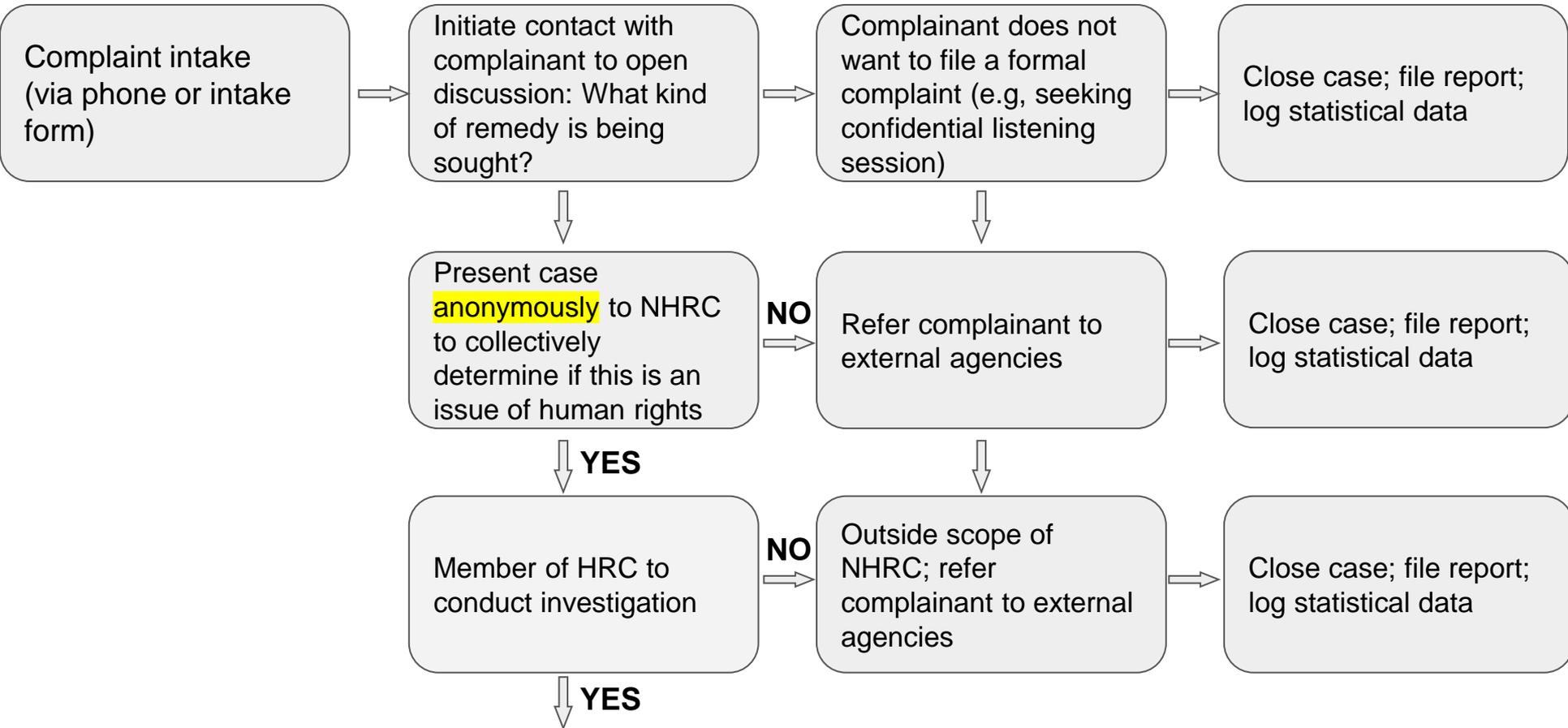
- Equal Employment Opportunity Commission

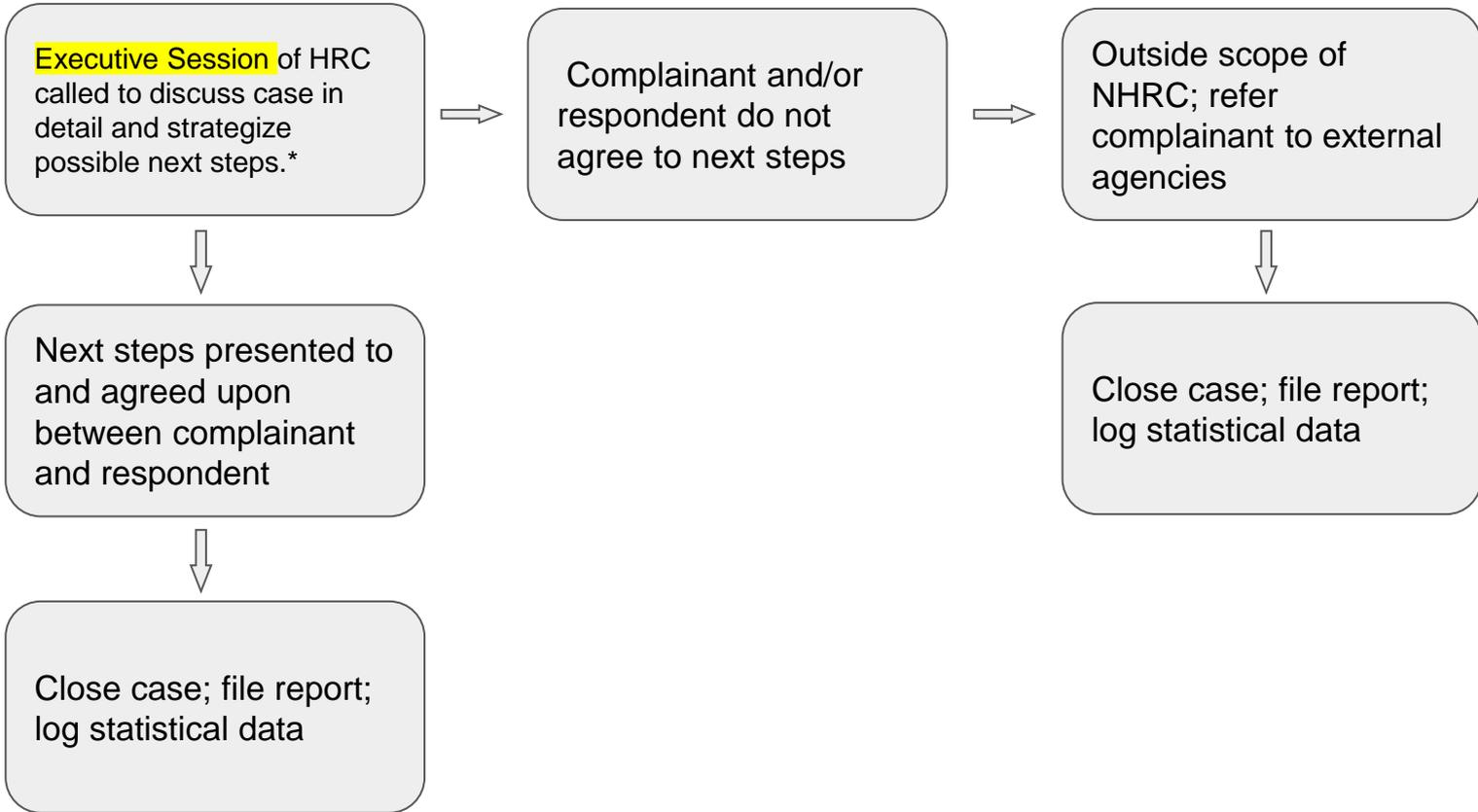
Needham Human Rights Committee

Discrimination Complaint Process

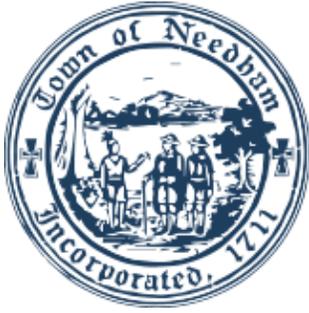
(March 2023 updates are highlighted)

Process Flowchart





* The respondent must be given at least 48 hours notice and is allowed to attend and participate with counsel. If respondent is a business, Executive Session is not applicable.



DRAFT

Needham Human Rights Committee Discrimination Complaint Form

This form is for intake purposes and does not indicate that the Needham Human Rights Committee has started investigating the case. Please note that once this form is submitted it will become a matter of public record. To get more detailed information about the process, including areas of confidentiality, please email needham.hrc@gmail.com with a contact phone number.

Once the form is submitted, you should expect a response from a member of the Committee within 48 hours. Please note that the Needham Human Rights Committee can only investigate alleged discriminatory acts that occurred within 180 days of the date that the complaint is delivered.

Complainant (Your) Information

First Name:

Last Name:

Primary Number:

Secondary Number:

Email:

Address:

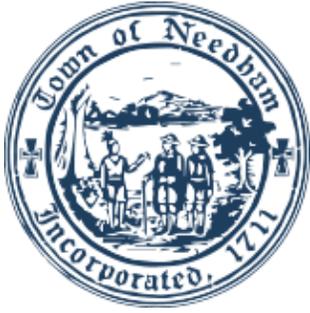
Respondent (The person you think violated your rights) Information

Please fill in as much as you know.

Name of Individual:

Name of Business (if applicable):

Address:



Phone Number:

Email:

In what area do you believe your rights were violated?
Examples could include (but are not limited to) employment,
education, housing, and public area.

Why do you believe your rights were violated?

_____ Race _____ Citizenship _____ Disability _____ Sex
_____ Ethnicity _____ Color _____ Age _____ Ancestry _____ Military status
_____ Sexual orientation _____ Religious views _____ National origin
_____ Family/marital status _____ Source of income _____ Gender identity or
expression

Other (please specify) _____

Date of incident: _____

Please summarize the incident.



What remedy are you seeking?

Have any other agencies been contacted in regards to this incident? _____

Your Demographic Information (Optional)

Age _____

Racial/Ethnic Identity _____

Gender Identity _____

Sign below to show that you have read and agree with the following statement:

I declare that I have read this foregoing, and I subscribe to it, and the allegations are true to the best of my knowledge and belief. I understand that once submitted, this form becomes a matter of public record in accordance with the regulations of the Town of Needham.

Signature: _____ (Complainant)

Today's date: _____



If you have any questions in completing this form, please reach out to needham.hrc@gmail.com.

This form can be submitted via email to needham.hrc@gmail.com or by mail to:

Needham Town Hall
ATTN: Needham Human Rights Committee
1471 Highland Ave.
Needham, MA 02492

Or, the form can be delivered to the Town Manager's office at Needham Town Hall, ATTN: Needham Human Rights Committee.



This form was adopted on mm/dd/yyyy.

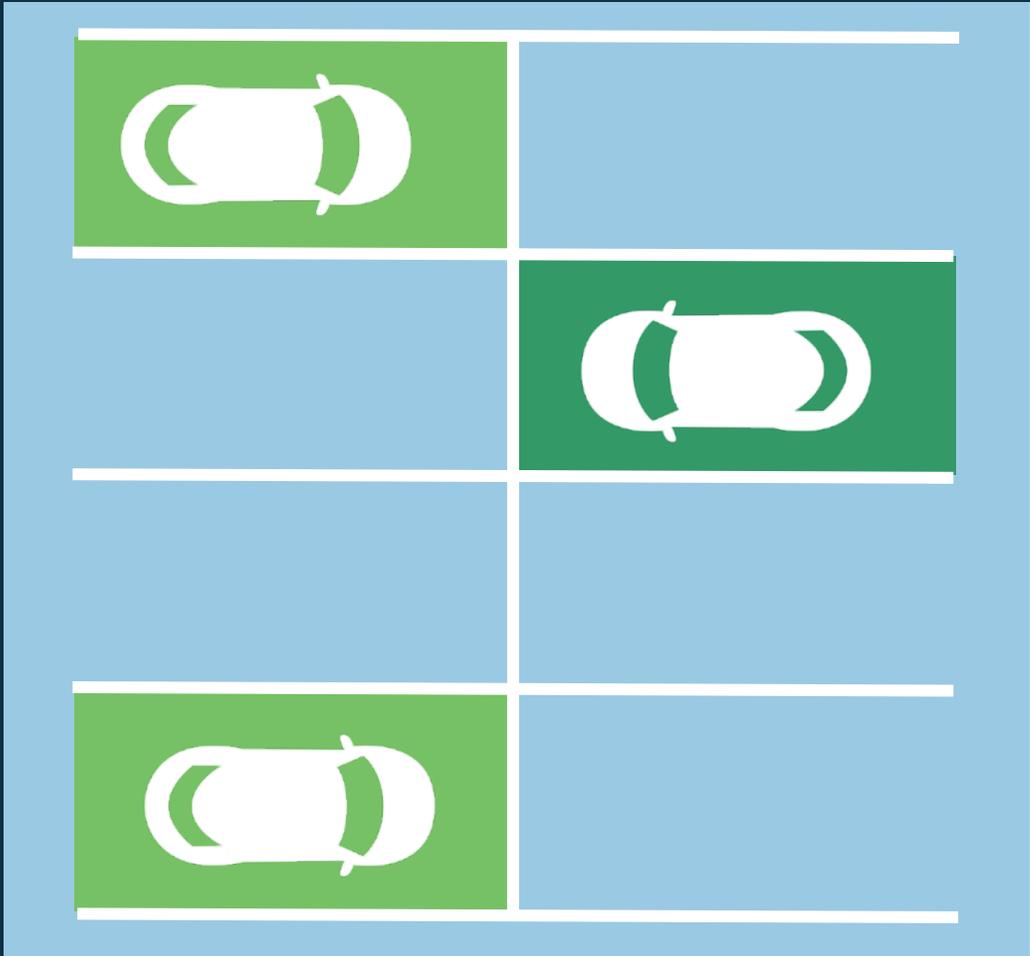


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 03/14/2023

Agenda Item	Needham Parking Study
Presenter(s)	Jason Schrieber, Liza Cohen and Catrina Meyer - Stantec Amy Haelsen, Economic Development Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The team from Stantec will review their findings from a parking study focused on Needham Center and Needham Heights which will include an overview of the study's goals, parking inventory data and utilization, public engagement efforts, a summary analysis and recommendations.
2.	VOTE REQUIRED BY SELECT BOARD
	<i>Discussion Only</i>
3.	BACK UP INFORMATION ATTACHED
	a. Needham Center & Needham Heights Parking Studies Final Presentation – Stantec



NEEDHAM CENTER + NEEDHAM HEIGHTS PARKING STUDIES

FINAL PRESENTATION-
SELECT BOARD



PROJECT OVERVIEW



STUDY SCHEDULE

Nov

Dec

Jan

Feb

March

PROJECT KICK-OFF ★

Public Survey

Public Workshop ★



Tasks 1 + 2
(Current Parking Assessment /Utilization)

Task 3
(Evaluating Existing Options)

Task 4
(Evaluating Other Options)

Task 5
(Evaluating Parking Requirements)

Task 6
(Develop a Report)

Draft Recommendations ★

Select Board Presentation ★

Final Report ★



STUDY GOALS

Document **existing parking supply** and daily demand

Improve parking **management system** for residents, employees, customers, and visitors

Investigate **efficiency and user-friendliness** of parking meters and other payment methods and find opportunities to improve

Identify and recommend parking supply **efficiencies/opportunities** to unlock parking in areas of higher demand

Identify opportunities to **better align policies** with the long-term goals and growth of the two areas

Support the **economies** of the Needham Center and Needham Heights

Inform decision-making for **future street improvement projects** and zoning updates



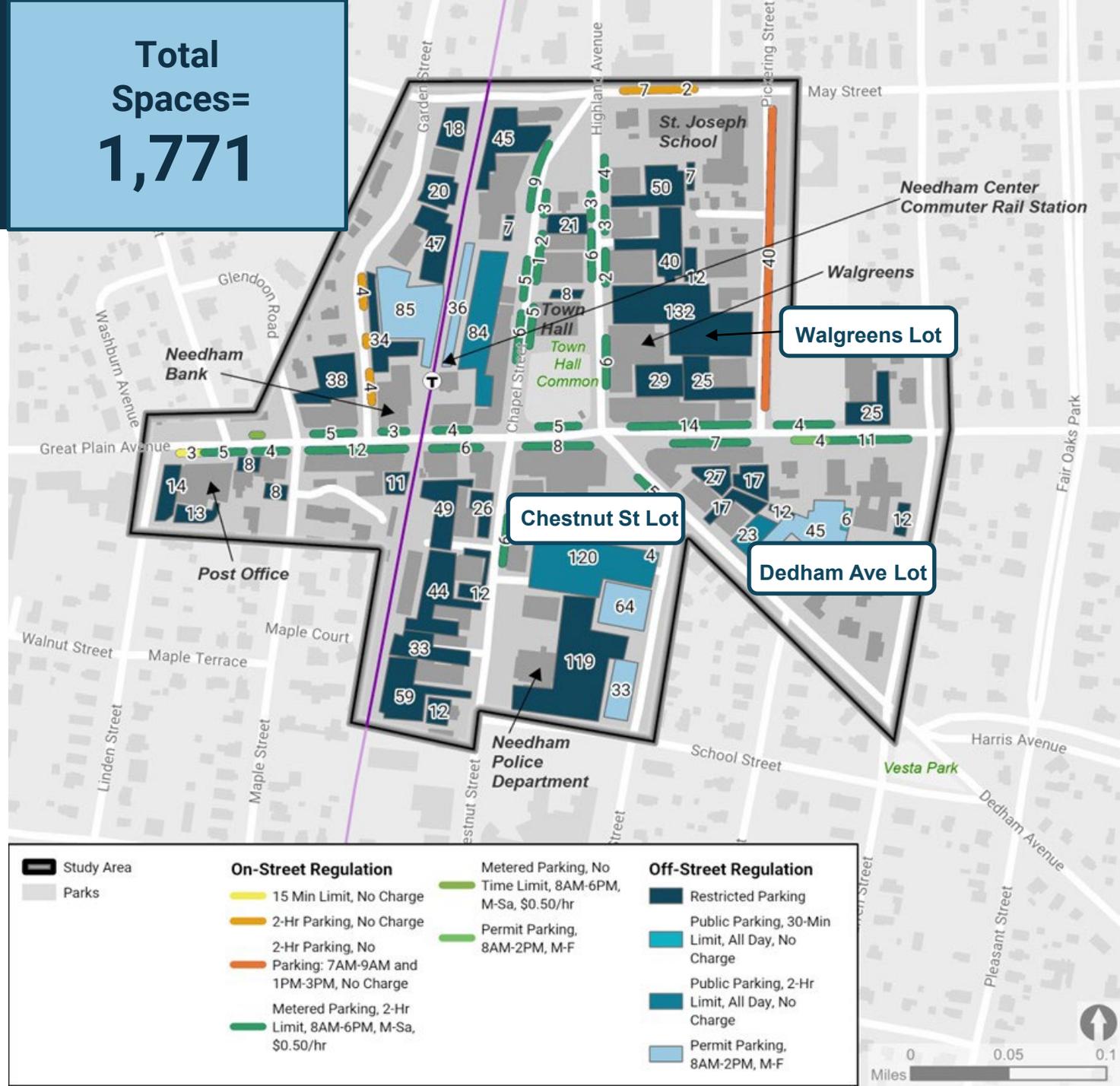
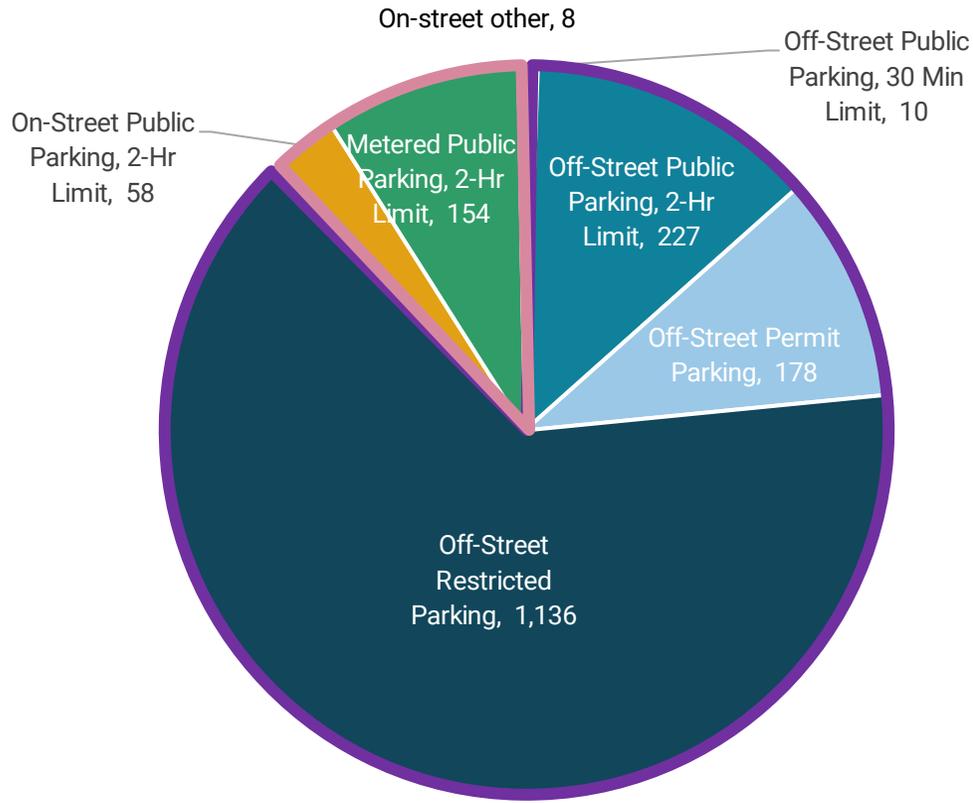
PARKING INVENTORY + UTILIZATION SUMMARY

INVENTORY

Needham Center



Total Spaces=
1,771



Note- Inventory excludes 11 on-street and 5 off-street spaces that were occupied by outdoor dining at the time of data collection

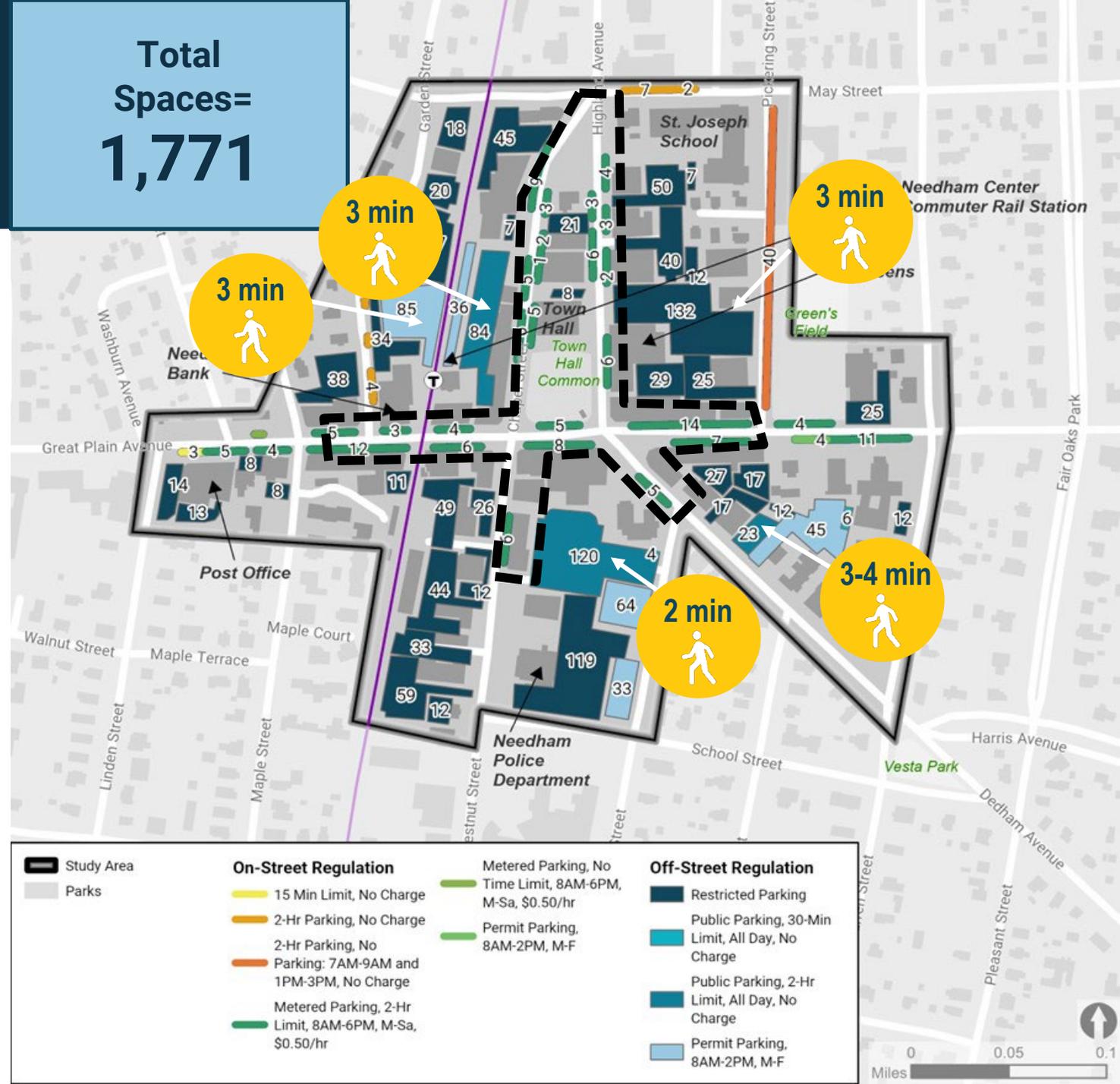
INVENTORY

Needham Center



Total
Spaces=
1,771

The majority of off-street public parking (237 spaces) is less than a 5-min walk to the **Center's core.**

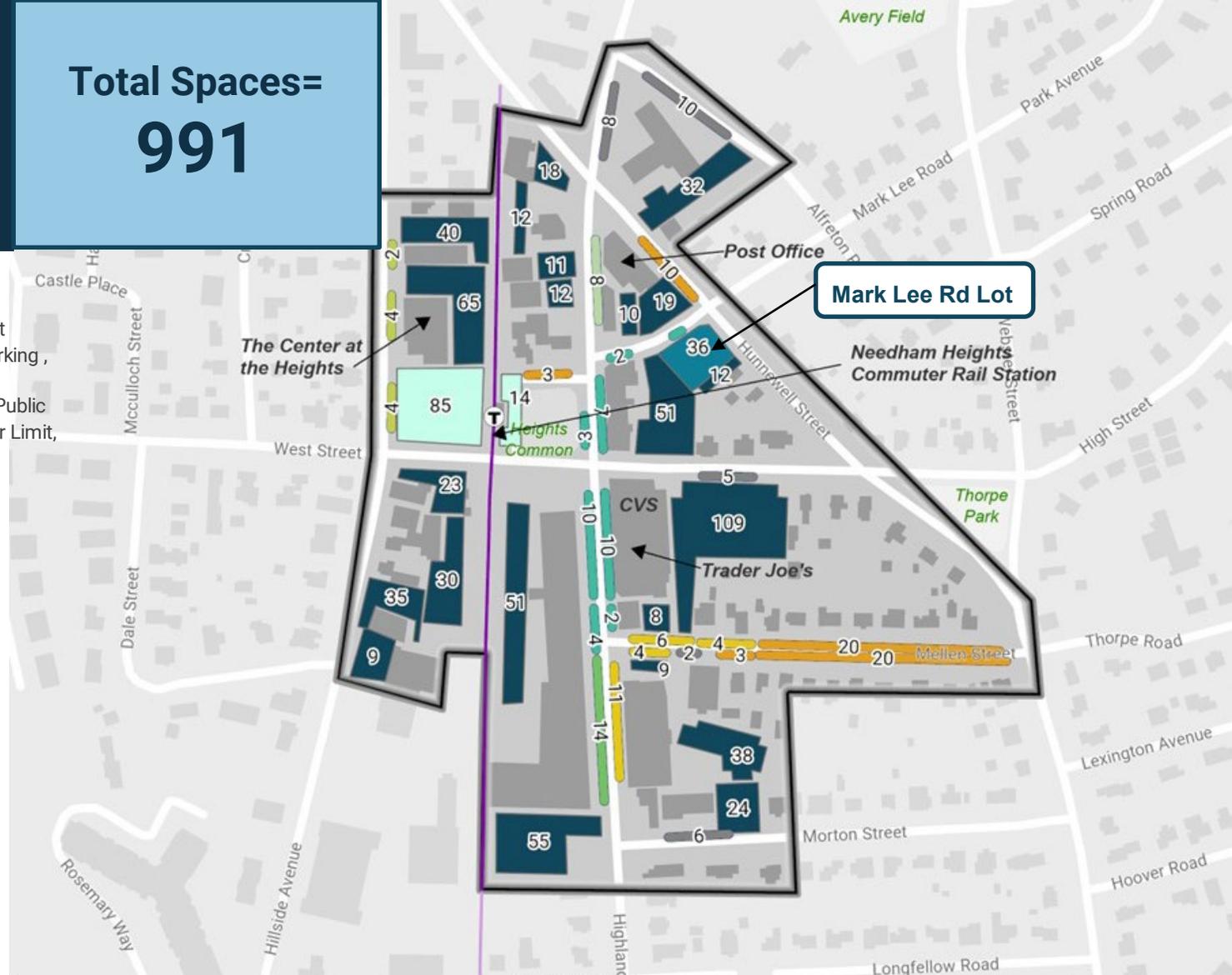
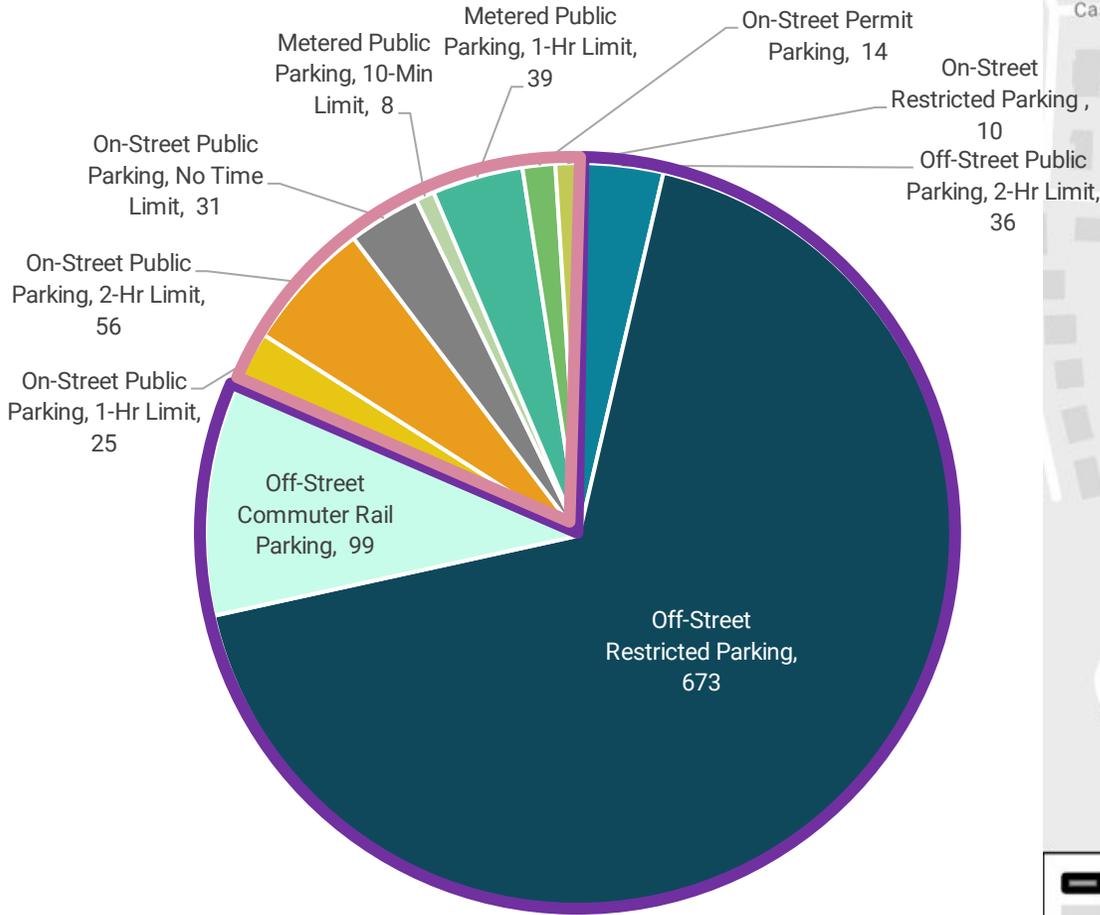


INVENTORY

Needham Heights



Total Spaces=
991



Note- Inventory excludes 11 on-street and 5 off-street spaces that were occupied by outdoor dining at the time of data collection

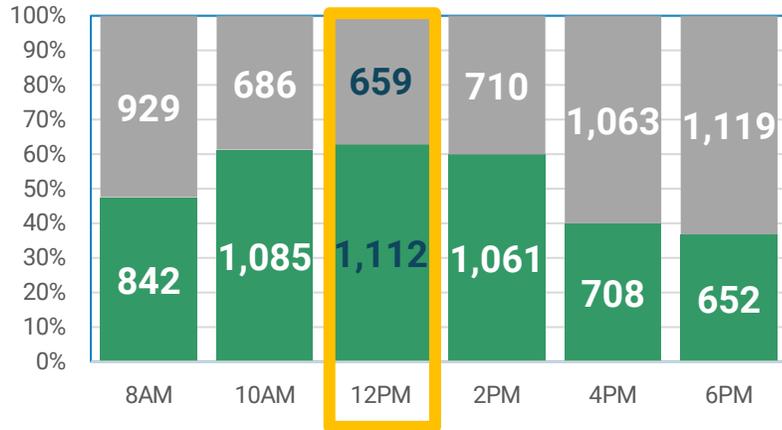
PEAK OCCUPANCY

Needham Center- 12PM



Occupied Spaces = **63%**

Overall Inventory (1,771)



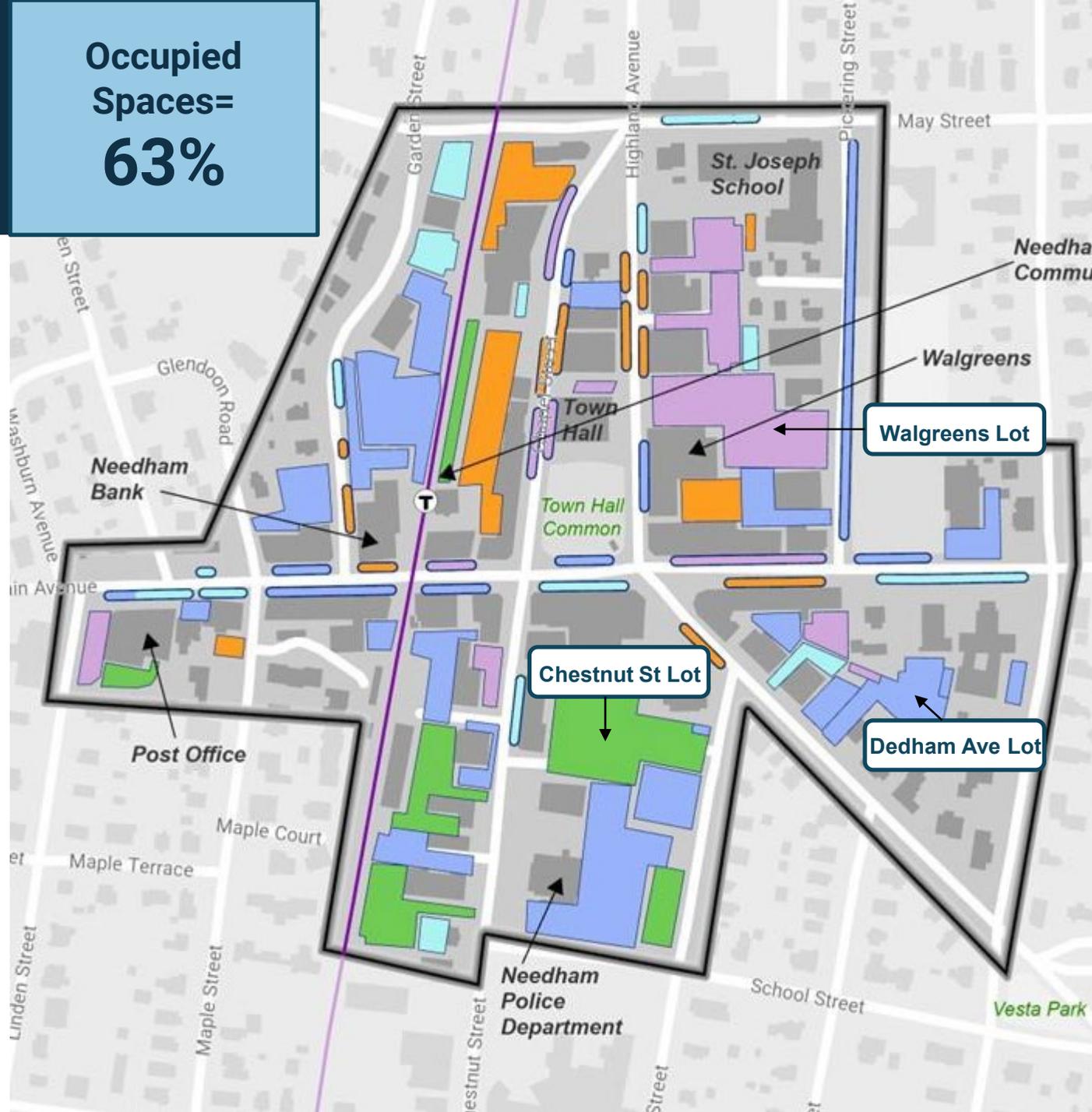
659 spaces still available

On-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+

Off-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+



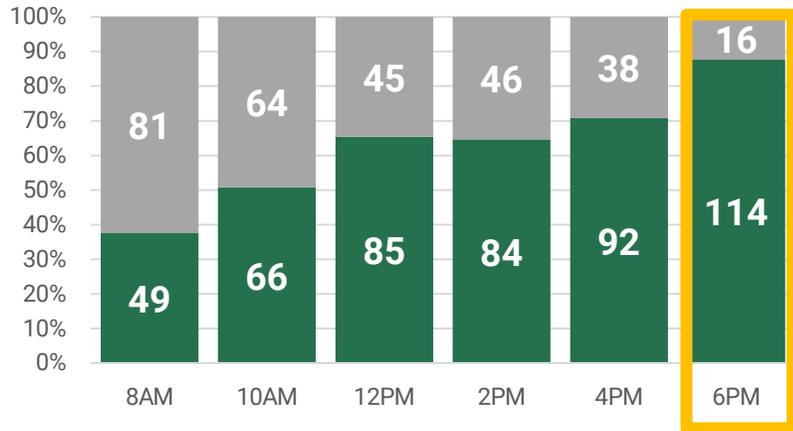
PEAK OCCUPANCY

Needham Center **CORE**- 6PM



Occupied Spaces
Overall= 63%
Core= 88%

Core Area: On-Street 2-Hr Metered Parking



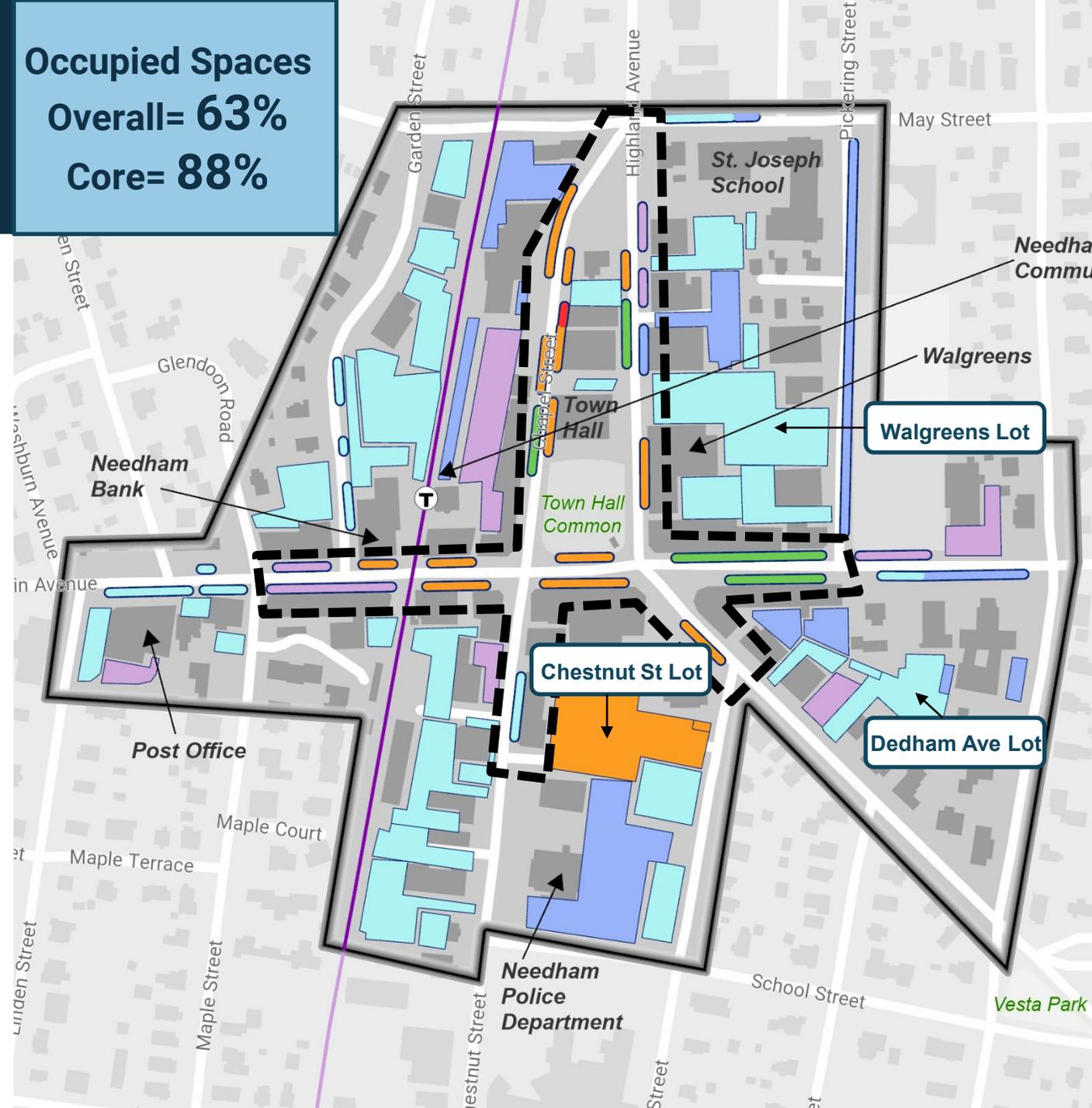
16 spaces still available
(all within 3-minute walk)

On-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+

Off-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+



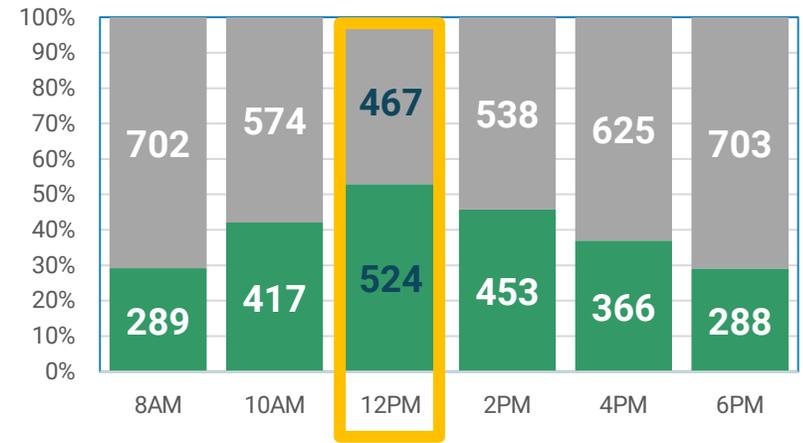
PEAK OCCUPANCY

Needham Heights- 12PM

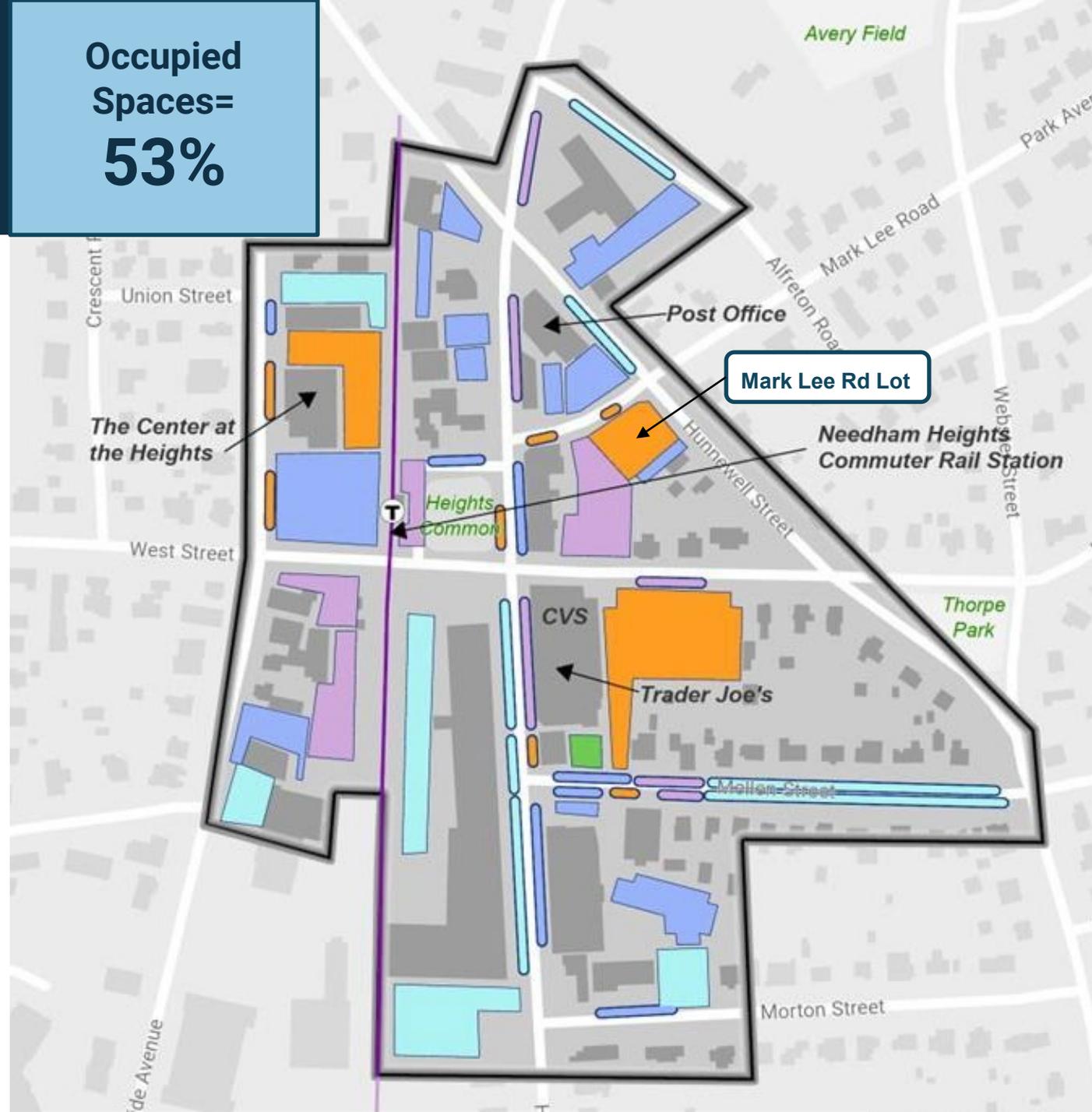


Occupied Spaces=
53%

Overall Inventory (991)



467 spaces still available



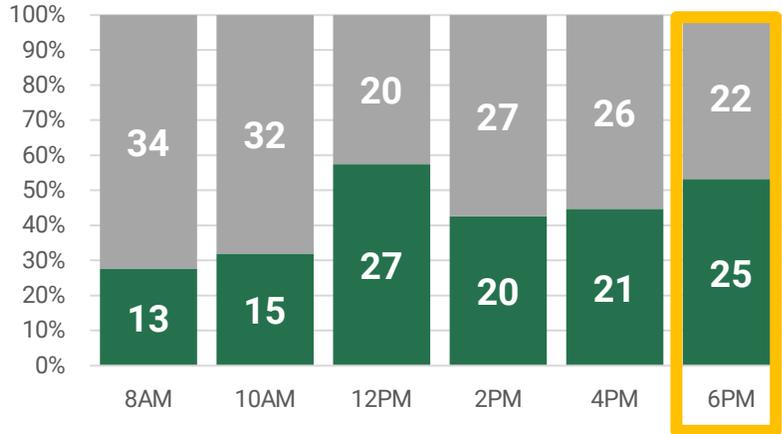
PEAK OCCUPANCY

Needham Heights **CORE**- 6PM



Occupied Spaces
Overall= 53%
Core= 47%

Core Area: On-Street 2-Hr Metered Parking



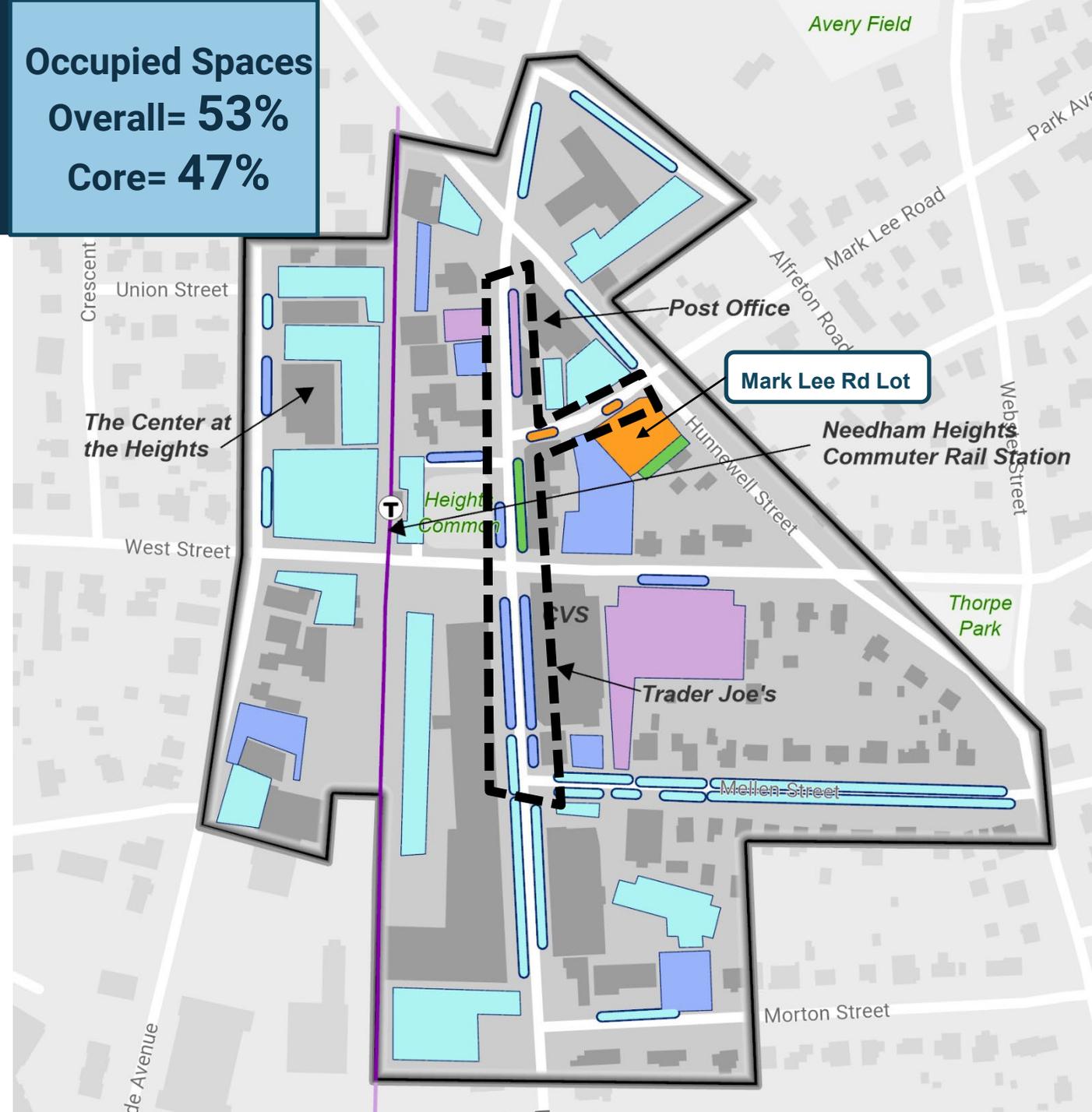
22 spaces still available
(all within 3-minute walk)

On-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+

Off-Street Parking

- 0 - 30%
- 30 - 60%
- 60 - 80%
- 80 - 90%
- 90 - 100%
- 100%+

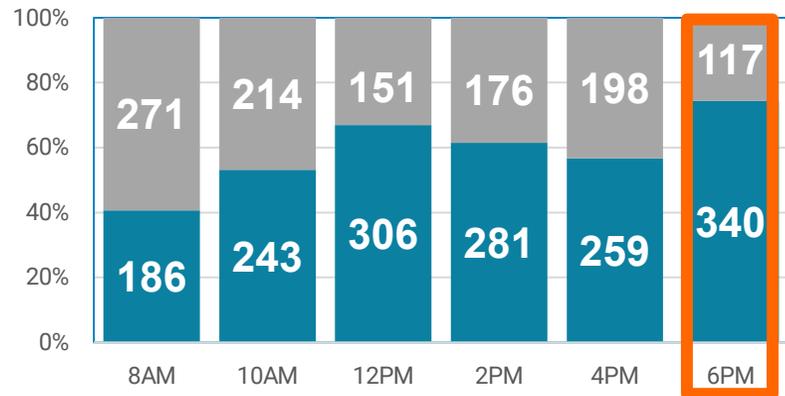




PARKING UTILIZATION- Public Parking

Center

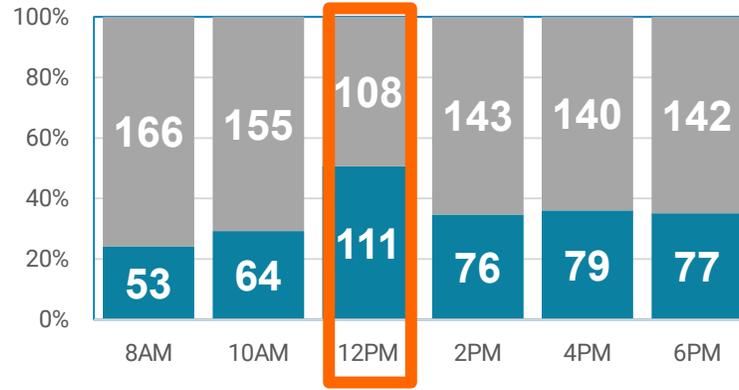
Public Parking (457)



74%

Heights

Public Parking (219)



51%

Public parking never exceeds 74% (Center) or 51% (Heights)

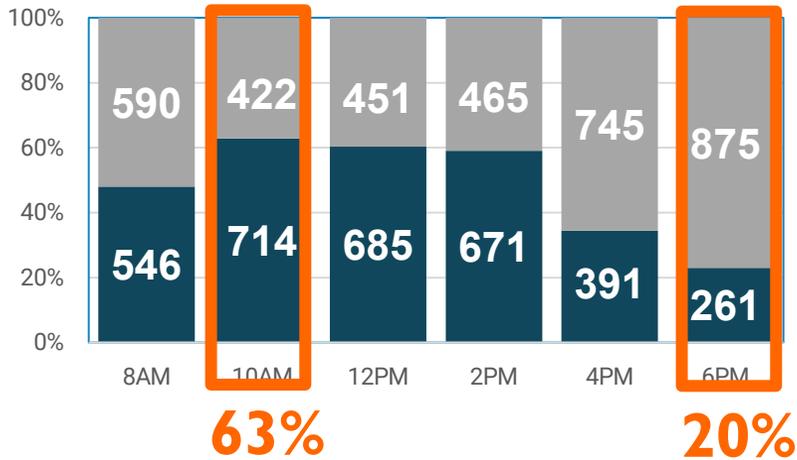




PARKING UTILIZATION- Restricted Parking

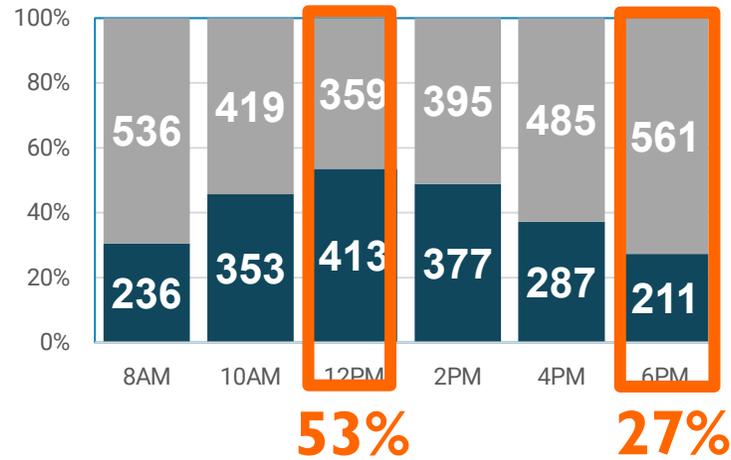
Center

Restricted Parking (1,136)

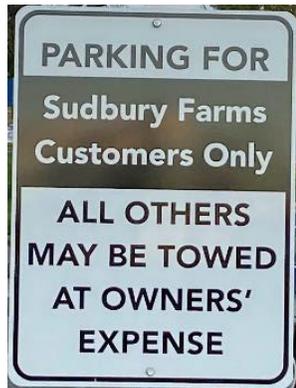


Heights

Restricted Parking (772)



Commuter rail parking is in low demand, particularly in the Center





PUBLIC OUTREACH + STAKEHOLDER ENGAGEMENT



PUBLIC SURVEY (conducted Nov. 23, 2022 - Jan. 19, 2023)

1,049
Responses

Who participated?

406	Visitors to Needham
322	Residents of greater Needham
230	Residents of Center or Heights
35	Business owners
23	Employees
7	Commuter Rail riders
6	Hospital workers/visitors

Age Breakdown

2	18-24
237	25-44
443	45-64
327	65 and over
28	Prefer not to say



SURVEY RESULTS – Key Takeaways

Needham Center

Improved meters/
technology are a
desired town
improvement
priority

15% of employees
park on-street

91% spend **less**
than 2 hours on a
typical visit

46% of customers
park one or two
blocks away



SURVEY RESULTS – Key Takeaways

Needham Center

Improved meters/
technology are a
desired town
improvement
priority

15% of employees
park on-street

91% spend **less**
than 2 hours on a
typical visit

46% of customers
park one or two
blocks away

Needham Heights

More parking is a
desired town
improvement
priority

25% of employees
park on-street

95% **spend less**
than 2 hours on a
typical visit

74% of customers
park right out
front or on the
same block



SURVEY RESULTS – Key Takeaways

Both Areas

1/3 are in favor of **paying for parking with an app**

General openness to some parking being used for **other purposes/amenities**



Proximity to parking is the first influencer in choosing a space

General desire to see **improved information/signage** about parking options



OPEN HOUSE- Town Hall (January 26, 2023)

50

Visitors

Needham Center

Key Comments

- **Confusing signage and difficult wayfinding** for off-street lots
- Unbalanced parking- too much parking at Police station and at private lots, **not enough public parking**
- **MBTA Commuter Lot lacks clarity** on who can park where
- More **focus on non-car transportation**, including bike lanes, bike parking, and improving pedestrian experience





OPEN HOUSE- Town Hall (January 26, 2023)



Needham Heights

Key Comments

- **MBTA lot underutilized post-pandemic**
- **Trader Joe's lot is always full and dangerous**
- **Lack of signage, generally**
- **Walking and biking need improvement**



STAKEHOLDER CONVERSATIONS

Needham Center (Feb 1, 2023)

Attendees (House of Pizza, Barre 3, French Press Bakery, Proud Mary's Gifts, Needham Music, Abbot's Frozen Custard, Michelsen's Shoes)

Needham Heights (Feb 2, 2023)

Attendees (Blue on Highland, Koko Fit Club, Café Fresh Bagel, Town Pizza)

Key Comments

- Enforcement varies
- Legal permit parkers getting ticketed
- Limited employee parking passes
- Loading/short-term spaces desired
- Employees occupy prime spaces
- Centralized employee parking desired
 - Mark Lee Road has potential
- Leased spaces need better signage
- Employee permit costs can add up

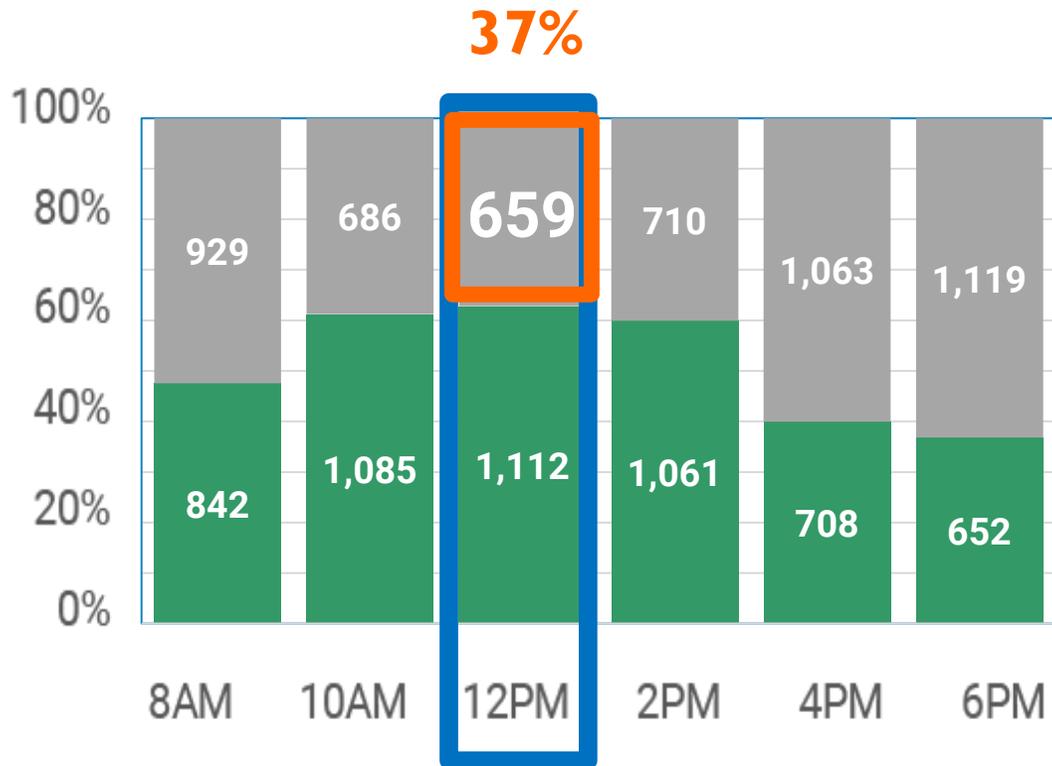


SUMMARY ANALYSIS

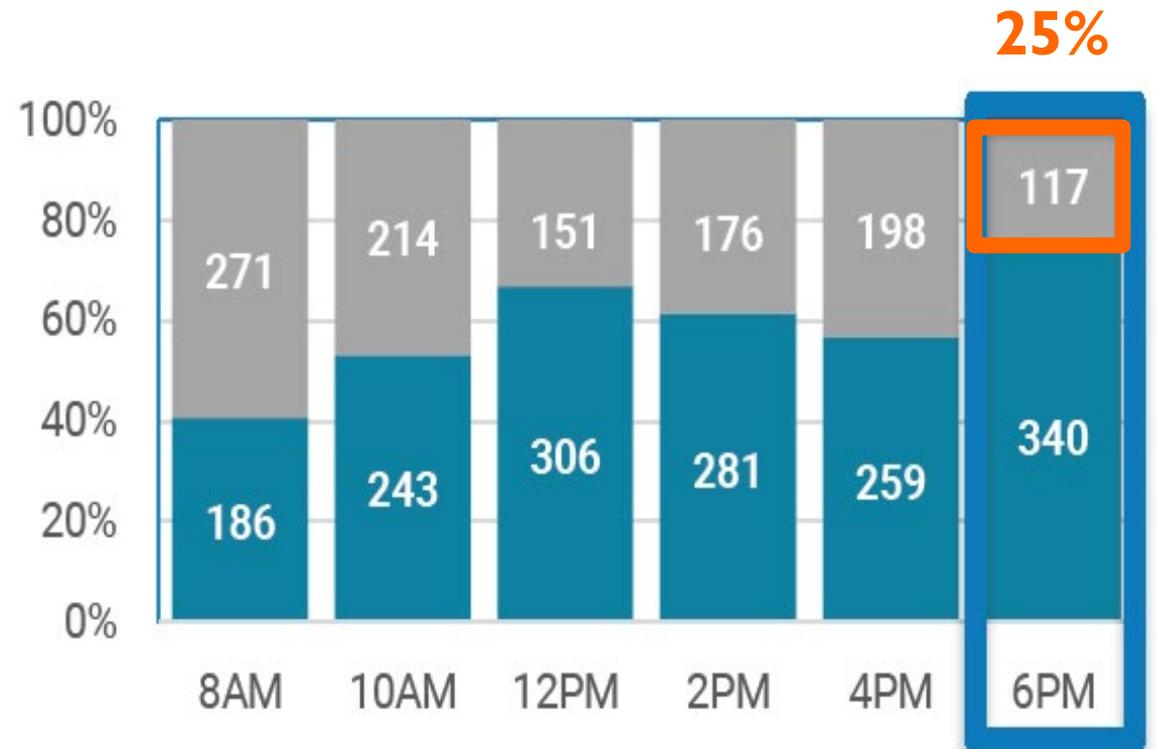


SUMMARY ANALYSIS: Parking Supply

There is excess supply today in the Center.



Overall utilization 12pm peak

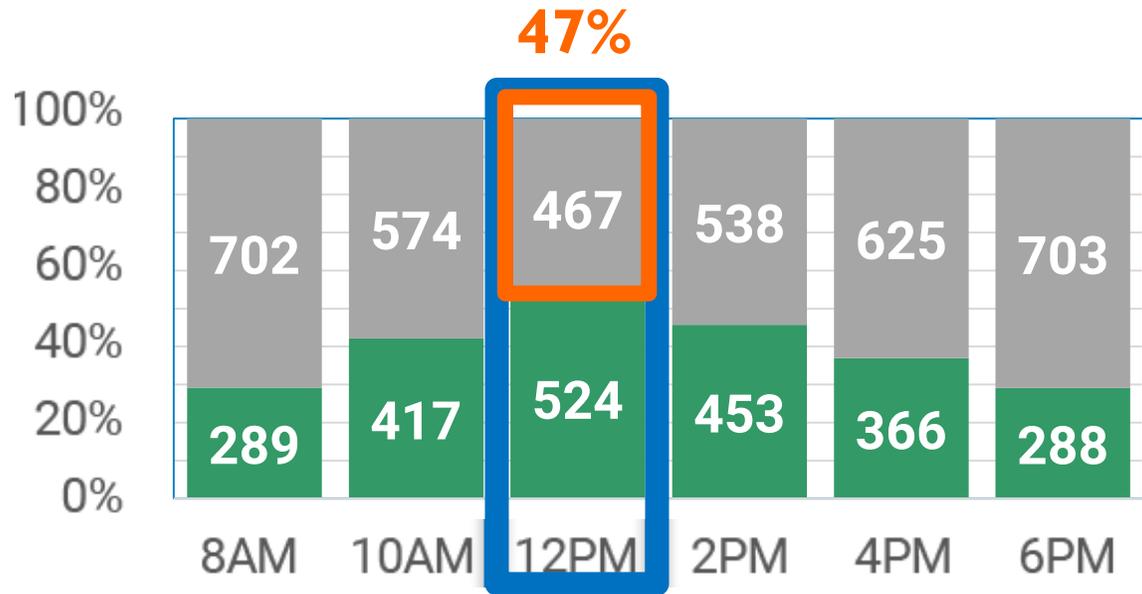


Public parking utilization 6pm peak

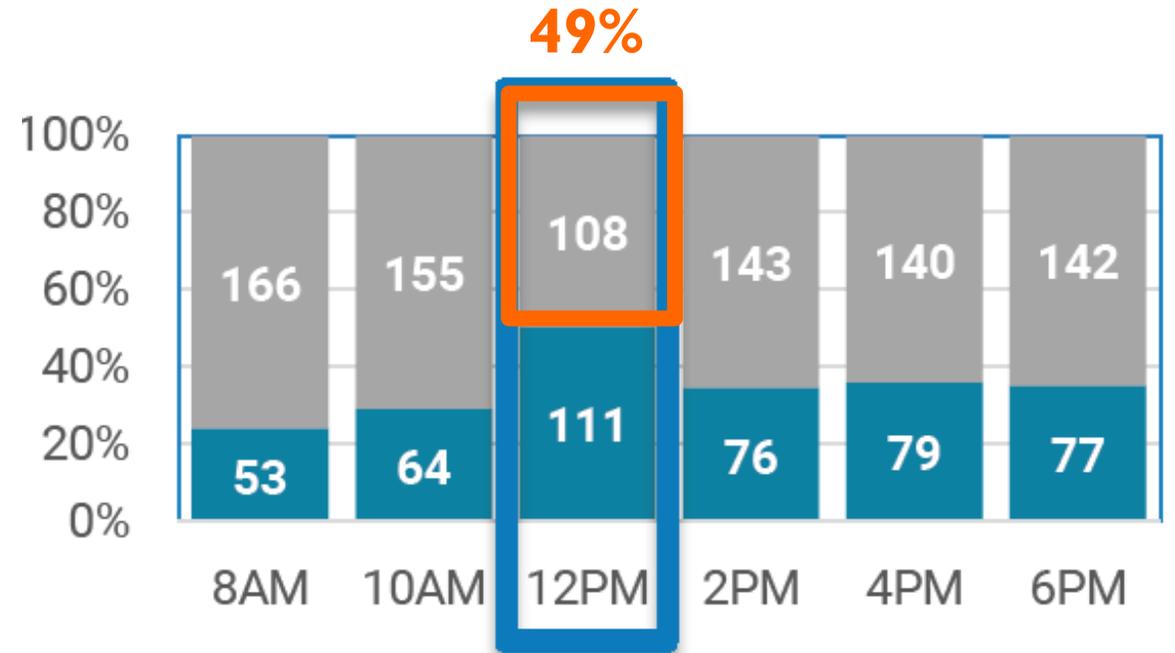


SUMMARY ANALYSIS: Parking Supply

There is excess supply today in the Heights.



Overall utilization 12pm peak



Public parking utilization 12pm peak



SUMMARY ANALYSIS: Parking Supply



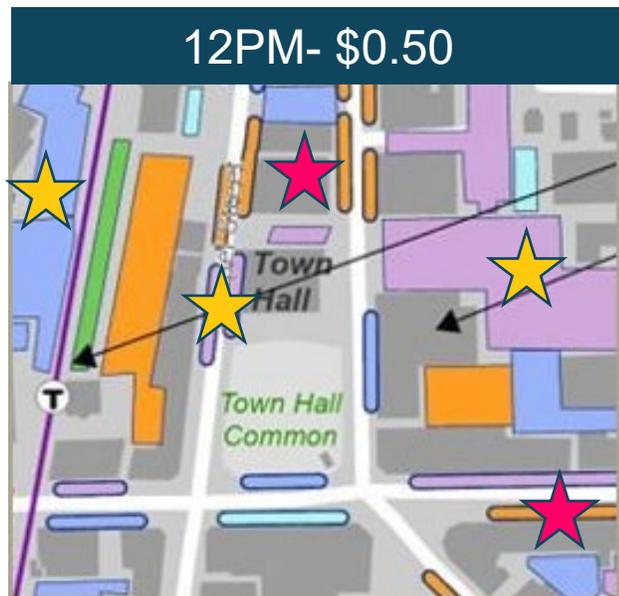
Parkers don't know some lots are available or that they exist





SUMMARY ANALYSIS: Parking Pricing

- Static pricing is **not responsive** to dynamic demand
- **Top destinations** (like Town Hall) experience **low / no availability**
- **No incentive** to use nearby available parking at the same price
- **Prime spaces fill up** as soon as meters shut off



- ★ Same areas busy all day
- ★ Same nearby areas with availability all day



SUMMARY ANALYSIS: Parking Pricing

Meter prices are low compared to other downtowns of similar size

Average, 2-hour cost	
Belmont (meter)	\$2
Newton (meter)	\$1.50
Needham (meter)	\$1
Wellesley (meter)	\$1 *(minimum 2-hr purchase required because of “low rates”)
<i>Drinks (for 2)</i>	<i>\$25</i>
<i>Dinner (for 2)</i>	<i>\$100</i>
<i>Clothing Shopping</i>	<i>\$150</i>



SUMMARY ANALYSIS: Parking Regulations

- Most on-street spaces have a 2-hour maximum limit which **aligns with the vast majority of (surveyed) visitor trips** being less than 2-hours
 - Public lots also are generally signed for shorter visits
- Enforcement is mostly **chasing workers**, not legitimate violators
- At dinnertime, **parking regulations are very different than at noon**
- Span ending at 6pm results in restaurant workers occupying prime on-street spaces **before customers arrive**



SUMMARY ANALYSIS: Permits

- Permits **relatively inexpensive** and “lock” purchasers into annual fee
- Annual permit purchase is not a realistic option for part-time workers, resulting in meter-feeding & “rolling”
- Permit process **very manual / overhead heavy**
- Permits are not available to downtown residents, hurting viability of needed infill housing
- **Long-term visitors do not have parking options without a permit**





SUMMARY ANALYSIS: Meter Technology

- Meters **only accept coins**
- Meters don't include **number of minutes in violation**
- Meter parking sessions **do not reset** upon turnover



SUMMARY ANALYSIS: Parking Enforcement

- Enforcement currently **limited to daytime**
- **Span of enforcement does not match hours of ‘parking crunch’** (after 6pm)
- **Staying overtime** (including overnight) is one of the most frequent parking violations
- Number of violations/tickets issued **varies daily**
- Handheld system PEOs use is **glitchy**
- Turnover and utilization is **not currently tracked** with the enforcement system
- Tickets can be **paid online**



SUMMARY ANALYSIS: Zoning

- Requirements are **relatively high**
- **Waiver requests are frequent**, indicating the requirements do not match the market
- Limited options for reductions as of right; **lengthy review process** required
- Although **some flexibility exists**, it is limited
 - Parts of Needham Center/Heights do not fall into these areas

Observed Needham residential parking demand	0.9 cars /unit
Residential zoning requirement	1.5 spaces /unit

Land Use	Needham Requirement	ITE Projection	Comparison
Residential	1.5 spaces/unit (lower for affordable)	1.15 spaces/unit ¹	Higher
Office	1 space/300 sf	1 space/420 sf	Higher
Medical Office	1 space/200 sf	1 space/310 sf	Higher
Retail	1 space/300 sf	1 space/515 sf	Higher
Restaurant	1 space/3 seats, (more for takeout)	1 space/ 5 seats	Higher



SUMMARY ANALYSIS: Multimodal Network

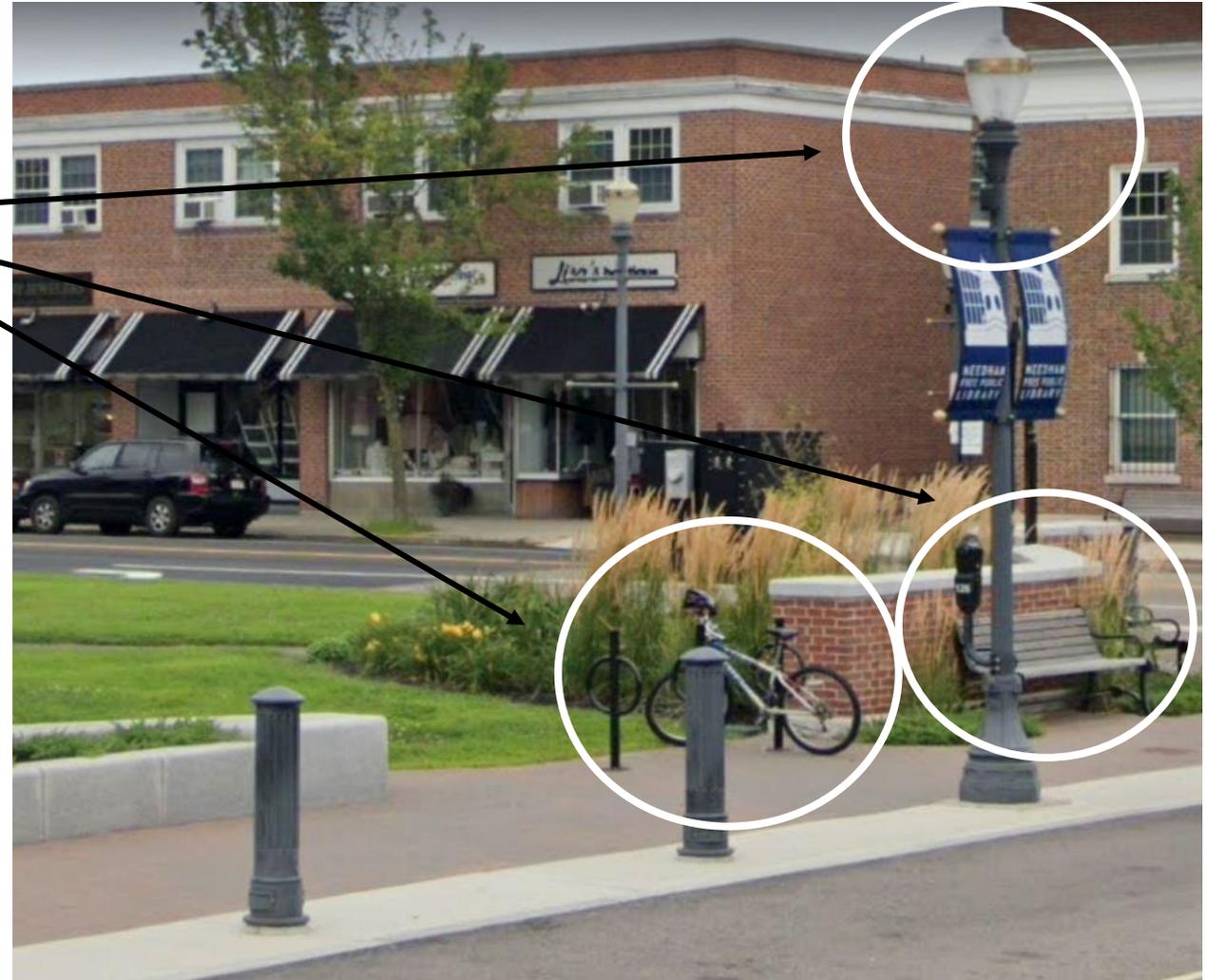
- Car-centric infrastructure but some to support walking and bicycling
 - Sidewalks mostly complete but some areas & crosswalks need improvement
 - Crosswalks needed near the Dedham Ave and Chestnut St lots





SUMMARY ANALYSIS: Multimodal Network

- A range of amenities improve the pedestrian experience
- Sharrow markings are present but dedicated bike lanes are preferable
- Bike racks are present but aren't always convenient





SUMMARY ANALYSIS: Key Findings

Ample vacancy at peak

Vacant spaces hard to find

Pricing does not match demand

Few long-term spaces

Misdirected enforcement

Hard to walk to remote parking



DRAFT RECOMMENDATIONS

DRAFT RECOMMENDATIONS

- 1 Performance-based pricing
- 2 Permits
- 3 Shared parking district
- 4 Long-term parking
- 5 Enforcement
- 6 Create more active curbs
- 7 Improve parking signage and wayfinding
- 8 Payment technologies
- 9 Introduce flexibility in zoning
- 10 Parking supply opportunities
- 11 Multimodal improvements
- 12 Bike parking infrastructure
- 13 Clarity of regulations

 Short-Term  Long-Term  Periodic Evaluation Required

What is it?

- Adjusting price and/or time limits (up/ down) to **match demand**
- Extending the operating time of the meters **into the evening** when on-street parking demand increases
- **Lengthening time-limits** (rely on fees to generate turnover, instead)



1.

PERFORMANCE-BASED PRICING

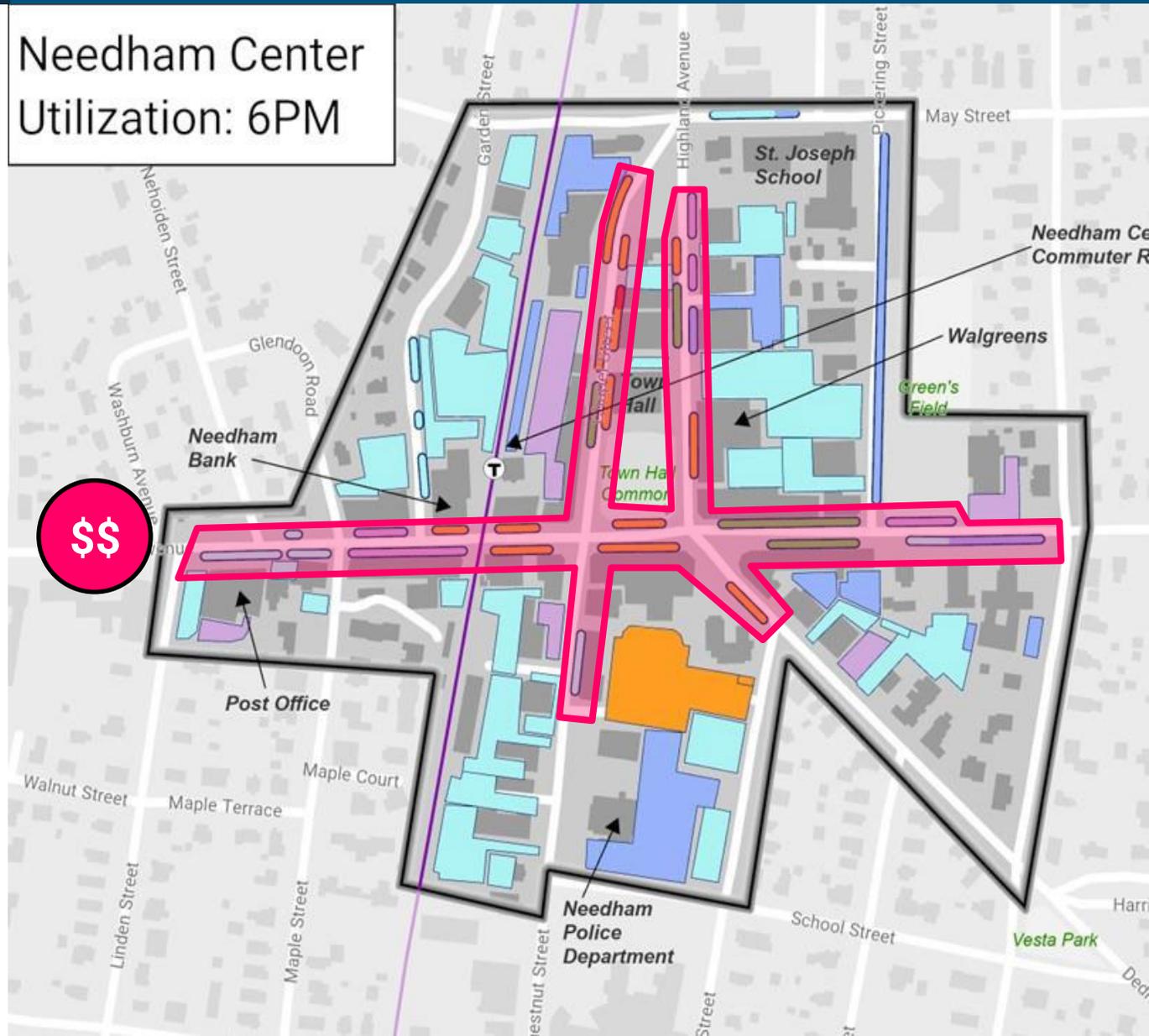
NEEDHAM CENTER: PRICING TODAY

How would it work in the Center?

- Extend the meters to 8pm to along Chestnut St/ Highland Ave
- Remove time limits

Existing Meter Price Structure	Existing Time Limit
<p>●</p> \$\$ (All meters)	2-hours (Until 6PM)

Needham Center Utilization: 6PM



1.

PERFORMANCE-BASED PRICING

How would it work in the Center?

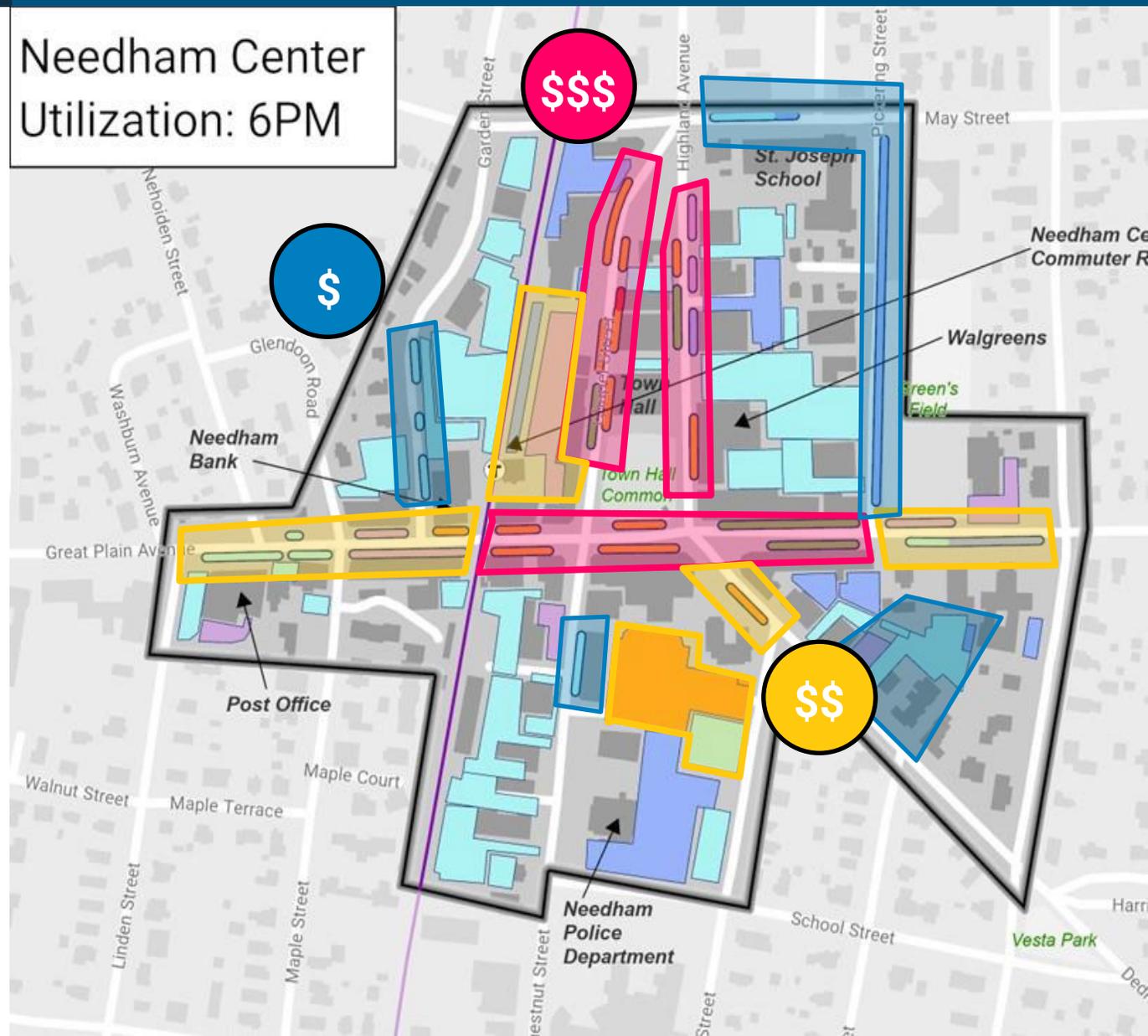
- Tiered pricing

Recommended Meter Price Structure	Recommended Time Limit
\$\$\$ (Prime)	None (Until 8PM)
\$\$ (Secondary)	None (Until 8PM)
\$ (FREE)	None (Until 8PM)



NEEDHAM CENTER: PROPOSED

Needham Center
Utilization: 6PM



1.

PERFORMANCE-BASED PRICING

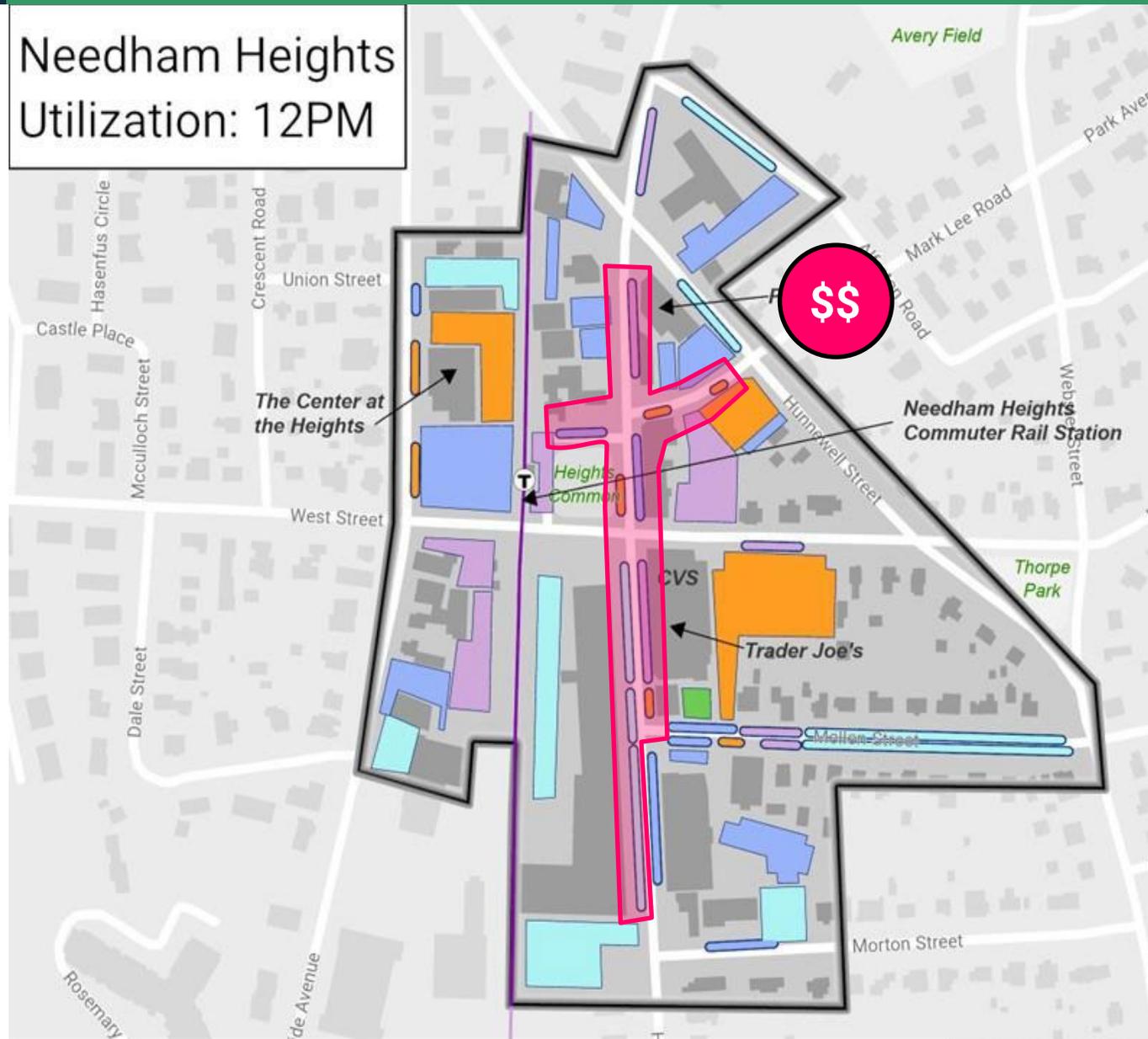
How would it work in the Heights?

- Extend the meters to 8pm to Highland Ave
- Remove time limits

Existing Meter Price Structure	Existing Time Limit
\$\$ (All meters)	2-hours (Until 6PM)

NEEDHAM HEIGHTS

Needham Heights Utilization: 12PM



1.

PERFORMANCE-BASED PRICING

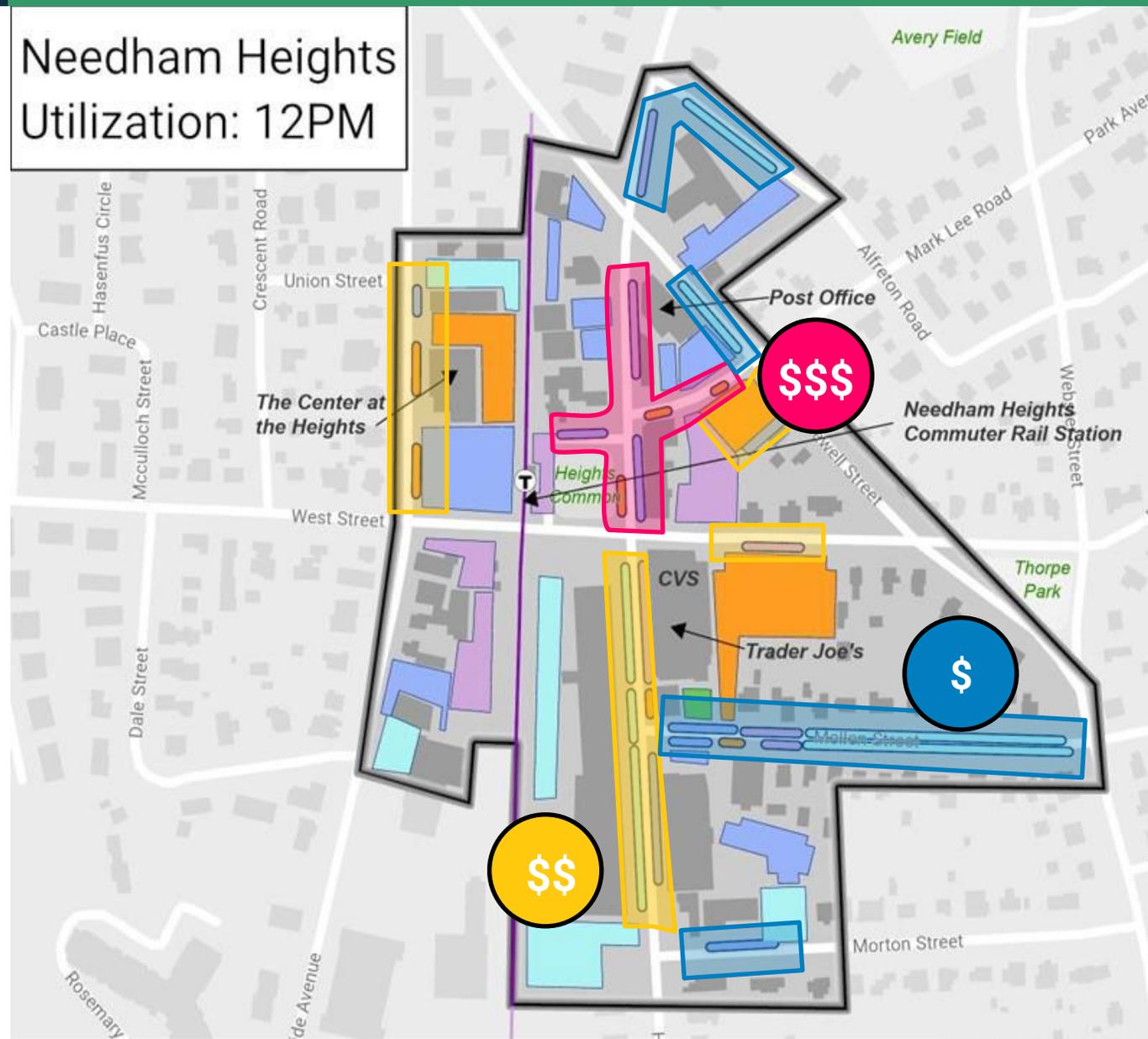
How would it work in the Heights?

- Tiered pricing

Recommended Meter Price Structure	Recommended Time Limit
\$\$\$ (Prime)	None (Until 8PM)
\$\$ (Secondary)	None (Until 8PM)
\$ (FREE)	None (Until 8PM_)

NEEDHAM HEIGHTS

Needham Heights
Utilization: 12PM



What is it?

- Allow paid users to park in permit spaces to maximize utilization
- Create some long-term spaces that do not require permits
- Expand to downtown residents
- Continue to monitor and adjust pricing, as needed, depending on demand

It's Time.



parkingclerk@CityofMelrose.org

2.

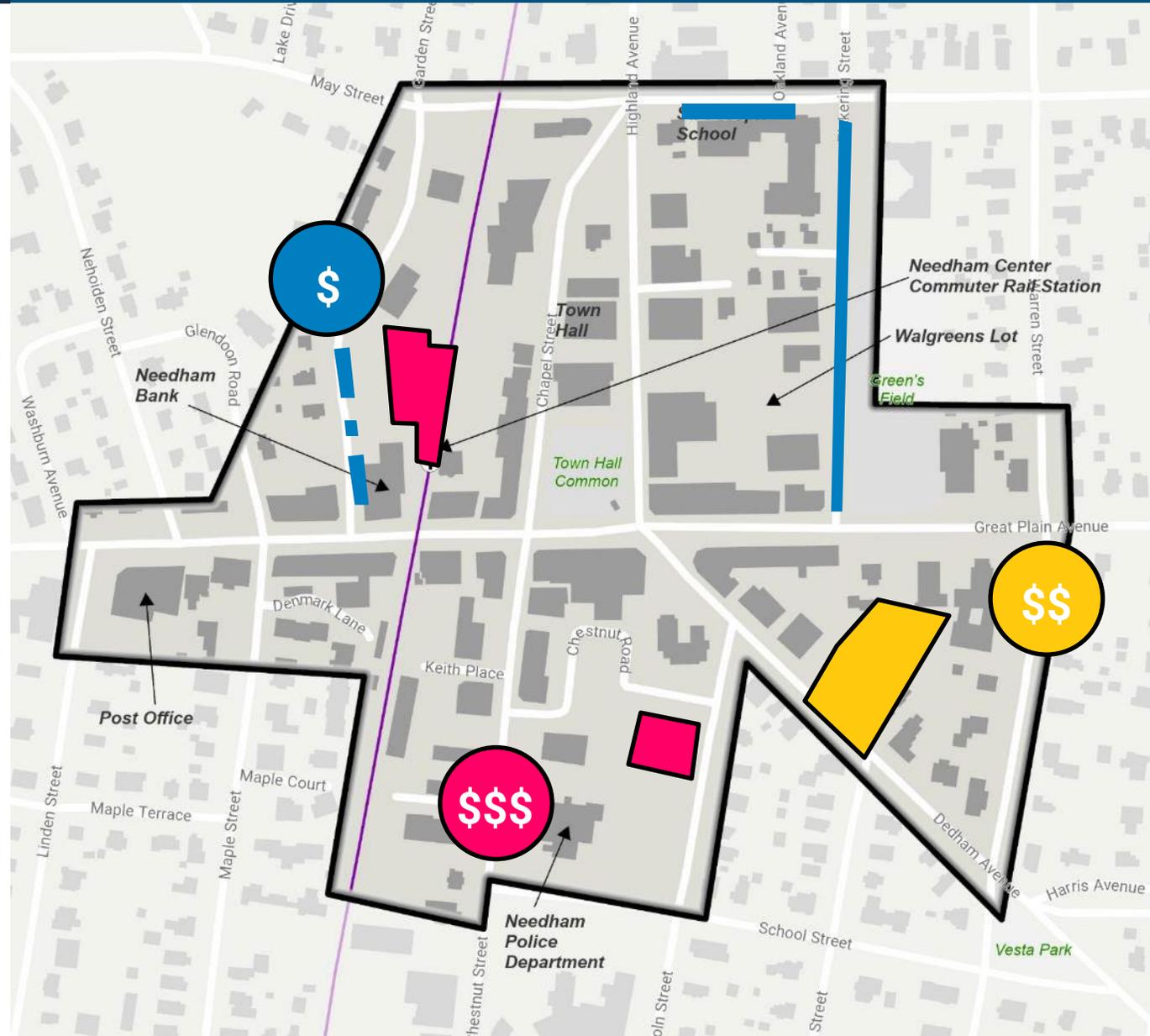
PERMITS

NEEDHAM CENTER

How would it work in the Center?

Recommended Permit Price Structure	Recommended Time Limit
\$\$\$ (Prime)	None
\$\$ (Secondary)	None
\$ (FREE)	12-hour

-
-
-



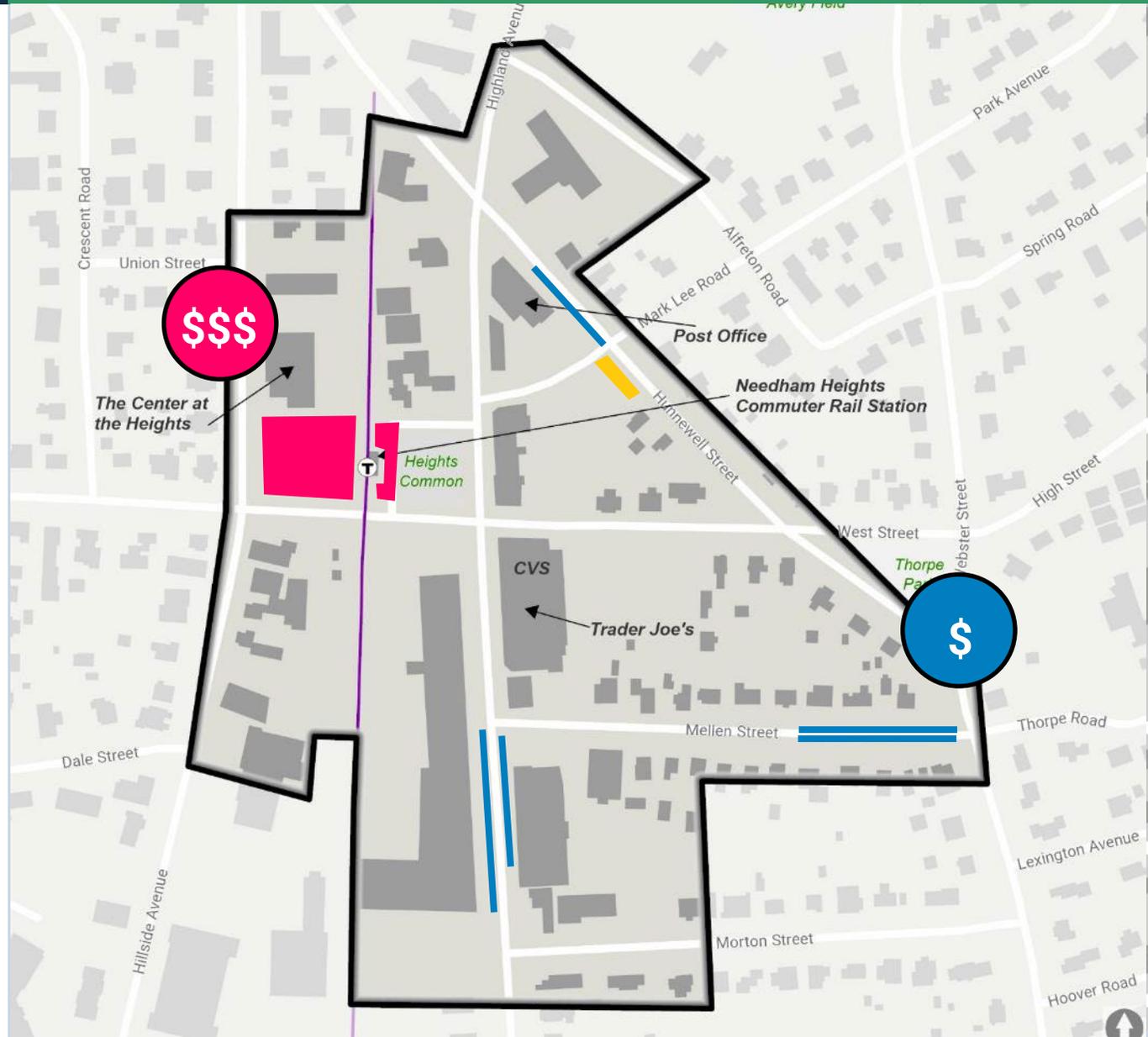
2.

PERMITS

NEEDHAM HEIGHTS

How would it work in the Heights?

Recommended Permit Price Structure	Recommended Time Limit
● \$\$\$ (Prime)/MBTA operated	None
● \$\$ (Secondary)	None
● \$ (FREE)	12-hour



3. SHARED PARKING DISTRICT

CASE STUDY- Needham

What is it?

- Town works with property owners to open currently restricted but **underutilized parking** to public
- This can be for **select** groups (i.e., employees) or at **select** times (i.e., after businesses close for the day)
- Town can offer **improvements and/or revenue-sharing** to include in public parking system.



3. SHARED PARKING DISTRICT

How would it work in the Center?

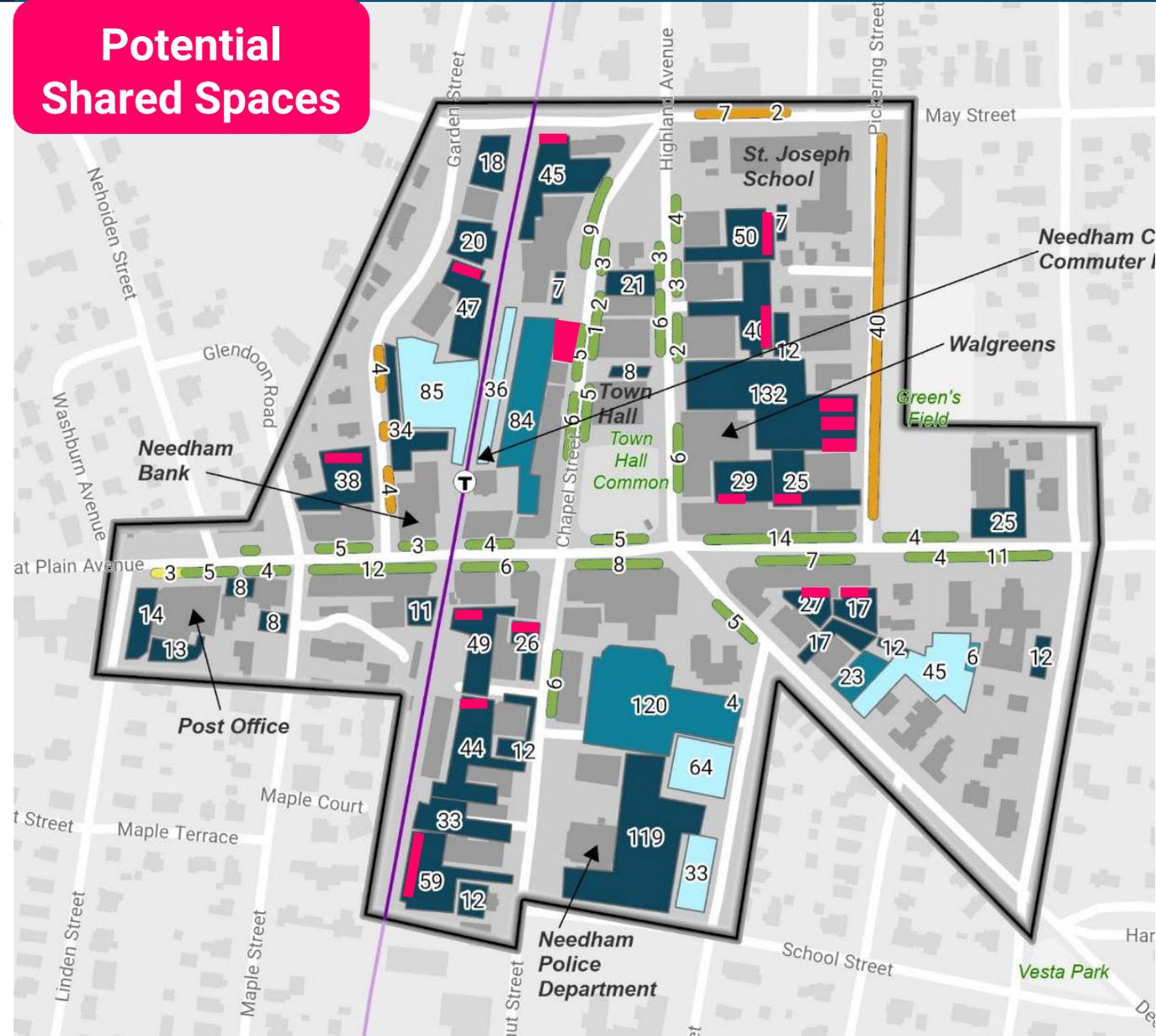
- Town could approach owners and offer in-kind improvements to make it safer
 - Increase lighting at rear
 - Paint high-visibility crosswalks
 - Re-stripe to improve flow
- Options:
 - Walgreen's Lot
 - Back row of private lots



DRAFT

NEEDHAM CENTER

Potential Shared Spaces



3. SHARED PARKING DISTRICT

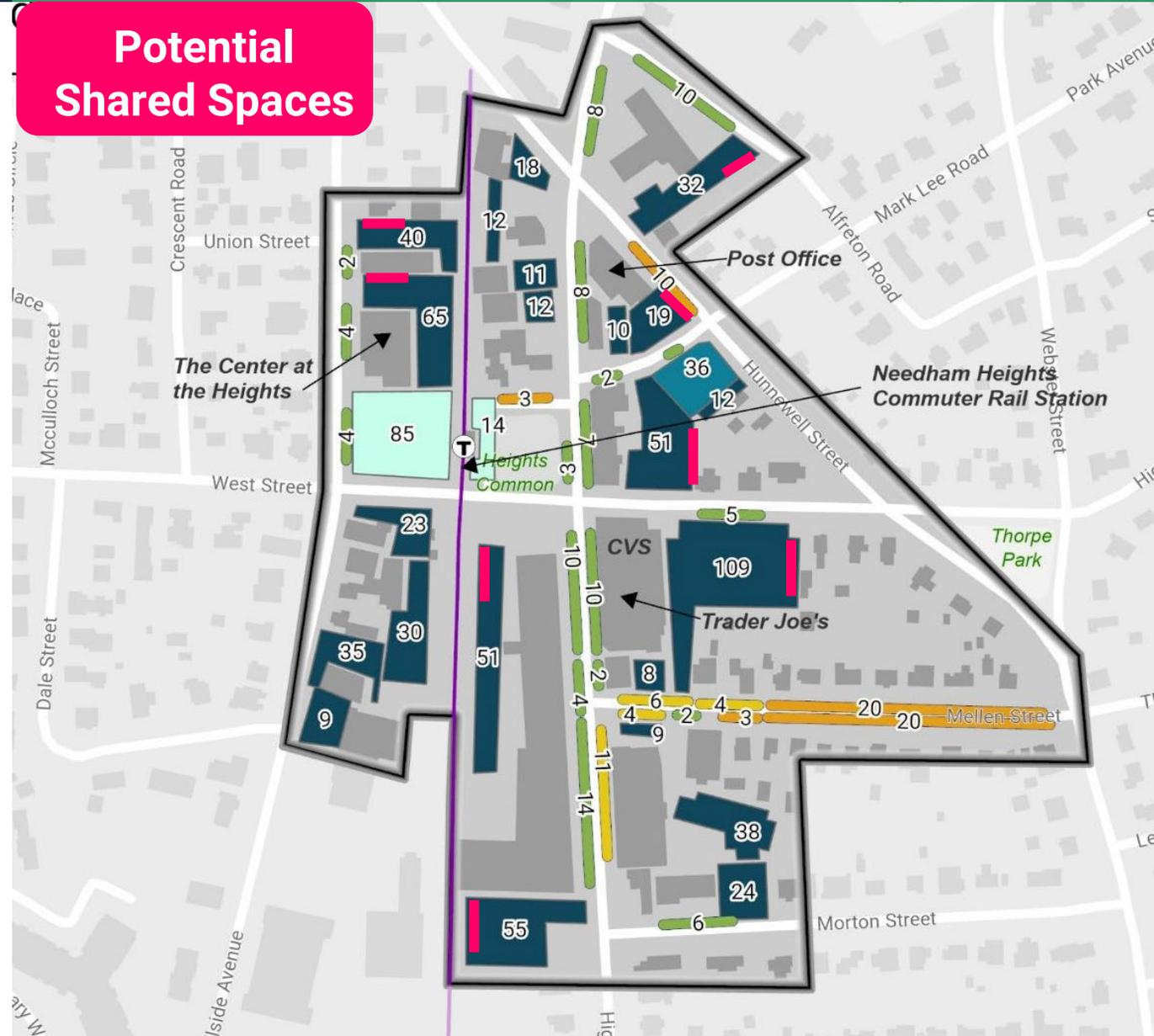
NEEDHAM HEIGHTS

How would it work in the Heights?

- Town could approach owners and offer in-kind improvements to make it safer
 - Increase lighting at rear
 - Paint high-visibility crosswalks
 - Re-stripe to improve flow
- Options:
 - Starbucks Lot
 - Back row of private lots



DRAFT



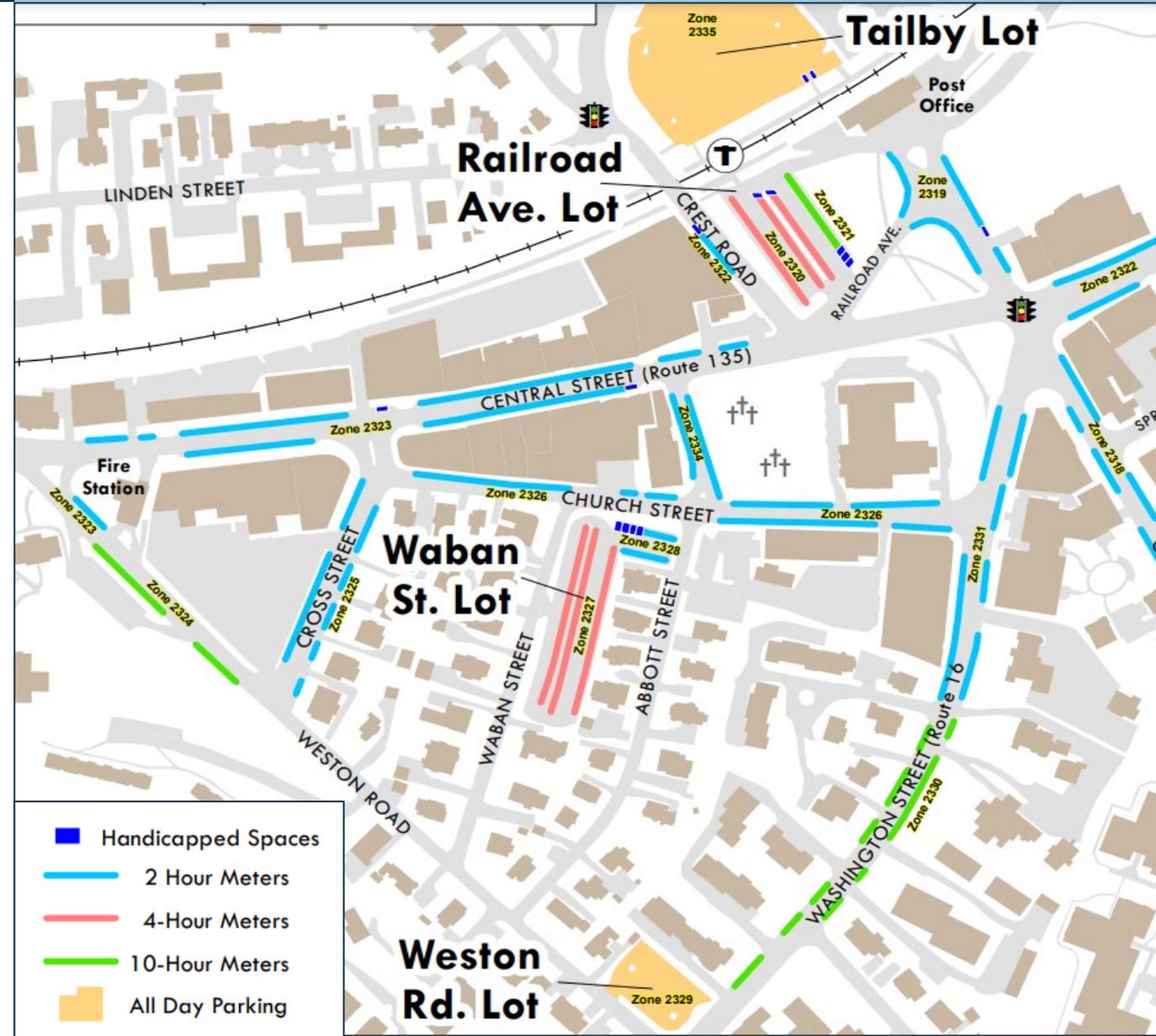
4. LONG-TERM PARKING

What is it?

- Designating areas of existing on- or off-street facilities to accommodate long-term parkers (i.e. employee, business owners, residents)

CASE STUDY- Wellesley, MA

Long-term spaces are located farther from the center



5. ENFORCEMENT

What is it?

- Retrain focus on educating drivers, not penalizing them

For Center and Heights...

- Adjust hours to peak span (10am-8pm)
- Focus any double-staffing on noon & evening hours
- Upgrade systems, Incorporate License Plate Recognition (LPR)
- Consider first ticket free / information provided as policy

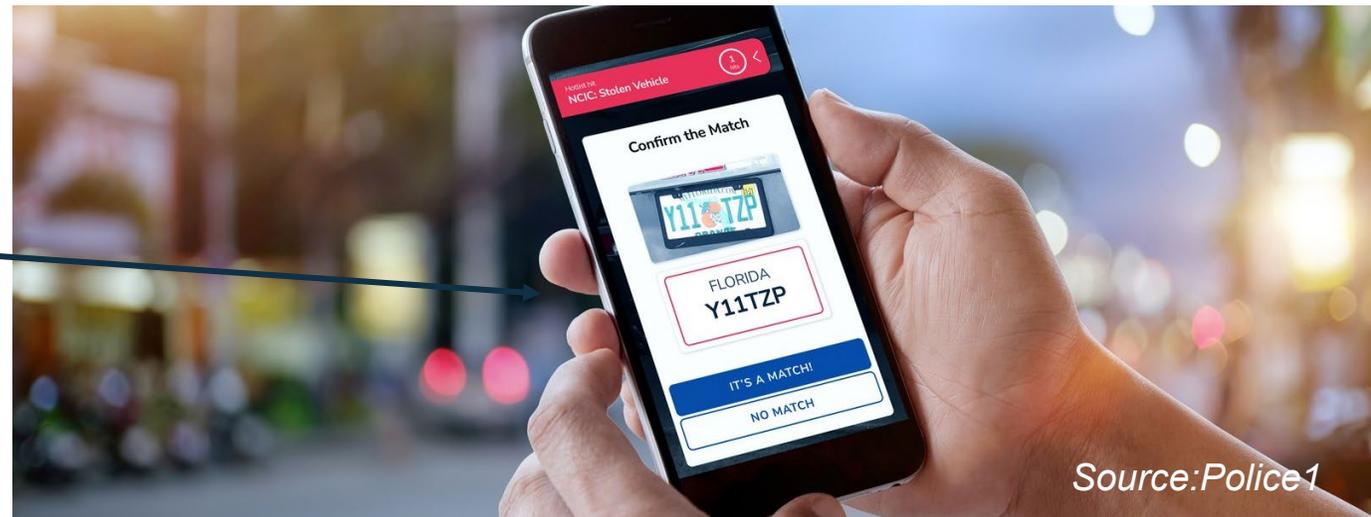
DRAFT

CASE STUDY- Pittsfield, MA

The City recruits young parking ambassadors to support enforcement and teach visitors how to pay for parking



Source: Downtown Pittsfield Inc



Source: Police1

What is it?

- Designating centralized, on-street parking spaces for:
 - Uber/Lyft/DoorDash
 - Pick-up/Drop-off
 - Loading zones
 - Bike parking
 - Taxi stands
 - Valet parking
- Converting parking spaces to bicycle lanes, bus stops, bicycle parking, EV parking, etc.

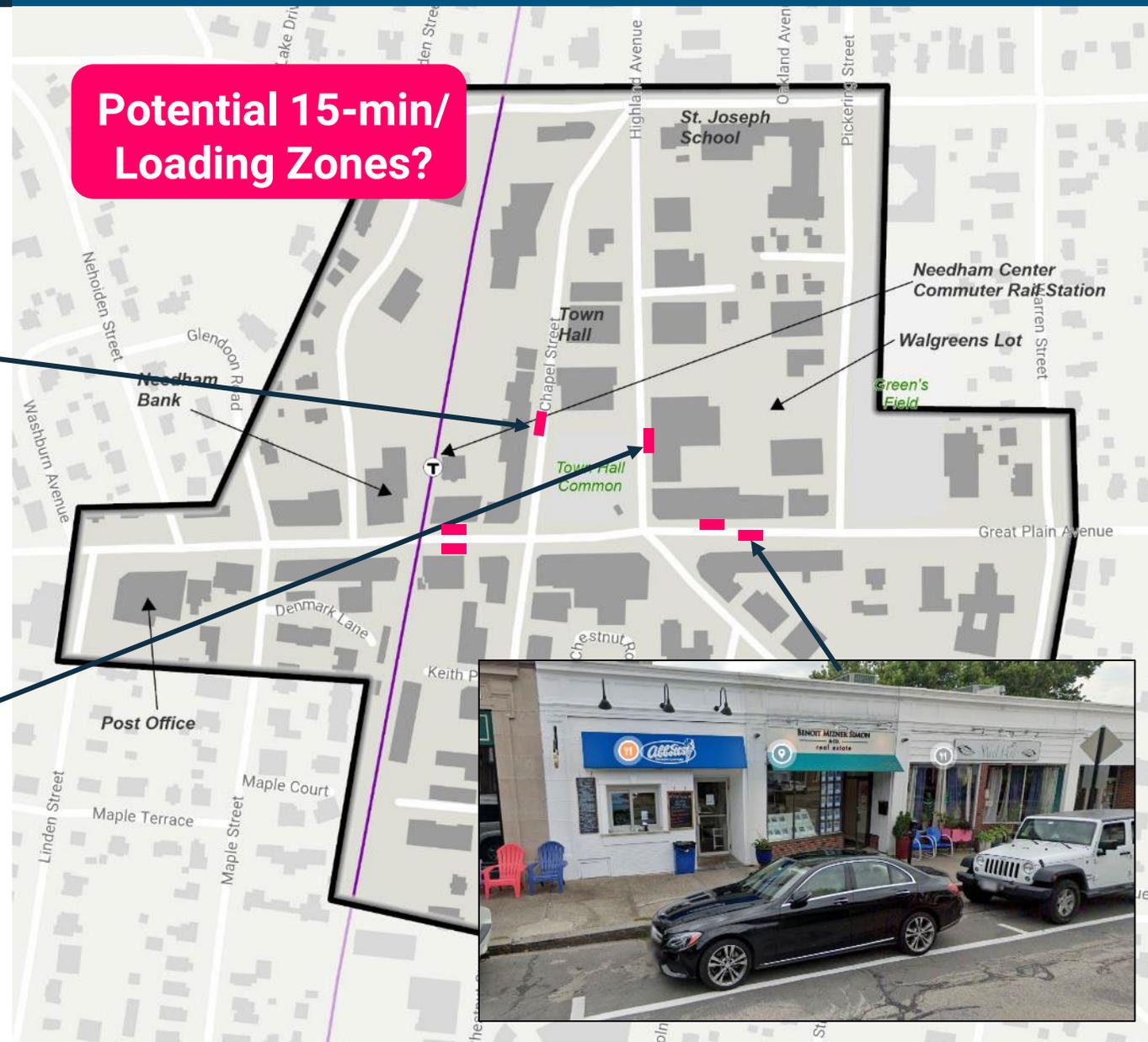


CREATE MORE ACTIVE CURBS

NEEDHAM CENTER

How would it work in the Center?

- Introduce new uses for spaces in areas with high turnover

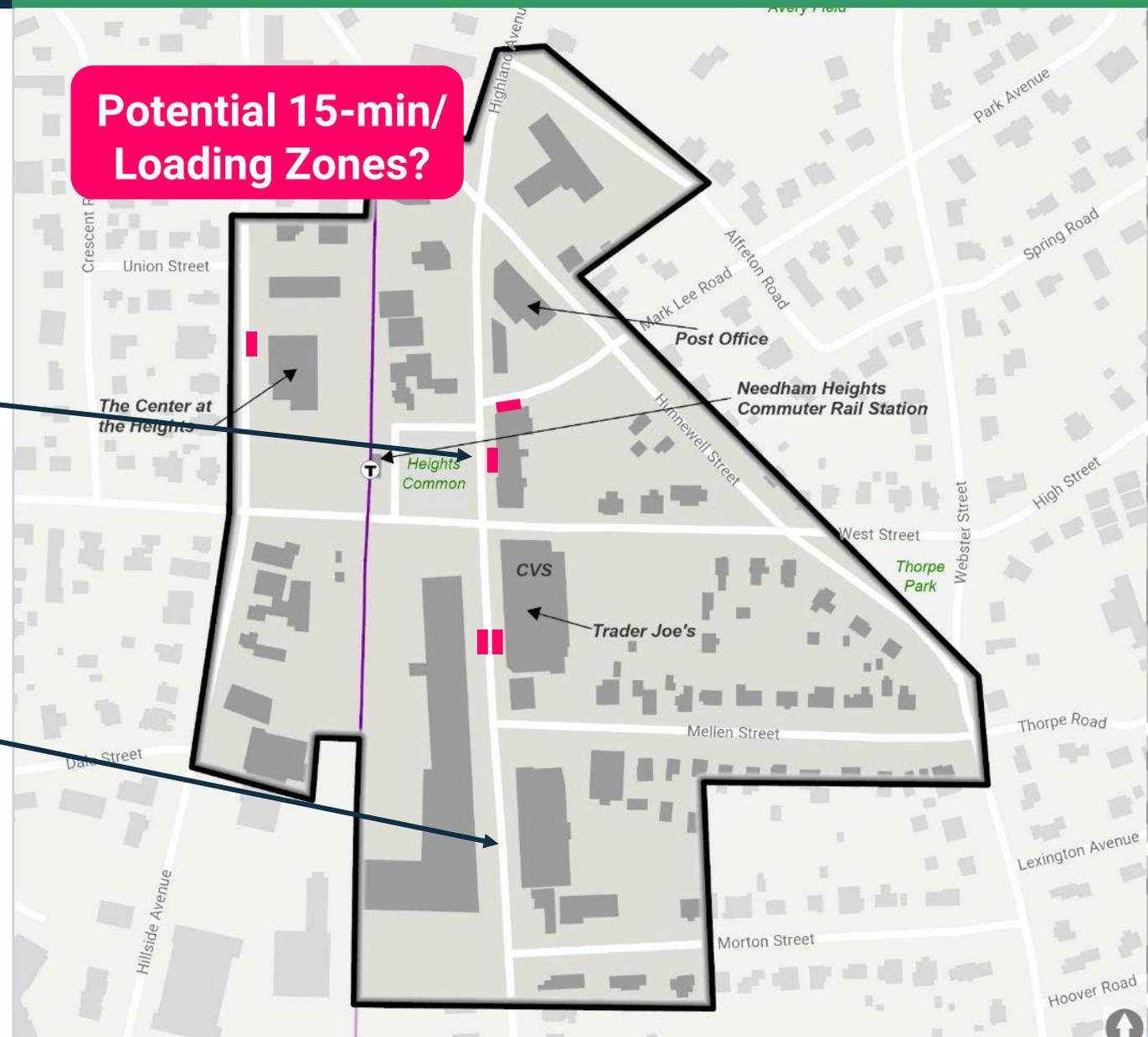


CREATE MORE ACTIVE CURBS

NEEDHAM HEIGHTS

How would it work in the Heights?

- Introduce new uses for spaces in areas where parking can be utilized nearby



If parking space became something else...

Street	Peak Utilization	Parking available
Great Plain Avenue	12 pm: 47 6 pm: 64	96
Chapel	12 pm: 25 6 pm: 33	37
Highland	12 pm: 16 6 pm: 20	24
Highland Avenue (Heights)	12 pm: 30	69

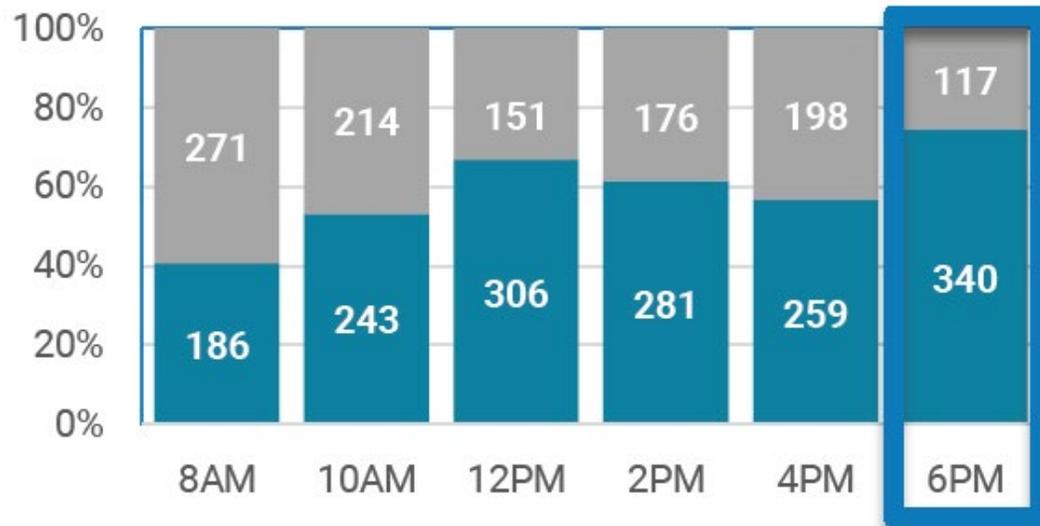
If parking space became something else...

Street	Peak Utilization	Parking available	Parking utilization w/ one lane of parking removed*
Great Plain Avenue	12 pm: 47 6 pm: 64	96	12 pm: 97% 6 pm: 133%
Chapel	12 pm: 25 6 pm: 33	37	12 pm: 135% 6 pm: 178%
Highland	12 pm: 16 6 pm: 20	24	12 pm: 133% 6 pm: 167%
Highland Avenue (Heights)	12 pm: 30	69	12 pm: 87%

If parking space became something else...

Street	Peak Utilization	Parking available	Parking utilization w/ one lane of parking removed*	Potential Spillover w/one lane parking removed (90% occupancy)	
Great Plain Avenue	12 pm: 47 6 pm: 64	96	12 pm: 97% 6 pm: 133%	12 pm: 4 6 pm: 21	} <u>Total:</u> 12 pm: 19 6 pm: 48
Chapel	12 pm: 25 6 pm: 33	37	12 pm: 135% 6 pm: 178%	12 pm: 9 6 pm: 17	
Highland	12 pm: 16 6 pm: 20	24	12 pm: 133% 6 pm: 167%	12 pm: 6 6 pm: 10	
Highland Avenue (Heights)	12 pm: 30	69	12 pm: 87%	12 pm: 0	

If parking space became something else...



Public parking Utilization: Needham Center

Street	Parking utilization w/ one lane of parking removed*	Potential Spillover w/one lane of parking removed
Great Plain Avenue	12 pm: 97% 6 pm: 133%	12 pm: 0 6 pm: 16
Chapel	12 pm: 135% 6 pm: 178%	12 pm: 7 6 pm: 15
Highland	12 pm: 133% 6 pm: 167%	12 pm: 4 6 pm: 8
Highland Avenue (Heights)	12 pm: 87%	12 pm: 5

7. IMPROVE PARKING SIGNAGE AND WAYFINDING

CASE STUDY- Dedham, MA

What is it?

- Improve clarity of signage at (and directing to) public lots. Improve clarity of existing permit parking signage (by type, zone, time in effect)
- Information available on the parking system – everywhere!
- (Eventually) develop an overall, streamlined parking signage system that is clear and recognizable

DRAFT



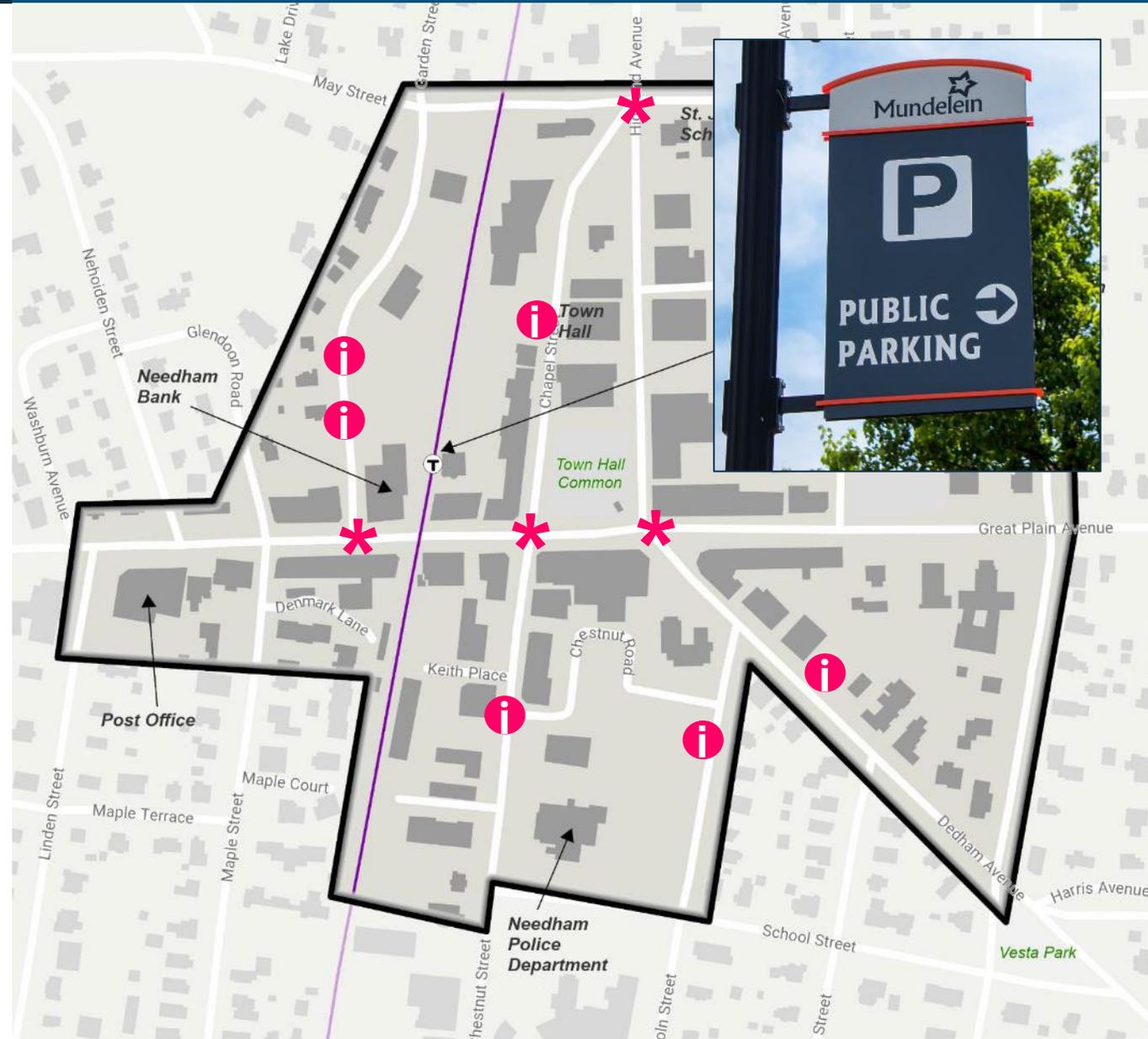
Source: Wicked Local

7. IMPROVE PARKING SIGNAGE AND WAYFINDING

NEEDHAM CENTER

How would it work in the Center?

- * Establish signage that is highly visible and clearly directs to public parking from key intersections
- i Have clear signage at the entrance of public lots, including
 - Price to park
 - Time limits
 - Hours of operation
- Develop a map of public parking facilities for the Needham website, parking tickets, distribution by merchants, etc.



7. IMPROVE PARKING SIGNAGE AND WAYFINDING

NEEDHAM HEIGHTS

How would it work in the Heights?

- * Establish signage that is highly visible and clearly directs to public parking from key intersections
- i Have clear signage at the entrance of public lot, including
 - Price to park
 - Time limits
 - Hours of operation
- Develop a map of public parking facilities for the Needham website, parking tickets, distribution by merchants, etc.



8. PAYMENT TECHNOLOGIES

What is it?

- Upgrade meters and kiosks to allow for:
 - Credit card payments
 - Coins and bills
 - Pay-by-smartphone features
 - Extending time limits
 - Allow virtual permits
- Transaction data can be shared with parking enforcement/mgmt.
- Consider LPR for enforcement/permits

DRAFT

PROS/CONS FOR CONSIDERATION

Feature	Meters 	Kiosks 
Capital cost per space	\$\$	\$\$\$
Operating cost per space	\$\$	\$\$\$
Maintenance/ Lifespan	More units to maintain/long	Less units to maintain/long
Convenience/ User-Friendliness	Right at space – Convenient Limited screen options	Large screen – more info More options - confusing
Ease of revenue/ Data collection	More units to track	Less units to track
Sidewalk Impact	Higher	Lower

9. INTRODUCE FLEXIBILITY IN ZONING

What is it?

- Introduce by-right options to right-size parking. Provides flexibility of relief for small retail uses, limited reductions available for multi-story buildings, and small change-of-use developments
- Reductions in residential required parking are appropriate in mixed use, transit-oriented village settings, like Needham Heights and Needham Center
- Revise regulations to match across the study areas

CASE STUDY- Somerville, MA
Zoning Ordinance Mixed-Use Reduction Table

Time of Day	Comm.	Evening Comm.	Resi.	Total
6AM-9AM	(X) * 25%	(X) * 0%	(Y) * 100%	= row sum
9AM-7PM	(X) * 100%	(X) * 50%	(Y) * 65%	= row sum
7PM-11PM	(X) * 25%	(X) * 100%	(Y) * 100%	= row sum
11PM-6AM	(X) * 0%	(X) * 25%	(Y) * 100%	= row sum

9. INTRODUCE FLEXIBILITY IN ZONING

CONSIDERATIONS FOR BOTH AREAS

How would it work in Needham?

- Consider eliminating or significantly reducing parking minimums
- Allow reductions for mixed-use developments
- Consider parking maximums
- Expand off-site parking allowances
- Expand transportation demand management
- Formalize the in-lieu fee program

Average Supply and Demand by Municipality

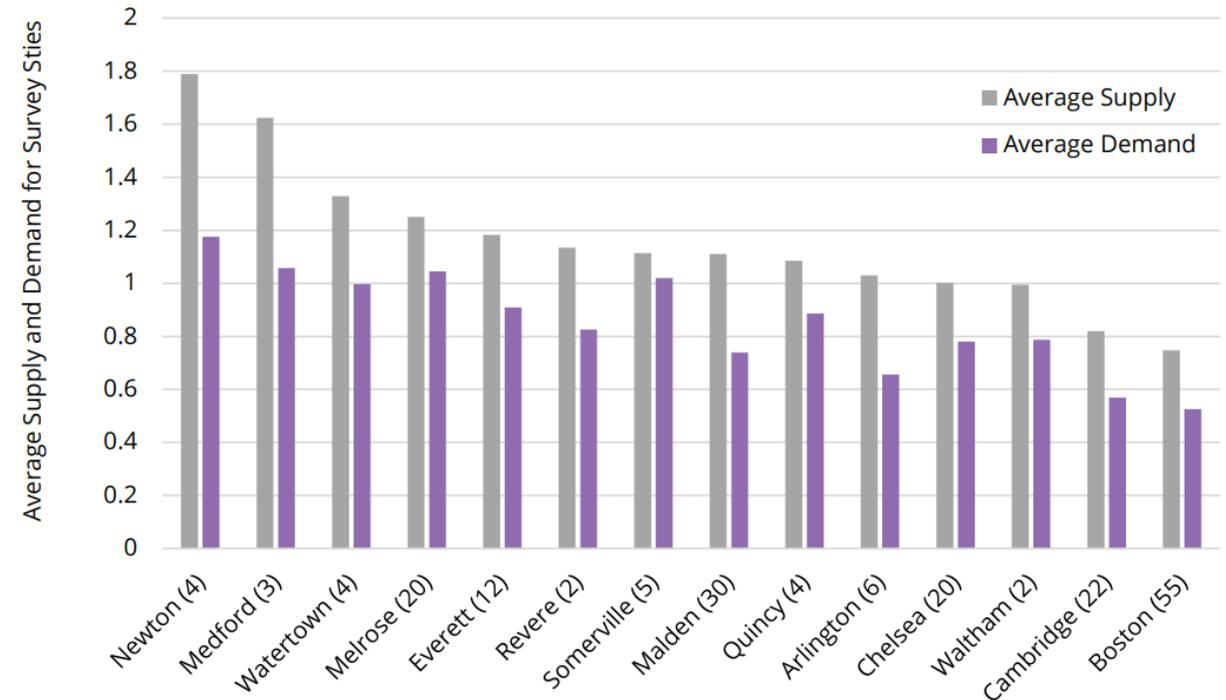


Figure 5: Average Supply and Demand by Municipality, Perfect Fit Parking Study (n=189)

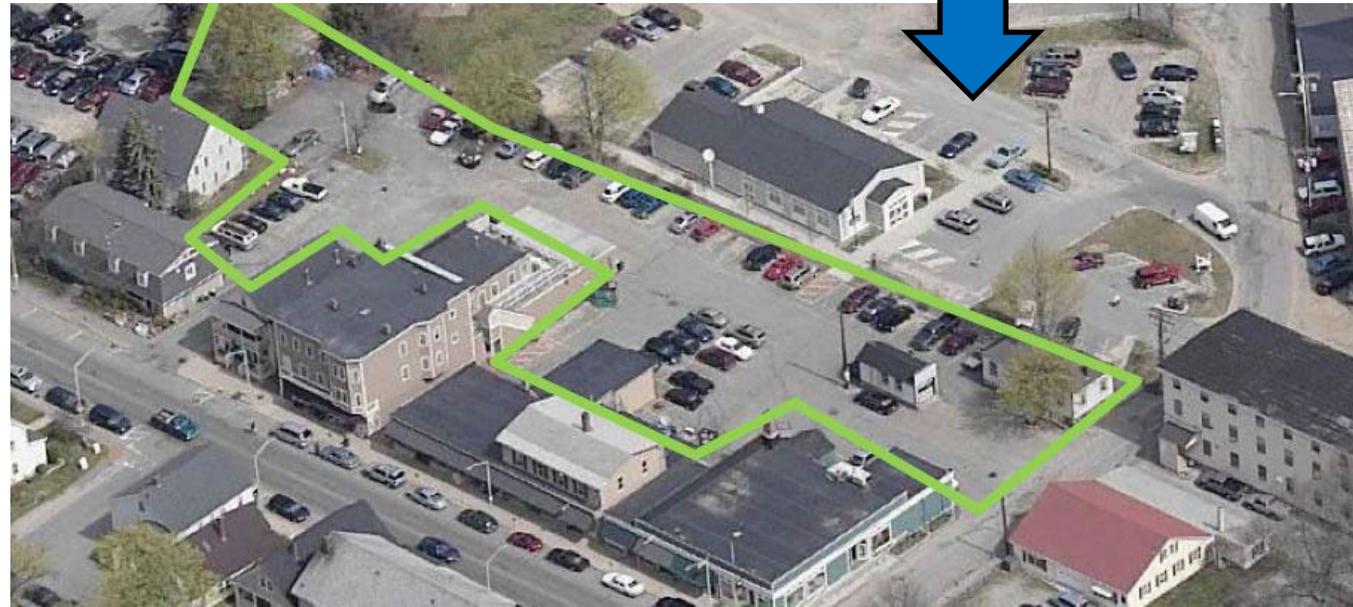
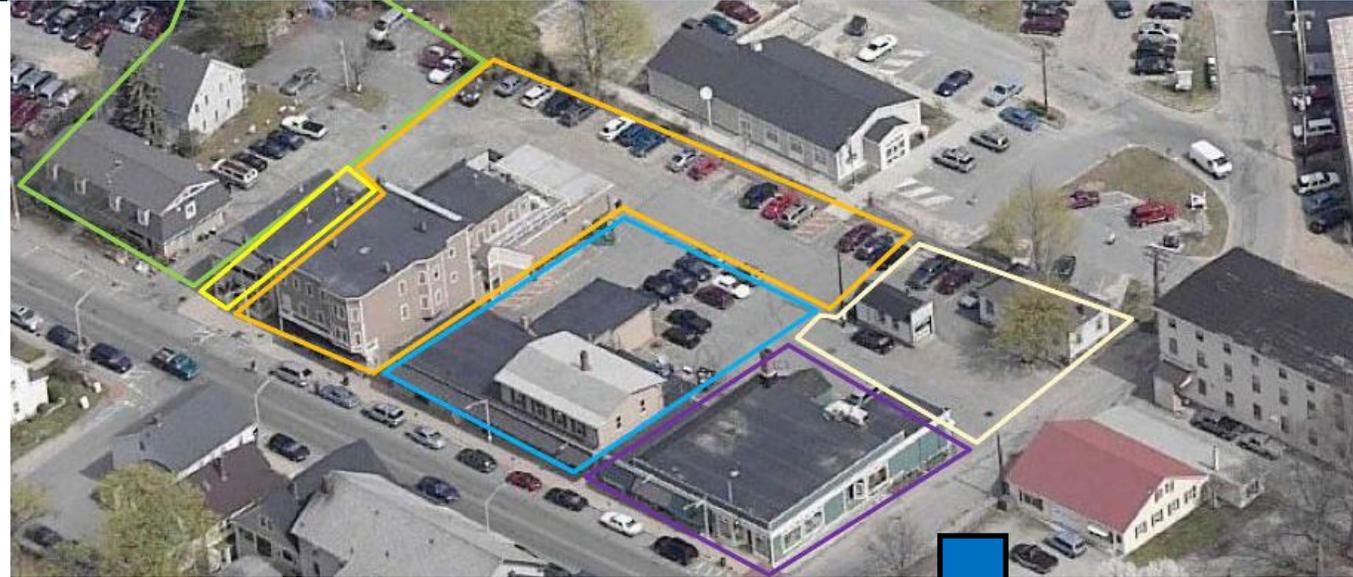
Numbers in parentheses indicate the number of sites surveyed in each municipality.

PARKING SUPPLY OPPORTUNITIES

What is it?

- Identifying opportunities to improve the access or utilization of existing supply through lot consolidation, removing redundant aisles and increasing supply
- Like shared parking, provide in-kind incentives to participate
- Ensure zoning rights are preserved

CASE STUDY- West Concord, MA

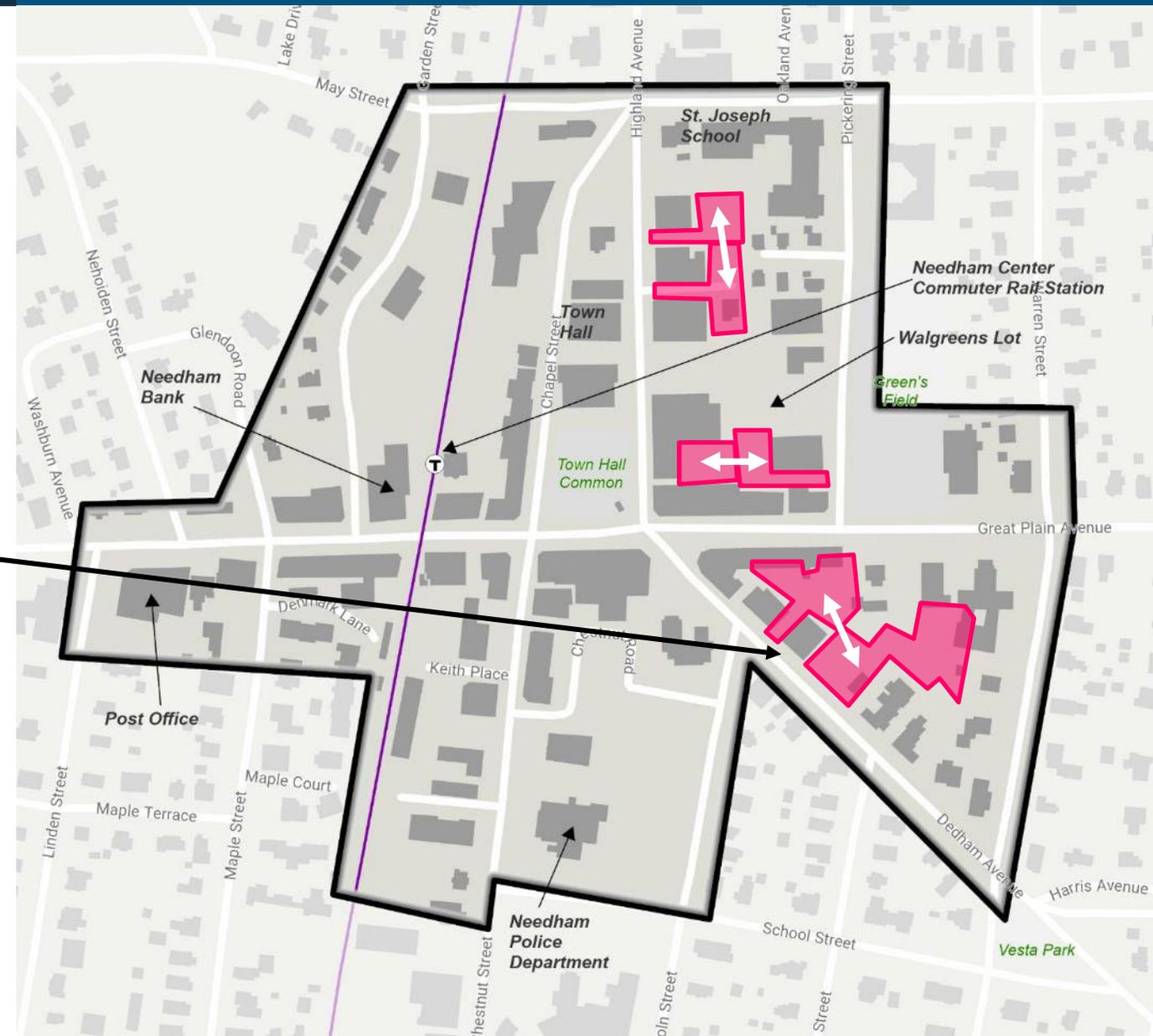


How would it work in the Center?

- Remove minor barriers between lots to increase access and utilization of existing facilities



Remove fence and create vehicle flow between both lots, and more direct pedestrian access to Great Plain Ave

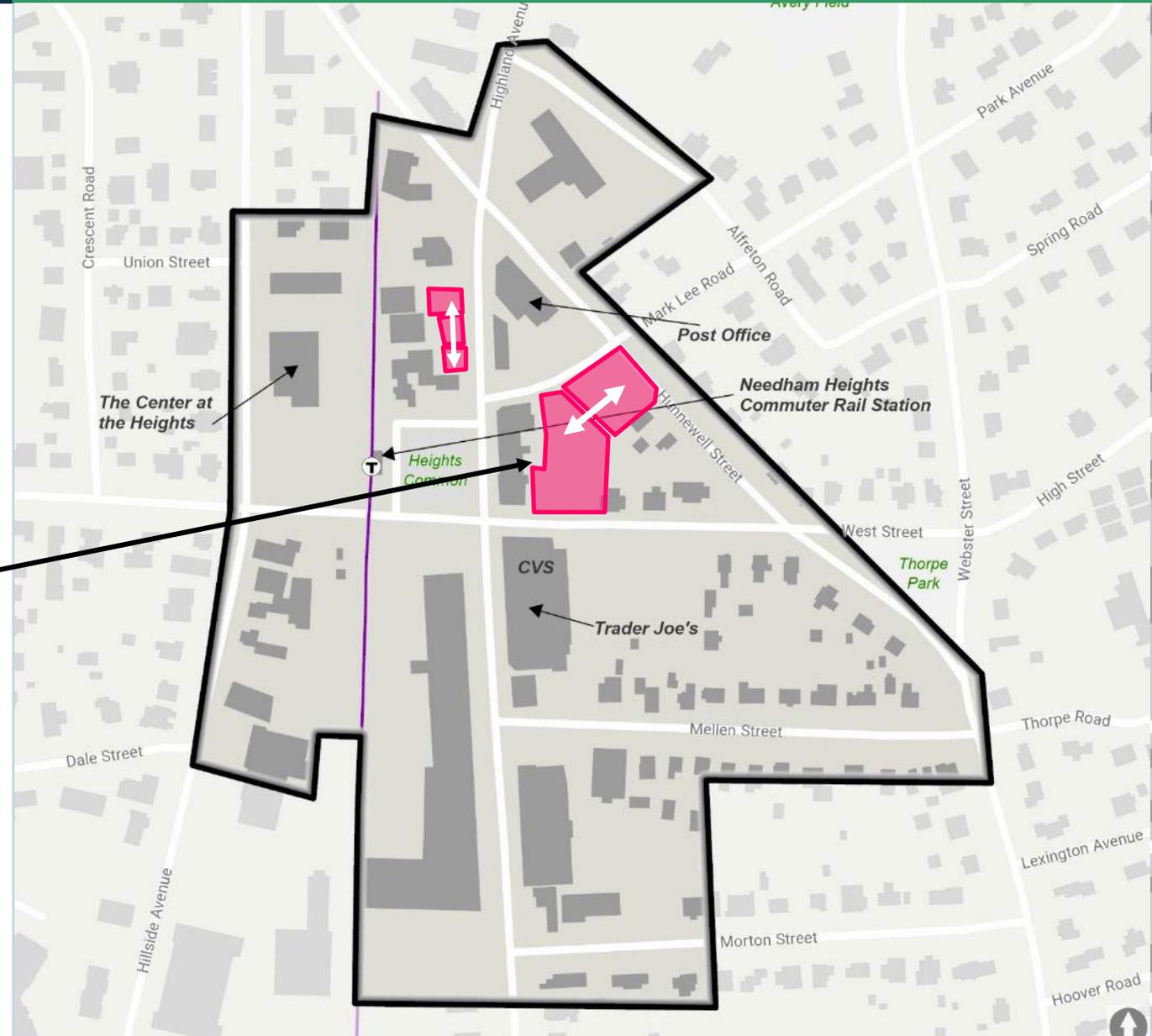


How would it work in the Heights?

- Remove minor barriers between lots to increase access and utilization of existing facilities



Remove median and create flow between both lots



What is it?

- Improving the infrastructure and amenities that support walking or biking to incentivize not driving/parking as an option to visitors. This includes:
 - Improving the conditions/ user experience of existing parking facilities
 - Improving connections *between* parking facilities to central destinations

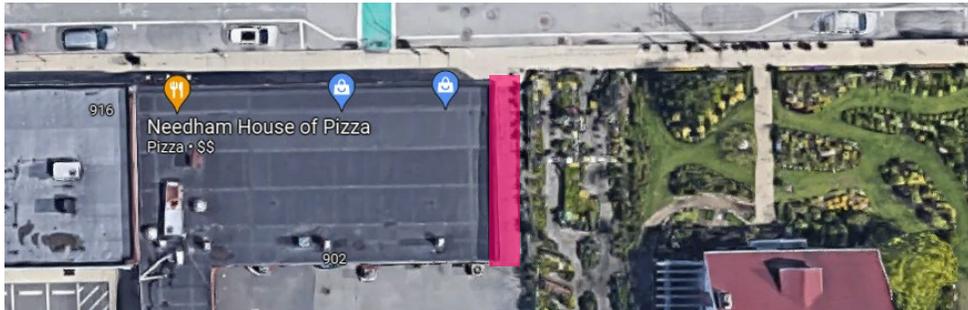


11.

MULTIMODAL IMPROVEMENTS

How would it work in the Center?

- Improve crossing to Chestnut St lot
- Increase clarity of access to Dedham Street lot
- Better advertise bike parking areas



NEEDHAM CENTER

CURRENT CONDITIONS



PROPOSED IMPROVEMENTS



MULTIMODAL IMPROVEMENTS

How would it work in the Heights?

- Install crosswalk at Mellen Road
- Better advertise where bike parking is available
- Establish a sidewalk on south side of Mark Lee Road



DRAFT

NEEDHAM HEIGHTS

CURRENT CONDITIONS



PROPOSED IMPROVEMENTS



What is it?

- Installing bike racks in visible and accessible places near destinations to encourage their use
 - This could mean replacing a car parking space with bicycle parking

CASE STUDY- Somerville, MA (top) NYC (bottom)



BIKE PARKING INFRASTRUCTURE

FOR BOTH AREAS

How would it work in the Center?

- Installing signage and bike racks recommended by Association of Pedestrian and Bicycle Professionals (APBP) more frequently, throughout



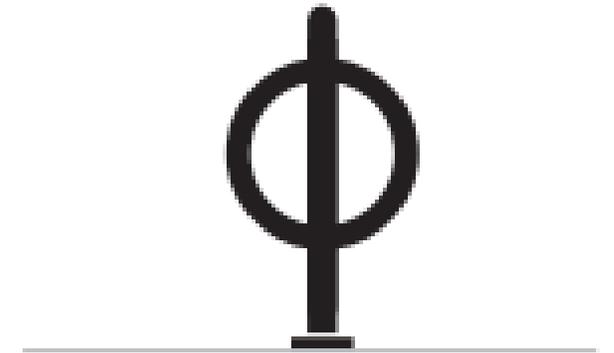
Recommended Rack Types

INVERTED U

also called
staple, loop



POST & RING



WHEELWELL- SECURE



Source: APBP

What is it?

- Including time span of regulation (i.e., 8 AM – 9 PM)
- Improving the clarity of language on signage where regulations are combined or overlapping (e.g., Loading Zone vs. 15 minute?)
- Establishing signage that provides direction during snow events



PARKING SCHEDULE			
	M-F	SAT	SUN
7am -	Red hatched 'P' symbol	Green 'P' symbol FREE	Green 'P' symbol FREE
8am -	Red hatched 'P' symbol	Green 'P' symbol FREE	Green 'P' symbol FREE
9am -	Green 'P' symbol 1 HR	Green 'P' symbol 1 HR	Green 'P' symbol FREE
4pm -	Red hatched 'P' symbol	Green 'P' symbol 1 HR	Green 'P' symbol FREE
7pm -	Green 'P' symbol FREE	Green 'P' symbol 1 HR	Green 'P' symbol FREE
8pm -	Green 'P' symbol FREE	Green 'P' symbol FREE	Green 'P' symbol FREE
+	Green 'P' symbol FREE	Green 'P' symbol FREE	Green 'P' symbol FREE

Sample schedule used in various cities with complicated regulations

Source: MetroWest Daily News

How would it work in the Center?

- Clarifying language (examples below)

Proposed Dedham Lot permit area sign



DRAFT



What time is this in effect?



7 days a week?



Free parking after 2?



At what times/days?

DRAFT RECOMMENDATIONS

- 1 Performance-based pricing
- 2 Permits
- 3 Shared parking district
- 4 Long-term parking
- 5 Enforcement
- 6 Create more active curbs
- 7 Improve parking signage and wayfinding
- 8 Payment technologies
- 9 Introduce flexibility in zoning
- 10 Parking supply opportunities
- 11 Multimodal improvements
- 12 Bike parking infrastructure
- 13 Clarity of regulations

 Short-Term  Long-Term  Periodic Evaluation Required



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Stormwater Fee
Presenter(s)	David Davison, Assistant Town Manager/Director of Finance Carys Lustig, Director of Public Works Thomas Ryder, Town Engineer

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>We will reintroduce to the Board the background leading to a stormwater fee to provide partial funding for the Town's required investment to manage and maintain stormwater runoff. Discussion will include the creation of a stormwater stabilization fund at the May 2023 annual town meeting, the purpose of the fund and how it works, and a fee structure to pay expenses that the Town will incur to meet the required regulations set forth by National Pollutant Discharge Elimination System (NPDES) and the permit the Needham is subject.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p><i>No vote is required at this time</i></p>	
3.	BACK UP INFORMATION ATTACHED
<p>(Describe backup below)</p> <ul style="list-style-type: none">a. Memo from the Assistant Town Manager/Director of Finance dated March 10, 2023b. Stormwater Utility PowerPointc. Mock Informational Flyerd. Memo from Assistant Town Manager/Director of Finance dated February 21, 2020e. Stormwater Stabilization Fund Warrant Article	

Memorandum

To: Select Board

From: David Davison, Assistant Town Manager/Director of Finance

CC: Kate Fitzpatrick, Town Manager; Katie King, Assistant Town Manager/Director of Operations; Carys Lustig, Director of Public Works; Shane Mark, Assistant Director of Public Works; Michael Retzky, Superintendent of Water and Sewer; Thomas Ryder, Town Engineer; Cecilia Simchak, Director of Finance/Administration for Public Services

Date: March 10, 2023

Re: Stormwater Fee

The Board had a public hearing scheduled back on March 24, 2020 to receive public input on the implementation of a stormwater fee to provide for the capital investment and added maintenance that the Town must undertake to meet its National Pollutant Discharge Elimination System (NPDES) requirements. The public hearing was opened and postponed due to the COVID-19 restrictions that were put into place. Unknown at that time, was just how long COVID was going to be an issue. After a couple of additional postponements, the Board decided to cancel the hearing because the public would not have an opportunity to attend and provide feedback.

The process is ready to begin anew. A public hearing is scheduled for March 28, 2023. At the March 14, 2023 meeting, we will reintroduce to the Board the history, need, and purpose of the program so that the Board may be better prepared for the public hearing. We will include the relevant materials presented to the Board back in 2020, and provide updated information. The chart on the following page shows the proposed tiers and rates.

The fee structure is similar to that which was proposed back in 2020, the fee amount at each tier is the same, but the impervious surface area determining the tier that a parcel would fall under has been modified. More than 99% of all single family homes will fall under tier one or tier two, meaning the annual assessment will be \$80.00 or less.

Please do not hesitate to contact me if you have any questions prior to the meeting.

Community Stormwater Mitigation Assessment
Impervious Surface Square Footage

Tier	Sq Ft Low	Sq Ft High	Annual Fee*
1	0	4,000	\$38.20
2	4,001	8,000	\$80.00
3	8,001	20,000	\$200.00
4	20,001	45,000	\$400.00
5	45,001	90,000	\$600.00
6	90,001	175,000	\$800.00
7	175,001	345,000	\$1,000.00
8	345,001	685,000	\$1,200.00
9	685,001	and above	\$1,500.00

* The assessment will be billed on a quarterly or monthly schedule based on the utility account type.

STORMWATER

UTILITY



Select Board Meeting

Tuesday, March 14, 2023

A STORMWATER UTILITY

A stormwater utility fee is a charge imposed on real estate owners for pollution in stormwater drainage from impervious surface runoff. This system imposes a tax that is proportional to the total impervious area on a particular property, including concrete or asphalt driveways and roofs, that do not allow rain to infiltrate.

BENEFITS OF IMPLEMENTATION

- Creates an equitable way to pay for stormwater services
- An effective and dedicated source of funding to pay for stormwater related infrastructure investments instead of relying on the General Fund assets alone
- Different stormwater utility fee structures that can be implemented to best fit the community size and needs
- Assist the Town in meeting requirements of the EPA's NPDES permit
- Helps in development of long-range capital planning and project evaluation for potential NPDES improvements

PROPOSED STRUCTURE

Tier	Square Feet of Impervious Surface	Monthly
1	0 – 4,000	\$3.18
2	4,001 - 8,000	\$6.67
3	8,001 - 20,000	\$16.67
4	20,001 - 45,000	\$33.33
5	45,001 - 90,000	\$50.00
6	90,000 – 175,000	\$66.67
7	175,001 - 345,000	\$83.33
8	345,001 - 685,000	\$100.00
9	685,001 and above	\$125.00

Tier	Square Feet of Impervious Surface	Quarterly
1	0 – 4,000	\$9.55
2	4,001 - 8,000	\$20.00
3	8,001 - 20,000	\$50.00
4	20,001 - 45,000	\$100.00
5	45,001 - 90,000	\$150.00
6	90,000 – 175,000	\$200.00
7	175,001 - 345,000	\$250.00
8	345,001 - 685,000	\$300.00
9	685,001 and above	\$375.00

EXAMPLE BMPS INSTALLED

Water Quality Tank	Storage vessel, elevated or at ground level, that holds potable or non-potable water	Broad Meadow Elementary School
Stormceptor Infiltration Gallies	A hydrodynamic separator designed to protect waterways from hazardous material spills and stormwater pollution, including suspended sediment, free oils, floatables and other pollutants that attach to particles	Public Service Administration Building
Detention Basin	An excavated area installed on, or adjacent to, tributaries of rivers, streams, lakes or bays	Recycling and Transfer Station (RTS)

EXAMPLE BMPS INSTALLED

Porous pavement	A paved surface with a higher than normal percentage of air voids to allow water to pass through it and infiltrate into the subsoil	Rosemary Pond & Pool Complex
Rain Garden	A garden of native shrubs, perennials, and flowers planted in a small depression, which is generally formed on a natural slope	Water Pump Station
Retention Basin/Swale	A retention swale designed to direct to infiltration basins using layers of different sized rocks, gravel, and soil. The areas are often seeded with native plants adapted to both wet and dry soil conditions.	Sunita Williams School

COSTS

FY 2020	\$1,950,000
FY 2021	\$200,000
FY 2022	\$370,000
FY 2023	\$435,000
	CAPITAL REQUESTS
FY 2024	\$ 860,000
FY 2025	\$ 806,000
FY 2026	\$ 816,000
FY 2027	\$ 987,000
FY 2028	\$ 1,176,000

EXAMPLE FUTURE PROJECT NEEDS

Design and Construction of Low Impact Development Techniques to Treat Stormwater

Infiltration and Drain Structure Improvements (as part of Road Improvements)

Large Vehicle Washing Station

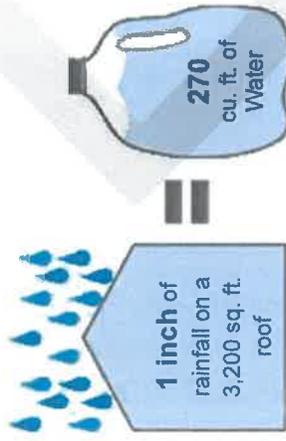
Rosemary Sluice Gate Upgrade

Snow Storage Assessment and Relocation

Other Flood Control Drainage Improvements

How is the fee determined?

The fees are based upon the amount of impervious surface present on any given property.



The storm water fee is based upon the amount of run-off generated from a property. Residential properties generate less run-off than parcels with large parking lots. The fee is set up so that properties that produce more runoff are assessed a greater stormwater fee.

Needham has categorized nine tiers based on impervious coverage. For example, properties with 4,000 SF or less will contribute \$38.20 per year. This tier encompasses most of the residential properties in Needham. The funds are reserved to cover the capital costs and maintenance of stormwater improvements. The revenue collected from this fee will attenuate the private contribution to stormwater pollutants.

For most properties, the stormwater fee will be less than the amount they would have paid if property taxes were used to fund these programs. This is primarily because tax-exempt properties will be subject to this fee. There will be an abatement process available to property owners that believe their impervious surface square footage is less than the Town's assessment.

Why do we manage Stormwater?

The EPA has issued the 2016 NPDES Permit which requires Needham to continue making substantial changes to the Town's Stormwater Operations, Site Plan and Subdivision Reviews, and continual administration of the Stormwater General Bylaw.

- Needham has a Municipal Separate Storm Sewer System (MS4). The MS4 is only authorized to discharge clean stormwater and/or stormwater that does not cause or contribute to an exceedance of water quality standards. The Permit also requires that pollutants in stormwater discharges be reduced to the maximum extent practicable.
- Needham is subject to a TMDL requirement for phosphorus and pathogens. All stormwater discharges must reduce the amount of phosphorus discharging to waterbodies and the tributaries thereto by 55 percent (55%) and pathogens must be eliminated and/or reduced to the maximum extent practicable through the use of enhanced structural and non-structural BMPs.

- Needham has five (5) impaired waterbodies due to turbidity, nutrients, organic enrichment, flow dissolved oxygen, priority organics, noxious aquatic plants, exotic species, oil & grease, taste, odor, color, suspended solids, and causes unknown. The five waterbodies are: Alder Brook, Charles River (segment South Natick Dam to Chestnut Street), Charles River (Chestnut Street to Watertown Dam), Fuller Brook, and Rosemary Brook. All five waterbodies are classified as Category 5 Waters. Category 5 is the most severely impaired.

Who pays a stormwater fee?

All property owners within the Town of Needham with impervious areas are required to pay a stormwater fee. *(Please note: All driveways are considered impervious regardless of material used.)*



How often are customers billed?

Customers are billed monthly or quarterly based on your current water billing cycle.

Where can I get more information?

Needham's Storm Water Fee Schedule and provides specific information about fees. You can also visit the Town's website at <http://needhamma.gov/323/Stormwater-Management> where more information will be posted. Also, feel free to call us if you have any questions.

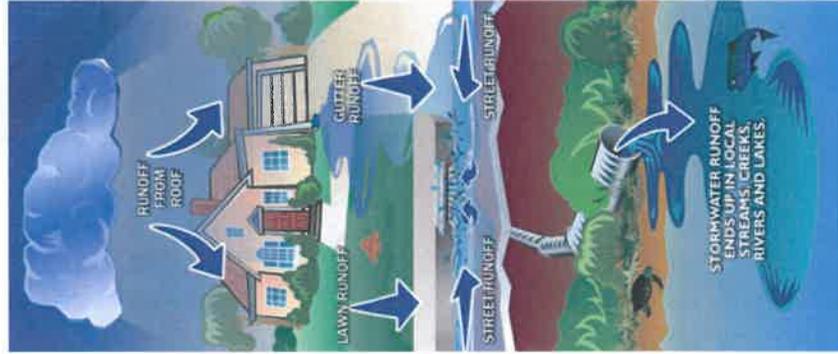
Stormwater Fee Inquiries

781-455-7550

www.needhamma.gov

Definitions

- BMP** – Best Management Practice
- EPA** – Environmental Protection Agency
- MS4** – Municipal Separate Stormwater System
- NPDES** – National Pollutant Discharge Elimination System
- Stormwater** - surface water in abnormal quantity resulting from heavy falls of rain or snow.
- TMDL** – Total Maximum Daily Load
- Cu. Ft.** – Cubic Feet (1 CuFt = 7.5 Gallons)



How to determine stormwater fees

Tier	Square Feet of Impervious Surface	Monthly
1	0 - 4,000	\$3.18
2	4,001 - 8,000	\$6.67
3	8,001 - 20,000	\$16.67
4	20,001 - 45,000	\$33.33
5	45,001 - 90,000	\$50.00
6	90,000 – 175,000	\$66.67
7	175,000 – 345,000	\$83.33
8	345,001 – 685,000	\$100.00
9	685,001 and above	\$125.00

Tier	Square Feet of Impervious Surface	Quarterly
1	0 - 4,000	\$9.55
2	4,001 - 8,000	\$20.00
3	8,001 - 20,000	\$50.00
4	20,001 - 45,000	\$100.00
5	45,001 - 90,000	\$150.00
6	90,000 – 175,000	\$200.00
7	175,000 – 345,000	\$250.00
8	345,001 – 685,000	\$300.00
9	685,001 and above	\$375.00



Town of Needham

Municipi-Pup says...



Striving to manage stormwater to preserve and protect life, support healthy natural resources, and complement sustainable growth in our community.

Memorandum

To: Select Board
From: David Davison, Assistant Town Manager/Director of Finance
CC: Kate Fitzpatrick, Town Manager; Richard Merson, Director of Public Works;
Anthony DelGaizo, Town Engineer
Date: February 21, 2020
Re: Community Stormwater Mitigation Assessments and Stabilization Fund

Last year, the Finance Department was asked to investigate funding options to address National Pollutant Discharge Elimination System (NPDES) requirements that will increase the Town's capital and maintenance costs. We sought the assistance of a working group that consisted of Janet Bernardo Chair of the Conservation Commission, John Cosgrove, Chair of the Water & Sewer Rate Structure Committee, Tom Loughran a member of the Water & Sewer Rate Structure Committee, Louise Miller a member of the Finance Committee and prior Chair, and Rick Zimbone, a citizen at large and a former member and chair of the Finance Committee. In addition, Richard Merson, Director of Public Works and Anthony DelGaizo, Town Engineer participated and provided technical assistance throughout the process.

The group reviewed the pending requirements that will subject the Town to added expense and discussed how to account and fund the costs. The group investigated establishing an enterprise fund to account for the expenses but determined that such a fund would be premature. The Town has been funding minor expenses to address NPDES requirements, through the General Fund in various department's operating budgets. However, the expected increased annual costs for the expansion of stormwater management systems, improvements to existing systems, and on-going repair will exceed the Town's ability to pay. Furthermore, stormwater issues are not exclusively limited to taxpayers, but also relate to entities that do not pay taxes. Therefore, the working group determined that a fee structure to cover some of the capital cost is the best approach.

Another concern raised by the working group is how to ensure that fees raised for NPDES costs are not allocated to other expenses. State law requires that all funds, not restricted to a specific purpose, be deposited to the General Fund and may be used for any legal purpose. Based on advice from the Department of Revenue, the working group determined that a dedicated stabilization fund could be used to reserve the funds generated by the fee for the intended purposes.

We believe a Stormwater Stabilization Fund is an appropriate mechanism to ensure that the monies are used for NPDES related expenses. The fund, if supported by the Select Board and approved by Town Meeting, allows for all the monies collected from stormwater fees to be

deposited directly into the fund to be used for NPDES purposes only. The funds may only be allocated from the stabilization fund by Town Meeting appropriation, and funding requests from the stabilization fund will be subject to the Town's review and approval process.

The proposed fee structure is tiered, with a higher fee to be charged for parcels that have greater impervious surface. Most parcels would have an annual fee of \$38.20 (\$9.55 per quarter). Our preliminary estimate is that the fee structure would generate approximately \$500,000 per year; the estimated capital cost is in the millions. The fee would be billed through the Town's water and sewer billing system, which lowers the administrative and billing expense. A method to appeal and seek abatement of the fee for properties that do not contribute to stormwater runoff or contaminants, or for parcels billed incorrectly will be put into place if the fee structure is adopted. Furthermore, we recommend an annual review of the fee structure by the Water and Sewer Rate Structure Committee. There are synergies between water and sewer operations and NPDES, and the citizens who serve on this committee have great insight when considering environmental factors and fairness in the fee structure.

I have attached the notes from the three working group meetings held during 2019 and other documentation generated during the process. We will be at your meeting on Tuesday to discuss this proposal. Please do not hesitate to contact me if you have any questions prior to the meeting.

STORM WATER ACCOUNTING OPTIONS

TOWN OF NEEDHAM

MEETING NOTES

Date: January 15, 2019

Time: 5:30 PM

Location: Needham Town Hall

Attendance

Present: Janet Bernardo (Conservation Commission Chair)
John Cosgrove (Water & Sewer Rate Structure Committee)
David Davison (Assistant Town Manager/Finance Director)
Anthony DelGaizo (Town Engineer)
Tom Loughran (Water & Sewer Rate Structure Committee)
Rick Zimbone (Citizen at Large)

Notes prepared by: Kathryn Copley Administrative Specialist

Discussion

Mr. Davison reported that there are new regulations for Cities and Towns regarding the control of storm water and where it goes. The regulations deal with storm water runoff into water in public ways. The Town adopted by-laws at the October 2018 Special Town Meeting to meet those requirements.

The EPA has determined how much the Town is contributing to water ways based on a formula using Needham's 12.7 square miles. Needham needs to reduce phosphorus in the water ways by 45%. Ways to reduce phosphorus include increasing the frequency of street sweeping, reducing the amount of paved areas by using alternative permeable materials in areas such as parking lots, renting dogs to scare geese from green ways, etc. The time table that the EPA has given the Town is 20 years.

There are needed infrastructure and maintenance requirements that will lead to new fees to accomplish and implement storm water runoff treatment and/or prevention. We want to ensure that any fees collected would pay for the storm water management related expenses. The fees can be credited to an enterprise fund. An enterprise fund would ensure that the money raised for storm water control would be used for this purpose. An enterprise fund allows expenditures and revenues related to stormwater to be tracked more easily.

Mr. DelGaizo indicated that there will be some operating costs and some capital costs associated with achieving the EPA goal and the new by-laws. Needham has five basic water ways: Fuller Brook, Rosemary Brook, Alder Brook and two stretches of the Charles River. All water ways are impaired and suffer contamination. There is a need to improve the discharge in order to improve the health of the water ways. The source of contaminates includes cars, houses, roads and development. Water gets carried away. It collects and carries contaminants such as fertilizer and petroleum that concentrate as it collects and then it goes into the water bodies and wetlands. The fertilizer causes wild algae growth.

The goal of meeting is to help vet the pros and cons of accounting for the funds. The two possibilities are an Enterprise fund or have the money go into the General Fund. On March 30th a formal recommendation will be made to the Select Board on how best to move forward. In an Enterprise fund the fees would only be used for what they were raised for. If the fees are folded into the General fund then they could be spent in any way.

Please send questions and comments to Mr. Davison.

Handouts

Agenda, 5 Year CIP 2016 NPDES Storm Water Program

Adjournment

The meeting ended at 6:21 PM.

These notes are intended to convey the content of the discussions at the meeting.

5 Year CIP 2016 NPDES Storm Water Program

FY2021

- Dry Weather & Wet Weather Testing - 295 Outfalls
- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs Town-wide once per year (on town properties and roads/easements)
- Consulting services for NPDES Update and submittal requirements
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 Sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Identify O & M plans for the properties within the 2 selected sub-watersheds and what has to be done at each Town owned facility/property.
- Resolve truck washing problem
 - Rent/hire portable truck washing system. Investigate Framingham facility
- Construct DPW Yard WQS for parking lot drain system
- Develop improvements to SWPPP plan for DPW yard
- Develop improvements to SWPPP plan for RTS
- Construct RTS WQS for site drainage system
- Identify suitable snow dump locations

5 Year CIP NPDES Storm Water Program

FY2022

- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Resolve any "hits" we find in the outfall testing
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements)
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 more sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Construct testing locations from FY21
- Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property.
- Construct BMPs & changes needed to be done at each Town facility/property identified in FY21
- Truck washing portable rental and money for truck washing solution
- Construct improvements to selected snow dump areas

5 Year CIP NPDES Storm Water Program

FY2023

- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Resolve any "hits" we find in the outfall testing
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements)
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 more sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Construct testing locations from FY21
- Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property.
- Construct BMPs & changes needed to be done at each Town facility/property identified in FY21
- Truck washing portable rental and money for truck washing solution
- Construct improvements to selected snow dump areas

5 Year CIP NPDES Storm Water Program

FY2024

- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Resolve any "hits" we find in the outfall testing
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements
- Consulting services for NPDES update and submittal requirements
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 more sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Construct testing locations from FY21
- Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property.
- Construct BMPs & changes needed to be done at each Town facility/property identified in FY21
- Truck washing portable rental and money for truck washing solution
- Construct improvements to selected snow dump areas

5 Year CIP NPDES Storm Water Program

FY2025

- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Resolve any "hits" we find in the outfall testing
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements)
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 more sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Construct testing locations from FY21
- Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property.
- Construct BMPs & changes needed to be done at each Town facility/property identified in FY21
- Truck washing portable rental and money for truck washing solution
- Construct improvements to selected snow dump areas

5 Year CIP NPDES Storm Water Program

FY2026

- Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas
- Resolve any "hits" we find in the outfall testing
- Produce map tracking the properties that have infiltration systems.
- Track small diameter drain extensions on a map
- Hire street sweepers to sweep higher pollutant load areas (additional sweeping)
- Street sweep entire town twice per year
- Clean and inspect all catch basins once per year
- Rebuild/Rehab Brooks & culverts \$200K/yr
- Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs
- Compile Annual NPDES MS4 report and post on website each year
- Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements)
- Field Updates to GIS
- Construct BMPs
- Annual Training
- Track & Report SSO's
- Reprioritize Catchment Areas
- Data Management/People GIS

Identify 2 more sub-watershed areas for:

- CCTV Work (10% of the system min./47,500 ft/yr) 1DDE
- Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)
- Cleaning/maintenance of brooks & culverts (10% of total length per year)
- Catch Basin and drain pipe replacement/rehabilitation
- Potential testing locations (storm water quality) install testing locations where needed
- Identify town owned properties for communal/neighborhood infiltration systems
- Identify Park & Recreation areas to reduce impervious and promote surface infiltration
- Identify roadway pavements that can be narrowed or reduced
- Follow-up on any hits found through testing and/or CCTV work
- Identify 2 targeted audiences for education/outreach and the message we want to send
- Identify 2 participation/involvement measures we want to promote
- Construct testing locations from FY21
- Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property.
- Construct BMPs & changes needed to be done at each Town facility/property identified in FY21
- Truck washing portable rental and money for truck washing solution
- Construct improvements to selected snow dump areas

STORM WATER ACCOUNTING OPTIONS

TOWN OF NEEDHAM

MEETING NOTES

Date: February 28, 2019

Time: 5:30 PM

Location: PSAB

Attendance

Present: Janet Bernardo (Conservation Commission Chair)
John Cosgrove (Water & Sewer Rate Structure Committee)
David Davison (Assistant Town Manager/Finance Director)
Anthony DelGaizo (Town Engineer)
Rick Merson (Director of DPW)
Louise Miller (Finance Committee)
Rick Zimbone (Citizen at Large)

Notes prepared by: Kathryn Copley Administrative Specialist

Discussion

Mr. Davison reported that all Massachusetts municipalities he contacted seem to be in a similar position in that they are looking more closely how to deal with the new stormwater regulations. Needham will be identifying what will be required to satisfy the stormwater regulation compliance, and to do this, will be seeking funding for 2021 for a study and new testing.

It is unclear what the incremental cost above that which is already being spent to address stormwater issues. The current assumption is roughly \$300,000. What will be needed for capital investment over the next 20 to 40 years is unknown.

We will see whether an enterprise fund can be set up for just the capital expenses. Retained earnings in the enterprise fund can be saved for future capital expenses. Items such as street sweeping could be kept in the General Fund, if needed. The Select Board would set the fees that would fund stormwater expenses and the receipts would be credited to the enterprise fund. It is anticipated that the first capital costs associated with the new stormwater fees will occur in 2021-2022. The Town is presently funding stormwater related expenses through the General Fund, but the annual expense is expected to grow as the Town becomes more engaged with stormwater runoff mitigation and abatement.

Private developers are now required for new construction to install the necessary stormwater control systems as part of the permitting process. The expense would likely be part of the construction cost of a project.

Mr. DelGaizo indicated that the Town is electing to do a lot of infiltration systems for the watershed management plan. Needham has approximately 85% sand and gravel soil and is conducive for this approach which mimics the natural method. This lessens runoff to streets, decreases the need for larger drain pipes and recharges aquifers.

It was recommended that the group meet again at the end of March to look at how an enterprise fund based on capital improvements would work.

It was asked if it is possible to separate out operation expenses from stormwater expenses to track them and know what they are. It was explained that when the expenses are embedded in the General Fund in multiple budgets it is not so straightforward and may be prone to error. This is another reason that tracking the costs of stormwater compliance in a separate fund, such as an enterprise fund, would be beneficial.

Handouts

Agenda, Memo, EPA penalties, 5 Year CIP 2016 NPDES Storm Water Program DRAFT, Questions and Answers, Notes from 1/15/19 meeting

Adjournment

The meeting ended at 6:10 PM.

These notes are intended to convey the content of the discussions at the meeting.

MEMORANDUM

TO: WORKING GROUP
FROM: DAVID DAVISON, ASSISTANT TOWN MANAGER/DIRECTOR OF FINANCE
SUBJECT: STORMWATER ENTERPRISE FUND QUESTIONS
DATE: WEDNESDAY, FEBRUARY 27, 2019
CC: RICK MERSON, DPW DIRECTOR; ANTHONY DELGAIZO, TOWN ENGINEER

Regulation and Enforcement

Have any penalties been assessed by the EPA or DEP on the Town or other municipalities?

Response: Yes there are municipalities that have been assessed for violations relating to the 2003 EPA Stormwater Regulations, but not Needham (see the attachment).

What is the expected date by which enforcement of the regulations will take place and when penalties will be assessed? **Response: Enforcement of the 2016 EPA Stormwater Regulations began on July 1, 2018. Assessment of a penalty is not automatic, the EPA makes a determination on case by case basis whether to levy a penalty, and if so how much.**

Other than the list provided at the first meeting, does the Town have a specific plan to address remediation efforts at the various locations? **Response: The Town will be developing over the next few years a more detailed plan to address its remediation requirements based on available funding.**

What are our current measurements in the various ponds, rivers? **Response: The Town does not have current measurements. The EPA has classified five of the water bodies/waterways in Needham that the Town is responsible to maintain as Category 5 Water bodies (one is actually now listed as 4a) indicating that they are the most impaired (Category 1 being the least impaired). The Town has some data from the Charles River Watershed Association (CRWA) indicating various pollutant levels (which EPA is likely to have considered). DPW is proposing to obtain water quality tests from 295 locations throughout the Town as part of the FY2021 Stormwater Capital Improvement Plan.**

What are our current/future limits? **Response: The Town is required to reduce Phosphorus impaired water discharges by 45%. The Town is also required to reduce Pathogen impairments to the Maximum Extent Practicable (The EPA has not clearly identified what the actual target is). The Town is also required to reduce a variety of impairments (fertilizers, low dissolved organics, suspended solids, VOC's, etc.) in Water Quality Limited waters (as designated by EPA) – to be specific; The Town must ensure that nothing more of these impairments is added to the receiving waters and the Town must reduce them wherever possible.**

What are the permit parameters that need to be met (Phosphates, Sulfates, VOC's, TDS, etc.)?
Response: refer to the prior response.

What is the current status of the pending lawsuit mentioned at our first meeting? **Response: Unknown, but even an outcome that the Town would find favorable is unlikely to have an impact that would allow the Town to abandon its current activities to ensure that public waterways are clean and safe for human contact.**

Will there be an opportunity to receive credits for stormwater improvements or eliminate the fund if a property does not discharge to the street? **Response: The Town can take credit for the improvements that it has done since 2003, as part of its financial obligations to reduce stormwater runoff and contaminants. Over time, on a constant dollar basis, after the major infrastructure has been built and the primary pollutants reduced, operating cost should go down but not eliminated. Individuals may eliminate stormwater runoff from their own property but the community will have an ongoing obligation to control and treat stormwater no matter the source.**

Budgeting and Finance Law

What are the pros/cons of creating an enterprise fund vs the general fund? **Response: The tax levy is more predictable and provides a means to secure collection of the assessment. Funding through the tax levy is the simplest and easiest to explain. Voters can approve an override by simple majority. However the property assessments (the basis for the tax bill) likely do not relate well to stormwater demand or impact. A stormwater utility enterprise fund ensures the funds collected and provided for stormwater management will be used for the related expenses. The enterprise fund segregates funding and expenses which is more transparent and easier to monitor. The unexpended operating budget would close out to the enterprise fund and would be certified as retained earnings that can be used to fund future stormwater related operating and capital expenses. Retained earnings may only be used when Town Meeting appropriates the funds. Stormwater fees in lieu of the tax levy are more equitable because non-tax paying entities share the cost, not just taxpayers. Fees can be structured to reflect the impact that commercial properties including apartments contribute to the problem.**

What do other Towns do or plan to do? **Response: Please refer to the attached spreadsheet of responses received. The trend has been to adopt a stormwater utility enterprise. Similar to Needham the initial costs have been funded through the General Fund, but with the increased requirements for a stormwater pollution prevention plan to comply with the unfunded Federal mandates, stormwater fees are being implemented in many communities, and to ensure the new charges will be used for stormwater related costs, communities find that an enterprise fund would best accomplish that goal. In addition to the communities that responded to the survey, we have found through public sources other communities have adopted funds including Chicopee, Fall River, Gloucester, Milton, Newton, Reading, Westfield, and Yarmouth.**

Have other municipalities used the General Fund and been legally challenged? **Response: Yes, other communities have funded operations from the General Fund. There have been no legal challenges in Massachusetts of funding from the General Fund.**

How are other municipalities handling these expenditures? **Response: Please refer to the attached spreadsheet of responses.**

Can an enterprise fund surplus be shifted to the General Fund? **Response: One of the primary reasons for an enterprise fund is to ensure that the fees and charges paid by residents and businesses for stormwater purposes are used for stormwater purposes.**

If monies are credited to the General Fund is it guaranteed that the money will be used for stormwater related expenses? **Response: No.**

If used for stormwater only and in an enterprise fund does it need to be approved at Town Meeting? **Response: Yes, all enterprise fund budgets must be approved and appropriated by Town Meeting. Monies may NOT be spent without Town Meeting appropriation.**

Who decides how to use the funds if it is an enterprise fund? **Response: The Department of Public Works will submit spending requests annually, but the ultimate authority is Town Meeting.**

Expenditures

Can the list provided at the first meeting be broken down by remediation effort at the various treatment locations? **Response: Not immediately. It will take time and is scheduled for FY2021 to make the determinations of the discreet breakdowns and associated costs at various locations.**

How much has Needham expended on ongoing maintenance and capital over the past three years to address stormwater related issues? **Response: The majority of the stormwater management activities are carried out by the Department of Public Works. The expenses for the past three years are estimates because the actual costs are spread out amongst several budgets and the specific NPDES related expenses are not easily discernable from the general ledger.**

	FY2016	FY2017	FY2018
Approximate Budget Expenses	\$442,209.27	\$454,400.45	\$464,086.46

Capital appropriations during the same three year period. This is not inclusive of sewer related capital investment which is supported by sewer rates.

	FY2016	FY2017	FY2018
Capital Projects	\$80,000	\$100,000	\$200,000

What is anticipated for expense and capital budgeted for fiscal year 2020? **Response: The requested expenses specifically identified as NPDES related total \$ \$471,083. The recommended capital expense for FY2020 is ZERO.**

What are the anticipated operating and capital expenditures for next five years? **Response: Preliminary cost estimates have been prepared by the engineering division. Please refer to the attached. The Town's annual stormwater operating expenses includes conducting annual street sweeping, catch basin cleaning, ongoing inspection, and repair of pipes, manholes, culverts, and catch basins as well as working with property owners to prevent discharges from private property.**

Would education opportunities, printing brochures, etc. be an allowed use? **Response: Yes**

What is percentage of properties in town that are connected to the sewer system? **Response: As of February 1, 2019, approximately 96% of the utility accounts in town are on public sewer.**

Fees

Who approves the fees? **Response: The Select Board**

Is the fee mandated? **Response: No, but may require higher property taxes to cover the cost or reduce other services or both.**

When will the stormwater utility fees be determined? **Response: Discussions with the Select Board are anticipated for the summer 2019. The Board will likely hold several meetings on the topic and would hold a public hearing if rates are presented for consideration.**

What methodology would be used to determine the fee amount? **Response: Various options will be provided to the Select Board for consideration.**

Would there be residential, commercial, and/or industrial rates? **Response: Please refer to the prior response.**

Would there be a different rate set for new construction, existing homes, and/or businesses? **Response: Please refer to the previous answer. However there is a difference between fees that are charged as part of the construction approval process verses fees that are charged to pay for the Town's overall responsibilities for broader stormwater management and ongoing maintenance of systems put into place to address stormwater runoff and contaminants.**

Can we increase the sewer fund and use the money for stormwater? **Response: Provided the Town amends the Sewer Enterprise Fund to include stormwater utility. However, there may be a disconnect between the fee charged based on sewer use and the impact that stormwater discharge relates to the account.**

id	ClusterID	ClusterLatitude	ClusterLongitude	ClusterName	ClusterCount	EPARegionCode	IndianCountryRows	SVRows	CVRows	V3Rows	INSTRRows	F5ARows	InfRARows	TotalRows	CAAI
1	42.0623223	-72.632744	cluster-1.png	Zip Code 01001: AGAWAM	4	01	0	0	1	2	3	4	2	423150	:
2	42.639788	-72.4583072	cluster-1.png	Zip Code 01002: AMHERST	3	01	0	0	1	2	0	3	2	93500	:
3	42.418483	-72.1065981	cluster-1.png	Zip Code 01003: BARRIE	2	01	0	0	1	1	1	1	1	0	:
4	42.279098	-72.4004882	cluster-1.png	Zip Code 01007: BELCHERTOWN	8	01	0	0	7	5	0	8	5	0	:
5	42.2119688	-72.3414375	cluster-1.png	Zip Code 01008: BONDSDALE	1	01	0	0	1	0	0	1	0	0	:
6	42.1294768	-72.2052022	cluster-1.png	Zip Code 01010: BRIMFIELD	5	01	0	0	4	4	0	5	1	0	:
7	42.3002815	-72.8687163	cluster-1.png	Zip Code 01011: CHESTER	1	01	0	0	1	1	0	1	0	0	:
8	42.3742255	-72.8581917	cluster-1.png	Zip Code 01012: CHESTERFIELD	1	01	0	0	1	1	0	1	0	0	:
9	42.1590959	-72.6029037	cluster-1.png	Zip Code 01013: CHICOPPEE	1	01	0	0	0	0	1	1	0	0	:
10	42.177698	-72.5818353	cluster-1.png	Zip Code 01020: CHICOPPEE	3	01	0	0	0	1	1	3	0	1300	:
11	42.4977414	-72.5472131	cluster-1.png	Zip Code 01022: CHICOPPEE	1	01	0	0	1	1	1	1	0	318834	:
12	42.4684945	-72.9182666	cluster-1.png	Zip Code 01026: CUMMINGS	1	01	0	0	1	1	1	1	0	0	:
13	42.2950079	-72.7518767	cluster-1.png	Zip Code 01027: EASTHAMPTON	2	01	0	0	2	0	2	3	1	0	:
14	42.058514	-72.5012341	cluster-1.png	Zip Code 01028: EAST LONGMEADOW	3	01	0	0	0	0	3	0	4	66949	:
15	42.1933945	-73.0464647	cluster-1.png	Zip Code 01029: EAST OTIS	4	01	0	0	0	3	3	0	4	0	:
16	42.3293975	-72.1983903	cluster-1.png	Zip Code 01031: GILBERTVILLE	2	01	0	1	2	2	1	2	1	0	:
17	42.4576127	-72.8447937	cluster-1.png	Zip Code 01032: GOSHEN	2	01	0	1	1	1	1	2	1	0	:
18	42.2449585	-72.5009341	cluster-1.png	Zip Code 01033: GRANBY	10	01	0	0	7	9	0	10	8	0	:
19	42.0982067	-72.9161716	cluster-1.png	Zip Code 01034: GRANVILLE	2	01	0	0	1	2	0	2	1	0	:
20	42.3564821	-72.5685758	cluster-1.png	Zip Code 01035: HADLEY	1	01	0	0	1	0	0	1	1	0	:
21	42.0579456	-72.4171959	cluster-1.png	Zip Code 01036: HAMPSHIRE	4	01	0	0	1	4	0	4	1	0	:
22	42.3679505	-72.48871	cluster-1.png	Zip Code 01037: HARWICK	7	01	0	1	6	6	1	7	2	6612	:
23	42.3984957	-72.6062984	cluster-1.png	Zip Code 01038: HATFIELD	1	01	0	0	1	1	1	1	1	0	:
24	42.2116552	-72.647448	cluster-1.png	Zip Code 01040: HOLYOKE	8	01	0	0	1	1	7	8	2	16600	:
25	42.2867505	-72.8896931	cluster-1.png	Zip Code 01046: HUNTINGTON	4	01	0	0	3	4	0	4	3	0	:
26	42.3563014	-72.7133844	cluster-1.png	Zip Code 01053: LEEDS	1	01	0	0	1	0	1	1	0	0	:
27	42.469598	-72.4845016	cluster-1.png	Zip Code 01056: LEVERETT	1	01	0	0	0	0	0	1	0	0	:
28	42.1889646	-72.4501785	cluster-1.png	Zip Code 01056: LUDLOW	5	01	0	0	0	0	0	1	0	0	:
29	42.3214882	-72.698682	cluster-1.png	Zip Code 01060: NORTHAMPTON	1	01	0	0	0	0	1	1	1	0	:
30	42.3283144	-72.7039227	cluster-1.png	Zip Code 01062: FLORENCE	1	01	0	0	1	1	1	1	1	0	:
31	42.3283144	-72.7039227	cluster-1.png	Zip Code 01062: NORTHAMPTON	1	01	0	0	1	1	1	1	1	0	:
32	42.3508615	-72.044248	cluster-1.png	Zip Code 01068: DANHAM	2	01	0	0	1	1	1	1	1	0	:
33	42.1877937	-72.309469	cluster-1.png	Zip Code 01069: PALMER	5	01	0	0	3	4	2	5	0	0	:
34	42.5184458	-72.9190156	cluster-1.png	Zip Code 01070: PLAINFIELD	3	01	0	0	0	0	0	3	2	0	:
35	42.1601059	-72.6759833	cluster-1.png	Zip Code 01071: RUSSELL	1	01	0	0	1	1	1	1	1	0	:
36	42.268485	-72.7415876	cluster-1.png	Zip Code 01073: SOUTHAMPTON	1	01	0	0	1	1	0	1	1	0	:
37	42.268485	-72.7415876	cluster-1.png	Zip Code 01073: SOUTHAMPTON	1	01	0	0	1	1	0	1	1	0	:
38	42.0525703	-72.7778529	cluster-1.png	Zip Code 01075: SOUTH HADLEY	2	01	0	0	0	0	2	2	2	0	:
39	42.1882118	-72.3656537	cluster-1.png	Zip Code 01080: THREE RIVERS	2	01	0	0	1	1	1	1	2	0	:
40	42.0631329	-72.2344109	cluster-1.png	Zip Code 01081: WALES	3	01	0	0	2	2	0	2	2	0	:
41	42.2938537	-72.2785992	cluster-1.png	Zip Code 01082: WARE	3	01	0	0	3	2	0	3	0	0	:
42	42.2036423	-72.1945994	cluster-1.png	Zip Code 01083: WARREN	1	01	0	0	1	1	0	1	0	0	:
43	42.1581029	-72.771602	cluster-1.png	Zip Code 01085: WESTFIELD	9	01	0	1	3	6	5	9	1	108439	:
44	42.1524511	-72.6497041	cluster-1.png	Zip Code 01085: WESTFIELD	5	01	0	1	3	6	5	9	1	25705	:
45	42.1916678	-72.653075	cluster-1.png	Zip Code 01088: WEST SPRINGFIELD	1	01	0	1	1	1	1	1	0	0	:
46	42.4351211	-72.6549536	cluster-1.png	Zip Code 01093: WHATELY	1	01	0	0	1	1	1	1	0	0	:
47	42.1373273	-72.4274037	cluster-1.png	Zip Code 01095: WILBRAHAM	2	01	0	0	0	0	0	0	1	4455	:
48	42.3971395	-72.7635717	cluster-1.png	Zip Code 01096: WILLIAMSBURG	2	01	0	0	0	0	0	2	0	0	:
49	42.3943148	-72.9431168	cluster-1.png	Zip Code 01098: WORTHINGTON	2	01	0	0	1	0	1	2	0	5000	:
50	42.1340094	-72.5615781	cluster-1.png	Zip Code 01104: SPRINGFIELD	5	01	0	0	0	0	3	5	0	21028	:
51	42.0952057	-72.5775792	cluster-1.png	Zip Code 01105: SPRINGFIELD	2	01	0	0	0	0	2	2	0	0	:
52	42.0475652	-72.5713005	cluster-1.png	Zip Code 01106: LONGMEADOW	1	01	0	0	0	0	0	2	0	5600	:
53	42.1216653	-72.6079681	cluster-1.png	Zip Code 01107: SPRINGFIELD	3	01	0	0	0	0	1	0	1	0	:
54	42.1196737	-72.5497259	cluster-1.png	Zip Code 01109: SPRINGFIELD	4	01	0	0	0	0	3	3	4	3800	:
														4100	:

FY2021

5 Year CIP 2016 Regulation NPDES MS4 Storm Water Program

		Total	Operating	Capital
> Dry Weather & Wet Weather Testing - 295 Outfalls		\$220,000		\$220,000
> Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas		see above		
> Produce map tracking the properties that have infiltration systems.		\$10,000		\$10,000
> Track small diameter drain extensions on a map		\$10,000		\$10,000
> Hire street sweepers to sweep higher pollutant load areas (additional sweeping)		\$12,000		\$12,000
> Street sweep entire town twice per year		\$50,000		\$50,000
> Clean and inspect all catch basins once per year		\$145,000	\$65,000	\$80,000
> Rebuild/Rehab Brooks & culverts \$200K/yr		\$200,000		\$200,000
> Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs		\$40,000	\$40,000	
> Compile Annual NPDES MS4 report and post on website each year		\$20,000	\$5,000	\$15,000
> Inspect and evaluate all BMPs Town-wide once per year (on town properties and roads/easements)		???	???	???
> Consulting services for NPDES Update and submittal requirements				
> Field Updates to GIS		\$15,000		\$15,000
> Construct BMPs		\$10,000		\$10,000
> Annual Training		???		???
> Track & Report SSO's		\$20,000	\$5,000	\$15,000
> Reprioritize Catchment Areas		\$500	\$500	
> Data Management/People GIS		\$20,000		\$20,000
Identify 2 Sub-watershed areas for:		\$10,000		\$10,000
• CCTV Work (10% of the system min./47,500 ft/yr) 1DDE		\$100,000	\$100,000	
• Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)		see above		
• Cleaning/maintenance of brooks & culverts (10% of total length per year)		\$10,000	\$10,000	
• Catch Basin and drain pipe replacement/rehabilitation		\$20,000	\$20,000	
• Potential testing locations (storm water quality) install testing locations where needed		\$20,000		\$20,000
• Identify town owned properties for communal/neighborhood infiltration systems		\$5,000	\$2,500	\$2,500
• Identify Park & Recreation areas to reduce impervious and promote surface infiltration		\$5,000	\$5,000	
• Identify roadway pavements that can be narrowed or reduced		\$10,000	\$5,000	\$5,000
• Follow-up on any hits found through testing and/or CCTV work		???	???	
• Identify 2 targeted audiences for education/outreach and the message we want to send		\$5,000	\$5,000	
• Identify 2 participation/involvement measures we want to promote		\$5,000	\$5,000	
• Identify O & M plans for the properties within the 2 selected sub-watersheds		\$10,000		\$10,000
• Resolve truck washing problem		???		
• Construct DPW Yard WQS for parking lot drain system		\$60,000		\$60,000
• Develop improvements to SWPPP plan for DPW yard & for RTS		\$45,000		\$45,000
• Construct RTS WQS for site drainage system		\$960,000		\$960,000
• Identify suitable snow dump locations		\$10,000	\$10,000	
		\$2,047,500	\$278,000	\$1,769,500

Not including labor

DRAFT

DRAFT

FY2022

	Total	Operating	Capital
> Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas	\$15,000	\$0	\$15,000
> Resolve any "hits" we find in the outfall testing	\$5,000	\$0	\$5,000
> Produce map tracking the properties that have infiltration systems.	\$10,000	\$0	\$10,000
> Track small diameter drain extensions on a map	\$10,000	\$0	\$10,000
> Hire street sweepers to sweep higher pollutant load areas (additional sweeping)	\$12,000	\$0	\$12,000
> Street sweep entire town twice per year	\$50,000	\$0	\$50,000
> Clean and inspect all catch basins once per year	\$147,600	\$67,600	\$80,000
> Rebuild/Rehab Brooks & culverts \$200K/yr	\$200,000	\$0	\$200,000
> inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs	\$41,600	\$41,600	
> Compile Annual NPDES MS4 report and post on website each year	\$20,200	\$5,200	\$15,000
> inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements)	???	\$0	
> Field Updates to GIS	\$10,000	\$0	\$10,000
> Construct BMPs	???	\$0	
> Annual Training	\$20,200	\$5,200	\$15,000
> Track & Report SSO's	\$520	\$520	
> Reprioritize Catchment Areas	\$20,000	\$0	\$20,000
> Data Management/People GIS	\$10,000	\$0	\$10,000
Identify 2 more sub-watershed areas for:			
• CCTV Work (10% of the system min./47,500 ft/yr) 1DDE	\$104,000	\$104,000	
• Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)	\$0	\$0	
• Cleaning/maintenance of brooks & culverts (10% of total length per year)	\$10,400	\$10,400	
• Catch Basin and drain pipe replacement/rehabilitation	\$20,800	\$20,800	
• Potential testing locations (storm water quality) install testing locations where needed	\$20,000	\$0	\$20,000
• Identify town owned properties for communal/neighborhood infiltration systems	\$5,100	\$2,600	\$2,500
• Identify Park & Recreation areas to reduce impervious and promote surface Infiltration	\$5,200	\$5,200	
• Identify roadway pavements that can be narrowed or reduced	\$10,200	\$5,200	\$5,000
• Follow-up on any hits found through testing and/or CCTV work	???	\$0	
• Identify 2 targeted audiences for education/outreach and the message we want to send	\$5,200	\$5,200	
• Identify 2 participation/involvement measures we want to promote	\$5,200	\$5,200	
• Construct testing locations from FY21	\$25,000	\$0	\$25,000
• Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property	\$10,000	\$0	\$10,000
• Construct BMPs & changes needed to be done at each Town facility/property identified in FY21	\$0	\$0	
• Truck washing portable rental and money for truck washing solution	???	\$0	
• Construct improvements to selected snow dump areas	???	\$0	
	\$793,220	\$278,720	\$514,500

Not including labor

FY 2023

	Total	Operating	Capital
> Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas	\$15,000	\$0	\$15,000
> Resolve any "hits" we find in the outfall testing	\$5,000	\$0	\$5,000
> Produce map tracking the properties that have infiltration systems.	\$10,000	\$0	\$10,000
> Track small diameter drain extensions on a map	\$10,000	\$0	\$10,000
> Hire street sweepers to sweep higher pollutant load areas (additional sweeping)	\$12,000	\$0	\$12,000
> Street sweep entire town twice per year	\$50,000	\$0	\$50,000
> Clean and inspect all catch basins once per year	\$149,966	\$69,966	\$80,000
> Rebuild/Rehab Brooks & culverts \$200K/yr	\$200,000	\$0	\$200,000
> Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs	\$43,056	\$43,056	
> Compile Annual NPDES MIS4 report and post on website each year	\$20,382	\$5,382	\$15,000
> Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements	???	\$0	
> Field Updates to GIS			
> Construct BMPs	\$10,000	\$0	\$10,000
> Annual Training	???	\$0	
> Track & Report SSO's	\$20,382	\$5,382	\$15,000
> Reprioritize Catchment Areas	\$538	\$538	
> Data Management/People GIS	\$20,000	\$0	\$20,000
Identify 2 more sub-watershed areas for:	\$10,000	\$0	\$10,000
• CCTV Work (10% of the system min./47,500 ft/yr) 1DDE	\$107,640	\$107,640	
• Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)	\$0	\$0	
• Cleaning/maintenance of brooks & culverts (10% of total length per year)	\$10,764	\$10,764	
• Catch Basin and drain pipe replacement/rehabilitation	\$21,528	\$21,528	
• Potential testing locations (storm water quality) install testing locations where needed	\$20,000	\$0	\$20,000
• Identify town owned properties for communal/neighborhood infiltration systems	\$5,191	\$2,691	\$2,500
• Identify Park & Recreation areas to reduce impervious and promote surface infiltration	\$5,382	\$5,382	
• Identify roadway pavements that can be narrowed or reduced	\$10,382	\$5,382	\$5,000
• Follow-up on any hits found through testing and/or CCTV work	???	\$0	
• Identify 2 targeted audiences for education/outreach and the message we want to send	\$5,382	\$5,382	
• Identify 2 participation/involvement measures we want to promote	\$5,382	\$5,382	
• Construct testing locations from FY21	\$25,000	\$0	\$25,000
• Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify has to be done at each Town owned facility/property	\$10,000	\$0	\$10,000
• Construct BMPs & changes needed to be done at each Town facility/property identified in FY21	\$0	\$0	\$0
• Truck washing portable rental and money for truck washing solution	???	\$0	\$0
• Construct improvements to selected snow dump areas	???	\$0	\$0
	\$802,975	\$288,475	\$514,500

Not including labor

FY2024

	Total	Operating	Capital
➤ Dry Weather & Wet Weather Testing - 20 Sub-watershed Areas	15,000	0	15,000
➤ Resolve any "hits" we find in the outfall testing	5,000	0	5,000
➤ Produce map tracking the properties that have infiltration systems.	10,000	0	10,000
➤ Track small diameter drain extensions on a map	10,000	0	10,000
➤ Hire street sweepers to sweep higher pollutant load areas (additional sweeping)	12,000	0	12,000
➤ Street sweep entire town twice per year	50,000	0	50,000
➤ Clean and inspect all catch basins once per year	152,590	72,590	80,000
➤ Rebuild/Rehab Brooks & culverts \$200K/yr	200,000	0	200,000
➤ Inspect and maintain all BMPs on each town owned site/facility 1X/yr SWMPs and SWPPPs	44,671	44,671	
➤ Compile Annual NPDES MS4 report and post on website each year	20,584	5,584	15,000
➤ Inspect and evaluate all BMPs town wide once per yr (on town properties and roads/easements	???	0	
➤ Consulting services for NPDES update and submittal requirements	???	0	10,000
➤ Field Updates to GIS	???	0	
➤ Construct BMPs	20,584	5,584	15,000
➤ Annual Training	558	558	
➤ Track & Report SSO's	20,000	0	20,000
➤ Reprioritize Catchment Areas	10,000	0	10,000
➤ Data Management/People GIS	0	0	
Identify 2 more sub-watershed areas for:			
• CCTV Work (10% of the system min./47,500 ft/yr) 1DDE	111,677	111,677	
• Drain cleaning (rodding/flushing) 4,750 ft/yr (1% of total system)	0	0	
• Cleaning/maintenance of brooks & culverts (10% of total length per year)	11,168	11,168	
• Catch Basin and drain pipe replacement/rehabilitation	22,335	22,335	
• Potential testing locations (storm water quality) install testing locations where needed	20,000	0	20,000
• Identify town owned properties for communal/neighborhood infiltration systems	5,292	2,792	2,500
• Identify Park & Recreation areas to reduce impervious and promote surface infiltration	5,584	5,584	
• Identify roadway pavements that can be narrowed or reduced	10,584	5,584	5,000
• Follow-up on any hits found through testing and/or CCTV work	???	0	
• Identify 2 targeted audiences for education/outreach and the message we want to send	5,584	5,584	
• Identify 2 participation/involvement measures we want to promote	5,584	5,584	
• Construct testing locations from FY21	25,000	0	25,000
• Identify O & M plans for the properties within the 2 (new) selected sub-watershed areas and identify what has to be done at each Town owned facility/property	10,000	0	10,000
• Construct BMPs & changes needed to be done at each Town facility/property identified in FY21	???	0	
• Truck washing portable rental and money for truck washing solution	???	0	
• Construct improvements to selected snow dump areas	???	0	
	\$813,793	\$299,293	\$514,500

Not including labor

Questions

1. Has your municipality adopted a stormwater bylaw/ordinance?
2. If so, when was it adopted (month/year)?
3. How does your municipality account for stormwater related revenues and expenses: The General Fund, An Enterprise Fund, A Special Revenue Fund, or Water Enterprise?
4. If tracked through an Enterprise Fund, is it a standalone fund or part of another enterprise fund (e.g. included in a Wastewater, Sewer, or Water Enterprise)?
5. Does your municipality charge a separate fee for the Town's stormwater related costs or are the expenses paid by the property tax?
6. If there is a separate fee, who sets the fee?
7. If there is a fee, is the fee different for businesses (commercial property) from residences?
8. If there is a fee, is it on your community's web site?
9. If known, how much did your community budget for stormwater related expenses for FY2019?
10. If known, how much the your community appropriate for stormwater related capital investment for FY2019?

Community	Q1 - Bylaw/Ordinance	Q2 - When Adopted	Q3 - Revenue & Expense	Q4 - Type of Enterprise	Q5 - Separate Fee or Tax Levy	Q6 - Who Sets Fee	Q7 - Different Fee for Business	Q8 - Fee Structure Shown on Web Page	Q9 - Budgeted for Stormwater Related Expenses for FY2019	Q10 - Appropriation for Stormwater Related Capital for FY2019	Notes
Acton	Yes	See Note	General Fund & Special Revenue Fund (Capped at \$19,550)		See Note	Board of Selectmen	See Note		See note	No appropriation for FY19	Two separate bylaws have been adopted 2010 and 2015; Commercial and Multi-family are assessed fees, but not single family homes. Operating budget amount was not available but in house costs are included in the budget. The fund is capped at \$19,550 for FY19
Amherst											No action has been taken to date.
Arlington	No		Enterprise Fund	Included in Water/Sewer	Included in Water/Sewer Rates				\$76,000	\$200,000	May establish a separate enterprise fund in the future.
Attleboro	Yes	4/15/2006	General Fund	NA	See Note				\$18,000		May establish a separate fee in the future; currently there is no separate fee.
Bellingham	Yes		See Note		See Note	Board of Selectmen	See Note		\$450,000	\$670,000	Currently funded through General Fund but Town is considering adopting and Enterprise Fund and a quarterly fee.
Braintree	Yes	May-18	Enterprise Fund	Standalone	A separate fee	Mayor	Yes	Yes	\$670,525	No appropriation for FY19	
Brookline	Yes	May-03	Enterprise Fund	Water and Sewer Enterprises	A separate fee	Select Board	Yes	No	See note	\$300,000	Operating budget amount was not available but the costs are included in the operating budget.

Questions

- 1 Has your municipality adopted a stormwater bylaw/ordinance?
- 2 If so, when was it adopted (month/year)?
- 3 How does your municipality account for stormwater related revenues and expenses: The General Fund An Enterprise Fund A Special Revenue Fund
- 4 If tracked through an Enterprise Fund, is it a standalone fund or part of another enterprise fund (e.g. included in a Wastewater, Sewer, or Water Enterprise)?
- 5 Does your municipality charge a separate fee for the Town's stormwater related costs or are the expenses paid by the property tax?
- 6 If there is a separate fee, who sets the fee?
- 7 If there is a fee, is the fee different for businesses (commercial property) from residences?
- 8 If there is a fee, is it on your community's web site?
- 9 If known, how much did your community budget for stormwater related expenses for FY2019?
- 10 If known, how much the your community appropriate for stormwater related capital investment for FY2019?

Community	Q1 - Bylaw/Ordinance	Q2 - When Adopted	Q3 - Revenue & Expense	Q4 - Type of Enterprise	Q5 - Separate Fee or Tax Levy	Q6 - Who Sets Fee	Q7 - Different Fee for Business	Q8 - Fee Structure Shown on Web Page	Q9 - Budgeted for Stormwater Related Expenses for FY2019	Q10 - Appropriate for Stormwater Related Capital for FY2019	Notes
Canton	Yes	May-07	Both GF and EF	Water and Sewer Enterprises		Board of Selectmen			See note	\$400,000	Operating budget amount was not available but the costs are included in the Public Works operating budget. Capital was funded through the Water and Sewer Enterprise funds in equal amounts.
Chelmsford	No		Enterprise Fund	Standalone	A separate fee	DPW Director	Yes	Yes	\$508,656	\$985,000	
Concord	Yes	15-Mar-11	General Fund (NPDES Permit Compliance)	NA	No separate fees					\$240,000	
Dracont	Yes		Enterprise Fund	Standalone	See Note		See Note	See Note	\$150,000	No appropriation for FY19	The Town is in the process of establishing fees for both residential and commercial properties. The fees will be a separate bill that will fund the enterprise. The Town is in the process of hiring a Stormwater Manager.
Franklin	Yes										The Town appropriated funds to do a study on costs and fee options. Franklin may need to update the bylaw. More information in the fall.
Hingham	Yes		General Fund		Tax Levy				\$100,000	No appropriation for FY19	

Questions

- 1 Has your municipality adopted a stormwater bylaw/ordinance?
- 2 If so, when was it adopted (month/year)?
- 3 How does your municipality account for stormwater related revenues and expenses: The General Fund, An Enterprise Fund, A Special Revenue Fund, or Water Enterprise?
- 4 If tracked through an Enterprise Fund, is it a standalone fund or part of another enterprise fund (e.g. included in a Wastewater, Sewer, or Water Enterprise)?
- 5 Does your municipality charge a separate fee for the Town's stormwater related costs or are the expenses paid by the property tax?
- 6 If there is a separate fee, who sets the fee?
- 7 If there is a fee, is the fee different for businesses (commercial property) from residences?
- 8 If there is a fee, is it on your community's web site?
- 9 If known, how much did your community budget for stormwater related expenses for FY2019?
- 10 If known, how much the your community appropriate for stormwater related capital investment for FY2019?

Community	Q1 - Bylaw/Ordinance	Q2 - When Adopted	Q3 - Revenue & Expense	Q4 - Type of Enterprise	Q5 - Separate Fee or Tax Levy	Q6 - Who Sets Fee	Q7 - Different Fee for Business	Q8 - Fee Structure Shown on Web Page	Q9 - Budgeted for Stormwater Related Expenses for FY2019	Q10 - Appropriate for Stormwater Related Capital for FY2019	Notes
Northampton	Yes	3/20/2004	Enterprise Fund	Stormwater and Flood Control	A separate fee	Mayor	Yes	Yes	\$837,583	\$1,114,403	Both the budget and capital amounts are inclusive of both stormwater and flood control activities. The capital amount is inclusive of \$45,450 of Debt Service.
Stoughton	Yes	9/5/2006	General Fund		Tax Levy				See Note	No request for FY19	Operating budget amount was not available but the costs are included in the Public Works operating budget.
Walpole	Yes	Spring 2007	General Fund		Tax Levy	NA	NA	NA		No request for FY19	
Wellesley	Not Yet		General Fund		Tax Levy	NA	NA	NA		No request for FY19	
Westford	Pending		Pending Selectmen decision	It would be a Standalone	Plan is for a separate fee	Board of Selectmen	Fee would be based on the size of impermeable surface		\$500K to \$600K	\$80,000	Bylaw is proposed for the 2019 Annual Town Meeting.

STORM WATER ACCOUNTING OPTIONS

TOWN OF NEEDHAM

MEETING NOTES

Date: August 7, 2019

Time: 6:00 PM

Location: Town Hall

Attendance

Present:

Janet Bernardo	(Conservation Commission Chair)
John Cosgrove	(Water & Sewer Rate Structure Committee)
David Davison	(Assistant Town Manager/Finance Director)
Anthony DelGaizo	(Town Engineer)
Tom Loughran	(Water & Sewer Rate Structure Committee)
Rick Merson	(Director of DPW)
Louise Miller	(Finance Committee)
Rick Zimbone	(Citizen at Large)

Notes prepared by: Kathryn Copley Administrative Specialist

Discussion

Mr. Davison reported he has been in contact with the Massachusetts Department of Revenue. They did not think an Enterprise fund for capital only would be appropriate and suggested the option of using a special stabilization fund for stormwater utilizing section 5B of chapter 40 MGL would be appropriate. The fund is established by a vote of Town Meeting. Town Meeting would vote to dedicate the revenue stream for storm water capital improvement support. Monies are credited to the fund and reserved for future appropriation for related expenses.

The Town has several similar funds: Athletic Stabilization Fund, Building Facilities Capital Improvement Fund and Equipment Capital Improvement Stabilization Fund. These are a bit different as they are funded by Town Meeting vote and not by a fee. A Future Capital Improvements to Storm Water Management Stabilization Fund would be funded thru fees assessed to land owners. The Stormwater Capital Improvement is anticipated to occur over the next forty years.

Town Meeting has already adopted a by-law that gives the Select Board the authority to set the fees that would fund stormwater expenses and the receipts would be credited to the stabilization fund. Setting up a stabilization fund guarantees that money goes to the Stormwater Capitalization Fund. The fund builds up over time.

Concerns were expressed on how the fee would be set. The fee would be based on the impact of each property (residential, business and non-profit) based on impervious surfaces on the property. If the property is mitigating stormwater runoff then they would pay a lower fee. It is anticipated that a sub-committee would offer guidance to the Select Board to determine the fee. The process would occur over the next year. An abatement procedure would be part of the program.

Free cash contributions from the Town to cover a fair portion for public properties (roads, parking lots) will most likely be considered.

Mr. Zimbone made a motion to recommend moving forward with a plan to be voted on by Town Meeting to establish a special stabilization fund at such time when a fee structure has been developed and disclosed by the Select Board. Mr. Loughran seconded the motion. The motion was voted on and approved unanimously.

Needham started the National Pollutant Discharge Elimination System (NPDES) process in 2016. The notice of intent was submitted on September 29, 2018 and the new permit was approved on June 4, 2019.

Handouts

Chapter 40: Section 5B

Adjournment

The meeting ended at 6:55 PM.

These notes are intended to convey the content of the discussions at the meeting.

Chapter 40: Section 5B. Stabilization funds; establishment

Section 5B. Cities, towns and districts may create 1 or more stabilization funds and appropriate any amount into the funds. Any interest shall be added to and become part of the fund.

The treasurer shall be the custodian of all stabilization funds and may deposit the proceeds in a trust company, co-operative bank or savings bank, if the trust company or bank is organized or exists pursuant to the laws of the commonwealth or any other state or may transact business in the commonwealth and has its main office or a branch office in the commonwealth; a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the commonwealth; provided, however, that a state-chartered or federally-chartered bank shall be insured by the Federal Deposit Insurance Corporation or its successor; or may invest the funds in participation units in a combined investment fund pursuant to section 38A of chapter 29 or in securities that are legal investments for savings banks.

At the time of creating any stabilization fund the city, town or district shall specify, and at any later time may alter, the purpose of the fund, which may be for any lawful purpose, including without limitation, an approved school project pursuant to chapter 70B or any other purpose for which the city, town or district may lawfully borrow money. The specification and any alteration of purpose, and any appropriation of funds from any such fund, shall be approved by a two-thirds vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority referendum vote. Subject to said section 21C of said chapter 59, any such vote shall be of the legislative body of the city, town or district, subject to charter.

~~Notwithstanding section 53 of chapter 44 or any other general or special law to the contrary, a city, town or district that accepts this paragraph may dedicate, without further appropriation, all, or a percentage not less than 25 per cent, of a particular fee, charge or other receipt to any stabilization fund established pursuant to this section; provided, however, that the receipt is not reserved by law for expenditure for a particular purpose. For purposes of this paragraph, a receipt shall not include taxes or excises assessed pursuant to chapter 59, 60A, 60B, 61, 61A or 61B or surcharges assessed pursuant to section 39M or chapter 44B. A dedication shall be approved by a two-thirds vote of the legislative body of the city, town or district, subject to charter, and may be terminated in the same manner. A vote to dedicate or terminate a dedication shall be made before the fiscal year in which the dedication or termination is to commence and shall be effective at least for 3 fiscal years.~~

ARTICLE 37: **STORMWATER STABILIZATION FUND**

To see if the Town will vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5 which allows the dedication, without further appropriation, of 100% of the Community Stormwater Mitigation Assessments collected into the fund for stormwater maintenance, repair, and improvement program, effective for fiscal year 2024 beginning on July 1, 2023; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: The Select Board is considering a proposal to establish a stormwater stabilization fund as a repository for funds raised to address the capital costs associated with compliance with the National Pollutant Discharge Elimination System (NPDES) program. The Board will consider implementation of a Community Stormwater Mitigation Assessment that would apply to all parcels that have impervious cover, including residential, commercial, non-for-profit and tax-exempt properties. Monies collected as part of the mitigation assessment would be deposited directly into the Stormwater Stabilization Fund to be used for NPDES compliance only. The Select Board will hold a hearing prior to making a decision on whether to implement a Community Stormwater Mitigation Assessment and, if, so, what the proposed assessment would be.



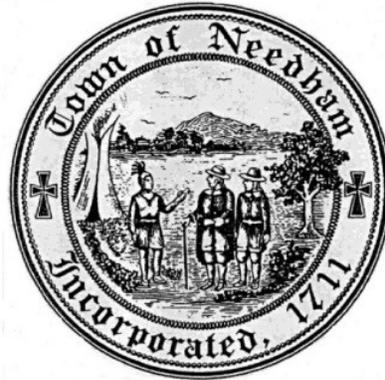
**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Open May 8, 2023 Special Town Meeting
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>The Board is scheduled to open the warrant for the May 8, 2023 Special Town Meeting. The Warrant is scheduled to be closed on March 28th.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p><i>Suggested Motion:</i> That the Board vote to open the warrant for the May 8, 2023 Special Town Meeting.</p>	
3.	BACK UP INFORMATION ATTACHED
<p>a. Draft Special Town Meeting Warrant 3.10.2023</p>	

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 8, 2023

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 3.10.2023

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

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

MONDAY, THE EIGHTH DAY OF MAY 2023

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

HUMAN RESOURCE ARTICLES

**ARTICLE X: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM
FIRE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the fiscal year 2023 Classification, Performance, and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2023 and fiscal year 2024; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

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

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to exempt the Fire Department from chapter 31 of the General Laws, the Massachusetts Civil Service Law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

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

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

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

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

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

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

Or to take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

FINANCE ARTICLES

ARTICLE X: AMEND THE FY2023 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Operating Budget adopted under Article 10 of the 2022 Annual Town Meeting and Amended under Article 3 of the October 24, 2022 Special Town meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>

or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND THE FY2023 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Sewer Enterprise Fund adopted under Article 11 of the 2022 Annual Town Meeting as amended by Article 4 of the October 24, 2022 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND THE FY2023 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2023 Water Enterprise Fund adopted under Article 12 of the 2022 Annual Town Meeting as amended under Article 5 of the October 24, 2022 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

RESERVE ARTICLES

ARTICLE X: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. The 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital items at times when ordinary funding sources are limited or not available. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The balance in the fund as of XX was XX.

ARTICLE X: APPROPRIATE TO CAPITAL FACILITY FUND

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of XX was \$XX.

ARTICLE X: APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

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

The recommended appropriation to the Fund for FY2024 is \$XX. The amount appropriated into the Fund will stay with the fund and will be used to manage the Town's reliance on debt. The balance in the fund as of March 2023 was \$XX.

GENERAL ARTICLES

ARTICLE X: AMEND TOWN CHARTER – PERSONNEL BOARD

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

Or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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

To see if the Town will accept General Laws Chapter 44, Section 53F³/₄, which establishes a special revenue fund known as the Public, Educational, and Governmental (PEG) Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2024, which begins on July 1, 2023 or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *The Town needs to amend the process by which the Needham Channel receives revenues from the cable companies. Currently the cable companies make payment directly to the Needham Channel. The State requires the Town to receive the monies directly and then make payment to the Needham Channel. Those monies include fees collected from customers by the cable companies in connection with the franchise and in support of public, educational and government (PEG) programming; the Needham Channel provides these services. In addition to those monies, there are other payments required under the cable licensing agreements to provide services, facilities, and equipment for the Needham Channel, to deliver cable television programming to Town buildings. Under state law, cable companies also pay the Town an annual license fee, which is based on the number of cable customers. Massachusetts General Law Chapter 44, Section 53F³/₄, allows the Town to create a separate revenue account to be known as the "PEG Access and Cable Related Fund", into which may be deposited funds received in connection with a franchise agreement between the cable companies and the Town. Creation of such a fund would align the Town with the practices prescribed by the Massachusetts Department of Revenue.*

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

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

Needham Channel, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to appropriate funds to make payments to the Needham Channel during fiscal year 2024. Because of the timing with the receipt of the funds, the Town must identify an alternative funding source for the year and the Town would effectively be reimbursed by the payments received from the cable companies. The cable companies make payment quarterly based on their collections. The Town would pay out no more than what is received from the cable companies. The payments to the Needham Channel would not occur until after the payments are received from the cable companies each quarter.

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

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

Given into our hands at Needham aforesaid this 28th day of March 2022.

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

Select Board of Needham

A TRUE COPY
Attest:
Constable:



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will discuss proposed changes to the Annual Town Meeting Warrant.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to amend the 2023 Annual Town Meeting Warrant	
3.	BACK UP INFORMATION ATTACHED
a. Draft Annual Town Meeting Warrant dated 3.10.2023	

TOWN OF NEEDHAM



ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 11, 2023

Business Meeting: Monday, May 1, 2023

7:30 p.m.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 3.10.2023

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

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 11, 2023
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 | - | Center at the Heights, 300 Hillside Avenue |
| Precinct B | - | Center at the Heights, 300 Hillside Avenue |
| Precinct C | - | Newman School Gymnasium, 1155 Central Avenue |
| Precinct D | - | Newman School Gymnasium, 1155 Central Avenue |
| Precinct E | - | Needham Golf Club, 49 Green Street |
| Precinct F | - | Rosemary Recreation Complex, 178 Rosemary Street |
| Precinct G | - | Rosemary Recreation Complex, 178 Rosemary Street |
| Precinct H | - | Needham Golf Club, 49 Green Street |
| Precinct I | - | Town Hall, Powers Hall, 1471 Highland Avenue |
| Precinct J | - | Town Hall, Powers Hall, 1471 Highland Avenue |

on TUESDAY, THE ELEVENTH DAY OF APRIL 2023

from seven 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:

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on MONDAY, THE FIRST DAY OF MAY 2023 at seven thirty o'clock in the afternoon, then and there to act upon the following articles, viz:

**Warrant for the Annual Town Meeting
Monday, May 1, 2023, at 7:30 p.m. at Needham Town Hall**

ARTICLE 2: COMMITTEE AND OFFICER REPORTS

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

HUMAN RESOURCE ARTICLES

ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2023, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$77,610
Town Clerk with 6 years of service in that position	\$116,802 ⁽¹⁾
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$10,513, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$80,326. The annual salary of \$116,801.85 includes compensation for seven (7) weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$17,139. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$17,139; or take any other action relative thereto.

INSERTED BY: Personnel Board
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories: newly elected Town Clerk and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

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

FINANCE ARTICLES

ARTICLE 4: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Property Tax Assistance Program helps elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,345 in fiscal year 2022.

ARTICLE 5: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$300,000 be transferred from Free Cash and that \$700,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, electrical and mechanical systems, HVAC, lighting, flooring, carpentry work, and other repairs and upgrades.

ARTICLE 6: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Affordable Housing Trust

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

ARTICLE 7: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains. The balance in the fund as of XX was \$XX.

ARTICLE 8: APPROPRIATE FOR OUTSIDE RECRUITMENT SERVICES

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 9: APPROPRIATE FOR TEMPORARY STAFFING SERVICES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$40,000 for the purpose of funding temporary staffing services, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 10: APPROPRIATE FOR TOWN-OWNED LAND SURVEYS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding surveys of Town-owned land, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 11: **APPROPRIATE OPIOID RECOVERY & MITIGATION FUNDS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$217,288 for the purpose of funding opioid recover and mitigation programs, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 12: **APPROPRIATE FOR FLEET REFURBISHMENT**

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 13: **APPROPRIATE THE FY2024 OPERATING BUDGET**

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$3,597,105 from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$27,668, and \$1,078,631 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for 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 XXX

ARTICLE: 14: **APPROPRIATE THE FY2024 SEWER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½: and to meet this appropriation that \$8,564,773 be raised from Sewer Enterprise Fund receipts, and that \$500,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$810,358 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

**Sewer Enterprise
FY2024**

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

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

Article Information:

ARTICLE 15: APPROPRIATE THE FY2024 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise
FY2024**

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

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

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

Article Information:

ARTICLE 16: 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 Department of Transportation; or take any other action relative thereto.

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

Article Information:

ARTICLE 17: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Law Chapter 44, Section 53E½, or take any other action relative thereto.

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

ZONING/LAND USE ARTICLES

ARTICLE 18: AMEND ZONING BY-LAW – ACCESSORY 3-CAR GARAGE USE IN SINGLE RESIDENCE B, GENERAL RESIDENCE, BUSINESS AND INDUSTRIAL DISTRICTS

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

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

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

- (2) In Section 6.1, Accessory Uses, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

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

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

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

“Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence – Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3)

garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 19: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

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

“The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling.”

- (2) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b) (c) and (d) to read as follows (new language underlined):

“(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner’s Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person’s primary residence.

(c) “Family” as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or a spouse or child of any such resident person.”

- (d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s primary residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”
- (3) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:
- “(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least one year by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”
- (4) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):
- “3.15.3.1 Use Regulations for ADU within a Single-family Dwelling”
- (5) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:
- “An ADU within a single-family detached dwelling shall be permitted under the following use regulations:”
- (6) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):
- “(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- (d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.
- (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and

modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior door way shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”
- (7) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).
- (8) In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement to read as follows:

“3.15.3.2 Use Regulations for ADU within an Accessory Building

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

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 50 sq. ft
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.

3.15.3.3 Maintenance of Appearance of Single-family Property

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

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

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

3.15.3.4 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.
- (b) In the case that the ADU is in violation of the terms of this By-law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.”
- (9) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:
- “The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-law.”
- (10) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined):

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE 20: AMEND ZONING BY-LAW – CORRECTIVE ZONING AMENDMENTS

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

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

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE 21: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

4. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction, footnote (e) by adding at the

end of the last sentence of footnote (e) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

5. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

6. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset for the remaining length of the structure, regardless of an increased side setback.”

or take any other action relative thereto.

COMMUNITY PRESERVATION ACT ARTICLES

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

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

Appropriations:

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

Reserves:

B. Community Preservation Fund Annual Reserve \$ 2,227,522

C. Community Housing Reserve \$477,817

D. Historic Resources Reserve \$0

E. Open Space Reserve \$477,817

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Town Meeting and 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. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. The CPC has voted to increase the amount set aside in the Community Housing Reserve to a minimum of 20% of the estimated revenue for the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Fund.

ARTICLE 23: APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT

To see if the Town will vote to raise and/or transfer an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$33,732 for future appropriation to the Historic Resources Reserve, \$33,732 to the Open Space Reserve, and \$67,464 to the Community Housing Reserve, and that to meet this appropriation that \$134,928 be transferred from the fiscal year 2023 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: During fiscal year 2022 and FY2023, the Town received additional State matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the reserves are funded at the legally required amount.

ARTICLE 24: APPROPRIATE FOR NEEDHAM HOUSING AUTHORITY LINDEN CHAMBERS REDEVELOPMENT PROJECT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the Needham Housing Authority Linden Chambers Redevelopment Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE 25: **APPROPRIATE FOR NEEDHAM HOUSING AUTHORITY SEABEDS
COOK PRESERVATION****

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$240,308 for the Needham Housing Authority Seabeds Cook Preservation Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 26: **APPROPRIATE FOR DEFAZIO PLAYGROUND DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the Needham DeFazio Playground Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2023 General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

ARTICLE 27: **APPROPRIATE FOR GENERAL FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,936,607 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 28: APPROPRIATE FOR FIRE LADDER TRUCK

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: [Note Emergency Preamble]

ARTICLE 29: APPROPRIATE FOR ROOFTOP UNIT REPLACEMENT

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 30: APPROPRIATE FOR QUIET ZONE DESIGN

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 31: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,581,500 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$581,500 be transferred from Overlay Surplus and \$2,000,000 be transferred from Free Cash; or take any other action relative thereto.

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

Article Information: The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts. Unless circumstances dictate the funds are intended to be spent as follows:

STREET RESURFACING The Town aims to resurface 17 lane miles per year. The cost per lane mile for resurfacing in fiscal year 2022 is \$94,500 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$90,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$7.40 per square yard. Target funding for street resurfacing in fiscal year 2024 is \$1,285,000.

SIDEWALK PROGRAM Fiscal year 2023 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$418,750 per mile (\$79.00/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$380,200 per mile (\$72.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. Target funding for the sidewalk program in fiscal year 2024 is \$855,000.

GUARDRAIL Many of the Town's guardrails are noncompliant and the department is preparing a plan to upgrade existing guardrails to make them both compliant and aesthetically pleasing. In fiscal year 2023, the Town will address the guardrail on Central Avenue between the Dover town line and Fisher Street. There is existing guardrail that has failed, and decorative guardrail that is unsafe. The decorative guardrail will be replaced as part of the Central Avenue/Centre Street bridge project. Other existing guardrail will be replaced with new, code compliant guardrail and areas without a guardrail will have a guardrail installed. In addition, the guardrail on Farley Pond Lane needs to be replaced. The existing guardrail has failed, and safety protocols necessitate a guardrail due to the proximity of Farley Pond to Farley Pond Lane. The existing guard rail will be replaced with a new, code compliant guardrail, and areas without a guardrail will have guardrail installed. Target funding for guardrail improvements for fiscal year 2024 is \$220,000.

BROOKS & CULVERTS Aging drainage infrastructure including poorly draining brooks, streams, waterways, and culverts throughout the Town have been damaged by heavy rains/storms. Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of usable abutting property and flooded basements. Unless circumstances require otherwise, FY2024 funding is proposed for improvements to Rosemary Brook. The section of the brook to be addressed has sediment, vegetation, and eroded banks that cause flow capacity and water quality issues. Target funding for brooks and culverts in FY2024 is \$221,500

ARTICLE 32: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$584,641 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 33: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$771,133 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 34: APPROPRIATE FOR WATER SYSTEM DISTRIBUTION IMPROVEMENTS – SOUTH STREET

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,500,000 for Water System Distribution Improvements – South Street, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 35: RESCIND DEBT AUTHORIZATION

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

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

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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

TOWN RESERVE ARTICLES

ARTICLE 36: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of XX was \$XX.

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE 37: STORMWATER STABILIZATION FUND

To see if the Town will vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5 which allows the dedication, without further appropriation, of 100% of the Community Stormwater Mitigation Assessments collected into the fund for stormwater maintenance, repair, and improvement program, effective for fiscal year 2024 beginning on July 1, 2023; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: The Select Board is considering a proposal to establish a stormwater stabilization fund as a repository for funds raised to address the capital costs associated with compliance with the National Pollutant Discharge Elimination System (NPDES) program. The Board will consider implementation of a Community Stormwater Mitigation Assessment that would apply to all parcels that have impervious cover, including residential, commercial, non-for-profit and tax-exempt properties. Monies collected as part of the mitigation assessment would be deposited directly into the Stormwater Stabilization Fund to be used for NPDES compliance only. The Select Board will hold a hearing prior to making a decision on whether to implement a Community Stormwater Mitigation Assessment and, if so, what the proposed assessment would be.

ARTICLE 38: TOWN HALL SATURDAY HOURS

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 39: AMEND GENERAL BY-LAWS – NON-CRIMINAL DISPOSITIONS

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

1. Deleting the following language from Section 2.2.5.1.1:

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

2. Deleting the following language from Section 2.2.5.1.4:

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

3. Deleting the following language from Section 2.5.2:

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

4. Deleting the following language from Section 2.5.3:

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

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

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

6. Deleting Section 3.1.8.1 in its entirety and inserting in its place the following:

3.1.8.1 No person shall place any snow or ice on a sidewalk or street.

7. Deleting Section 3.1.8.2 in its entirety and inserting in its place the following:

3.1.8.2 No owner, owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, shall allow snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, the entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.

8. Deleting Section 3.1.15 in its entirety.

9. Deleting Section 3.2.4 in its entirety, and renumbering the remaining subsection in Section 3.2 in appropriate numerical order to account for said deletion.

10. Deleting Section 3.4.4 in its entirety.

11. Deleting Section 3.5.7 in its entirety.

12. Deleting the following language from Section 3.6.1.1:

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

13. Deleting Section 3.7.3 in its entirety and inserting in its place the following:

3.7.3 Complaints. The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of sub-sections 3.7.1, 3.7.2, 3.7.4, 3.7.5, 3.7.6, 3.7.7 or 3.7.8, and impose fines as provided in Section 8.

14. Deleting Subsection 3.7.9.3 in its entirety.

15. Deleting the following language from Section 3.8.1;

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

16. Deleting the following language from Section 3.9.5;

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

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

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

18. Deleting the following language from Section 4.2.2:

Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars (\$20) for each offense.

19. Deleting the following language from Section 4.2.4;

Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

20. Deleting Section 8.2.2 in its entirety, and inserting in its place the following:

8.2.2 Non-criminal Disposition. Any person violating any provision of these General By-Laws may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following specific penalties are to be included within the scope of this sub-section, that the specific penalties as listed herein shall apply in such cases, and that in addition to the municipal personnel listed for each section, if any, police officers shall in all cases be considered enforcing persons for the purpose of this provision; and each day on which any violation exists shall be deemed to be a separate offense. Notwithstanding the schedule of fines set forth below, the appropriate enforcing entity may issue a verbal or written warning in lieu of an initial penalty.

Reference	Disposition	Penalty	Frequency	Enforcement Entity
2.2.5.1.1	<u>Failure to Display Street Number or Obstructing a Street Number</u>	\$20	Per Day	Fire Chief or designee / Building Commissioner or Designee
2.2.5.1.4	<u>Occupying a Street Without Permit or Unsafely Occupying a Street</u>	\$300	Per Day	DPW Director or Designee
2.2.5.1.6	<u>Failure to Maintain a Clearance at an Intersection</u>	\$50	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals
2.2.5.4	<u>Violating Trench Safety By-Law</u>	\$100	Per Offence	DPW Director or Designee
2.2.5.5.	<u>Violating Water Disposal By-Law</u>	\$10, \$50, \$200, \$300 (Subsequent)	Per Offence	DPW Director or Designee
2.2.5.6	<u>Violating Private Way By-Law</u>	\$50	Per Offence	Fire Chief or Designee
2.5.1	<u>Improper Transport of Refuse</u>	\$50	Per Offence	Director of Health of Health and Human Services or Designee
2.5.2	<u>Disposal of Refuse or Garbage on Public Land without a Permit</u>	\$200	Per Offence	Director of Health of Health and Human Services or Designee
2.5.3	<u>Sale of Cigarettes by Machine</u>	\$200	Per Offence	Director of Health of Health and Human Services or Designee
2.11.5.9	<u>Demolition of a Historic Building without a Permit</u>	\$300	Per Day	Building Commissioner or Designee
3.1.1	<u>Allowing Livestock to Graze or Roam on Public Lands or Sidewalks</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.10	<u>Use of Marijuana on Public Land, to include Roads</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.11	<u>Hawking and Peddling without a License</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.12	<u>Discharge of Water from Private Land in a Manner Endangering a Sidewalk or Public Way</u>	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
3.1.13	<u>Discharge of a Bow and Arrow on Public Lands without Select Board Consent</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.2	<u>Obstructing a Sidewalk without Permit</u>	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
3.1.3	<u>Coasting (Use of a Motorized Scooter) in Public Streets</u>	\$50	Per Offence	Any Sworn Police Officer

3.1.4	<u>Using a Motor Vehicle, Wagon, or Sled on a Public Footpath or Sidewalk</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.5	<u>Use of a Bicycle on a Sidewalk in Needham Square or Needham Heights Business District</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.6	<u>Discharge of Firearms or Explosives on Public Property without a License</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.7	<u>Dealing in Secondhand Merchandise without a License</u>	\$50	Per Offence	Any Sworn Police Officer
3.1.8.1	<u>Failure to Remove Snow from Sidewalk Abutting Commercial Property within Five Hours of Sunrise</u>	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
3.1.8.2	<u>Placement Snow or Ice into a Sidewalk or Public Way</u>	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
3.1.9	<u>Consumption of Alcoholic Beverages on Public Property without Permission of Governing Body</u>	\$50	Per Offence	Any Sworn Police Officer
3.2.4	<u>Sale of Food (to include Alcoholic Beverages) Between Midnight and 6 AM without a Special Permit</u>	\$200	Per Day and Per Sale	Any Sworn Police Officer
3.3.4	<u>False Actuation of a Burglar Alarm</u>	\$25, \$50, \$100 (Subsequent)	Per Offence	Any Sworn Police Officer
3.4.4	<u>Parking in Handicapped Space</u>	\$100	Per Offence	Any Sworn Police Officer
3.5.7	<u>Abandonment of Motor Vehicle</u>	\$50	Upon misdemeanor conviction	Any Sworn Police Officer
3.6.1.1	<u>Parking in Fire Lane</u>	\$50	Per Offence	Any Sworn Police Officer
3.6.2.4	<u>False Actuation of a Fire Alarm</u>	\$100	Per Offence (in excess of 3 per year)	Any Sworn Police Officer
3.7.1	<u>Allowing a Dog to be Off-Leash on an Unauthorized Public Space</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.2	<u>Allowing a Dog to Bark Excessively or Engage in Other Behavior which Disturbs the Peace and Quiet of a Neighborhood</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.4	<u>Failure to Restrain and Muzzle a Dog after Ordered by the Animal Control Officer</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer

3.7.5	<u>Allowing a Dog to be Found Uncontrollable by Select Board</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.6.	<u>Bringing a Dog (Leashed or Unleashed) to Memorial Park or DeFazio Fields</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.7	<u>Failure to Remove Pet Waste, Failure to Carry Pet Waste Bags while Accompanying a Pet on Public Areas, or Disposing of Pet Waste in any Receptacle Other Than a Trash Barrel</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.8	<u>Use of an Off-Leash Area without Proper Permits or in Violation of Rules of Off-Leash Area</u>	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
3.7.9.3	<u>Failure to Vaccinate a Dog, Cat, or Ferret Over Six-Months Old</u>	\$100	Per Offence	Any Sworn Police Officer
3.8.1	<u>Violation of the Noise Regulation By-Law</u>	\$50	Per Offence	Building Commissioner or Designee
3.9.5	<u>Violation of the Nuisance By-Law</u>	\$0, \$50, \$100 (Subsequent)	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee
4.1.4	<u>Failure to License a Dog</u>	\$50	Per Offence	Any Sworn Police Officer
4.1.4	<u>Allow an Unspayed and Unleashed Female Dog to Roam while in "Heat"</u>	\$50	Per Offence	Any Sworn Police Officer
4.2.2	<u>Operating a Taxi without a Permit</u>	\$50	Per Offence	Any Sworn Police Officer
4.2.4	<u>Parking in Taxi Stand</u>	\$20	Per Offence	Any Sworn Police Officer
4.3.2	<u>Removing Underground Fuel Tanks without a Permit</u>	\$200	Per Offence	Fire Chief or Designee
4.3.3	<u>Failure to Obtain a Required Fire Department License</u>	\$200	Per Offence	Fire Chief or Designee
5.6.1	<u>Violation of the Sign By-Law</u>	\$50	Per Offence	Building Commissioner or Designee
6.11	<u>Violations of the Wetlands By-Laws</u>	Up to \$300	Per Offence	Conservation Agent
7	<u>Violations of the Stormwater Regulation By-Law</u>	\$50, \$100 (Subsequent)	Per Day, after 15 days	DPW Director or Designee
8.2.2.7	<u>Violations of the Board of Health By-Laws</u>	\$50, \$100, \$200, \$300 (Subsequent)	Per Offence	Director of Health of Health and Human Services or Designee

NOTE: Enforcement entity may choose to issue a verbal or written warning to a violator before assessing a penalty.

Or take any other action related thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 40: AMEND GENERAL BY-LAWS – TRANSPORTATION COMMITTEE

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 41: AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

To see if the Town will vote to amend the General By-laws by deleting from Section 1.9 (Election of Officers) subsections (f), (g) and (h) in their entirety, and to re-letter the remaining subsections contained in Section 1.9.1 in appropriate alphabetical order, provided, however, that this amendment of the General By-laws shall not become effective before the effective date of the special legislation referred to in Article ___, approving the corresponding changes to the Town Charter.

or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE 42: AMEND CHARTER/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

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

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

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from Section 19 subsections (iii) and (iv) in their entirety and to renumber the remaining subsections contained in Section 19 in appropriate numerical order.

SECTION 2. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from the first paragraph of Section 7, subsection (e), the phrase “and the commissioners of trust funds.”

SECTION 3. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by striking out Section 20(b) and inserting in place thereof the following:

(b) The Select Board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, members of the historic commission, conservation commission, commission on disabilities, members of the board of assessors, commissioners of trust funds, constables and, except as provided in section 19, all other boards, committees and commissions for whom no other method of selection is provided in this charter or by-law.

SECTION 4. This act shall take effect upon passage.

or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE 43: CITIZENS PETITION

To see if the Town will vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

SECTION 3.12: PLASTIC BAGS

3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) “Department” means the Town of Needham Public Health Department.
- (b) “Health Agent” shall mean the Director of Health and Human Services or his/her designee.
- (c) “Checkout bag” means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. “Checkout bag” shall not include:
 - (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
 - (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
 - (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
 - (iv) laundry or dry-cleaner bags;

- (v) plastic newspaper sleeves;
- (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;
- (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- (e) "Reusable Checkout Bag" means (1) a sewn bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene, etc. that is durable, non-toxic, and generally considered a food grade material.
- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric) that is not a Reusable Checkout Bag.

3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
 1. Recyclable Paper Bag; or
 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

3.12.4 Penalties and Enforcement.

(a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.

(b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

Or take any other action relative thereto.

INSERTED BY: Robert Fernandez, et.al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: OMNIBUS

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

INSERTED BY: Select Board

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 seven 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 14th day of February 2023.

Marianne B. Cooley, Chair

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

Select Board of Needham

A true copy,
ATTEST _____ 2023
Constable (month) (day)

DRAFT 3.10.2023



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Dangerous Dog Update
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Chair Cooley will provide an update on the dangerous dog proceedings.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Judgment for Plaintiff, 2/27/2023	

**COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT**

NORFOLK, ss.

**DEDHAM DISTRICT
COURT
DOCKET NO. 2254CV000342**

DIANA RASOUL-AGHA,)
Petitioner)
)
v.)
)
TOWN OF NEEDHAM)
Defendant)

DECISION ON APPEAL OF DOG ORDER

The petitioner in this case is appealing an order of the Town of Needham Select Board dated September 27, 2022 to humanely euthanize her dog Axel pursuant to Mass. Gen. L. C. 140 section 157. After hearing and consideration of the evidence and relevant law in this matter, I find the decision to euthanize the dog Axel to be without proper cause and hereby REVERSE the part of the order that orders Axel to be humanely euthanized.

In addition, I order that the following portion of the September 27, 2022 order shall remain in full force and effect: " That all Orders contained in the Select Board's Dangerous Dog Hearing Decision, Findings of Fact, and Record of Proceedings, dated April 20, 2022 remain in full force and effect".

Dated: 2/27/23



Christopher P. Cawley, Magistrate

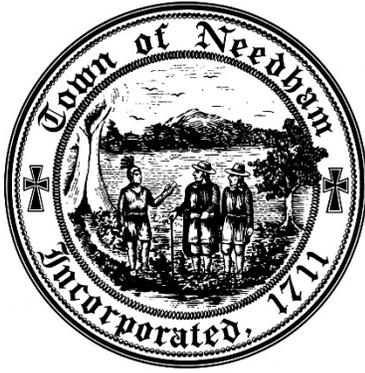


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Adopt Select Board Code of Conduct
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>The Select Board Code of Conduct Subcommittee presented a draft proposal to the Board on February 28th. The Subcommittee recommends that the Board vote to adopt the Code of Conduct as discussed at the meeting.</p>	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<p><i>Suggested Motion:</i> That the Board vote to adopt the Select Board Code of Conduct dated March 14, 2023.</p>	
3.	BACK UP INFORMATION ATTACHED
<p>1. Select Board Code of Conduct dated March 14, 2023</p>	



Town of Needham

Select Board Code of Conduct

March 14, 2024

In its role as a primary governing body for the Town of Needham, the Select Board establishes the following Code of Conduct. This self-enforcing set of guidelines is designed to supplement all relevant state laws and regulations governing to conduct of public bodies and elected officials, to include (but not limited to) the Open Meeting Law ([G.L. c.30A, §§18-25](#)), the Public Records Law ([G.L. c.66](#)), the Campaign Finance Law ([G.L. c.55](#)), and the Conflict of Interest Law ([G.L. c.268A](#)). Members are expected to familiarize themselves with and adhere to both the above listed laws and other relevant statutes. The purpose of this Code of Conduct is to set forth the Board's expectations of member conduct and responsibilities, as well as to maintain public trust in the Select Board and Town government.

1. General

1.1 Select Board members will act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

1.2 Select Board members will conduct themselves in a manner that cultivates an environment of dignity and mutual respect, in which every person feels welcomed, safe, and valued.

1.3 All members of the Select Board will fully comply with all applicable Town personnel policies, to include (but not limited to) Policies #202 ([Sexual Harassment](#)), #205 ([Harassment of Individuals in Protected Classes](#)), and #426 ([Workplace Violence Policy](#)).

2. Preparation for Meetings

2.1 All members of the Select Board will arrive for meetings having prepared themselves for discussion on any and all items scheduled to be discussed on the agenda.

2.2 Pursuant to the Open Meeting Law, members will limit discussion of agenda items and matters within the Select Board's jurisdiction outside of posted public meetings. This includes, for example, refraining from discussion of agenda topics and matters within the Select Board's jurisdiction with more than one other member outside of a public meeting.

This includes discourse and deliberation on such topics in person, via email, using messaging tools, or posting on social media.

2.3 In preparation for public meetings, members will refrain from taking public stances on pending agenda items and are encouraged to enter each meeting open-minded, ready to hear new information.

2.4 Members will notify the Chair and Office of the Town Manager as soon as possible if they are unable to attend a scheduled meeting or require remote participation, if permitted by Select Board Member Remote Participation in Public Meetings Policy ([SB-ADMIN-008](#)), Office of the Attorney General regulations governing remote participation in public meetings ([940 CMR 29.10](#)), the Open Meeting Law ([G.L. c.30A, §§18-25](#)), and any other applicable regulation or law governing remote participation.

3. Conduct at Meetings

3.1 The Select Board seeks to be a deliberative body in which various opinions may be shared in an environment of dignity and respect. The Board understands that there is space for disagreement amongst its members, but that dissent and debate will take place in a civil manner with a focus on policy over personality.

3.2 Board members will refrain from comments on the individual personality or character of a fellow Board member, other Town elected or appointed official, and Town staff.

3.3 Members will not use messaging apps or other media to communicate with each other in private during Select Board meetings.

3.4 In accordance with the purpose of [G.L. c.30A, §22\(f\)](#), following all Executive Sessions, members will keep the contents of discussions privileged and confidential unless and until the minutes of said session are released to the public.

3.5 Further, in accordance with [G.L. c.268A, §23\(c\)\(1\) and \(2\)](#), members will refrain from disclosing confidential information gained by reason of their official position or duties.

3.6 The Chair or individual Board members are expected to immediately address conduct or language by invited participants and members of the public who are disrespectful, demeaning, inappropriate, or otherwise in violation of community standards.

3.7 The Board affirms that its members will act in good faith to share all relevant information they may have to contribute to a discussion and will disclose to other

members and the public any conflicts of interest, either actual or perceived, in matters before the Board.

3.8 In response to a self-identified determined or perceived conflict of interest by a Board member, it is incumbent upon said Board member to seek advice from the State Ethics Commission and/or Town Counsel before participating in the particular matter. Further, a Board member is always welcome to obtain a written opinion from the State Ethics Commission and/or Town Counsel before participating in a matter when they believe a written opinion would be beneficial to their potential participation in the matter.

3.9 Should a Board member believe a colleague may be in jeopardy of violating State Ethics Law, they should inform that member before the Board discusses the agenda item in question as both a courtesy and opportunity for education.

3.10 Should a Board member believe that a colleague has violated this Code of Conduct, they may request that the Chair place an item on a Select Board agenda so that the Board may discuss the member's concern and take any actions deemed necessary.

4. Conduct Outside of Meetings

4.1 Members of the Select Board are always permitted to voice their opinions on issues at hand in their capacity as a private citizen or candidate for office. In these capacities, members may participate in partisan political events, take positions on candidates for office or ballot measure, and other related actions, but must exercise care to ensure that they are speaking on behalf of themselves in their private capacity, and not as a member or representative of the Select Board. Members are encouraged to seek advice from Town Counsel or the State Ethics Commission if they have questions.

4.2 When acting in their capacity as members of the Select Board, members should speak on behalf of the Board's decisions and actions, even when their personal position was not in the majority opinion. If a member is attending an event as a private citizen, members of the public still may address them in their official capacity – in this circumstance, members should take care to represent the Board in their official capacity.

4.3 At times, the Select Board may be asked to attend community events. The Select Board Chair will designate a member (or members) to attend. Some of these events may involve a cost to the attending member(s). The member's annual stipend is expected to cover the cost of such events. In other cases, members may attend events for which they are offered free admission to events in exchange for providing a service (e.g. moderating a panel or acting as master of ceremonies). Without limiting the foregoing expectations, members should consult Town Counsel or the State Ethics Commission before accepting payment for, or waiver of, fees for admission to an event from outside persons or organizations.

4.4 When the Board as a body is asked questions by the public (through email, mail, or other means), the Chair will either respond directly or designate a Board member to respond. If the question is related to the operations of Town government, the Chair may ask the Town Manager to respond on behalf of the Board.

5. Policymaking versus Administration of Policy

5.1 The Select Board is a policymaking body and appoints the Town Manager to oversee administration of the Town government. Members will generally direct questions or concerns relative to Town government operations to the Town Manager.

6. Use of Town Counsel

6.1 Members of the Select Board will engage with Town Counsel to resolve any questions they may have relating to potential or perceived conflicts of interest, and regarding rules and requirements of the Board as a public body subject to relevant state law.

7. Public Records

7.1 Members will archive and provide upon request any documents, texts, emails, or other communications contained or stored by the member on their premises, private devices, or private accounts that constitute public records in accordance with relevant law and regulation, to include (but not limited to) the Public Records Law ([G.L. c.66](#)); Statutes ([G.L. c.4](#)); and Office of the Secretary of the Commonwealth regulations governing public records access ([950 CMR 32](#)) .

7.2 Members shall not delete such documents, texts, emails, or other communications, whether stored on Town-issued or private email systems or devices, unless it is in accordance with the [Municipal Records Retention Schedule](#).

8. Trainings and Acknowledgements

8.1 All members are required to complete the initial and bi-annual Conflict of Interest Law education requirements as mandated by the State Ethics Commission. Members are encouraged to take advantage of the confidential phone advice provided by the State Ethics Commission (617-371-9500) and to periodically review "The Summary of the Conflict of Interest Law for Municipal Employees" and "The Municipal Officials Guide to Avoiding Conflicts of Interest" to be cognizant of any potential ethical issue.

8.2 All new members are required to complete the Certificate of Receipt of Open Meeting Law materials as required by the Office of the Attorney General.

AGREED TO BY:

Member, Needham Select Board

Date: _____



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/14/2023

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Board members may report on the progress and / or activities of their Committee assignments.
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
	None

Town of Needham
Select Board
Minutes for Tuesday, February 28, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/86313544137>

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, and Matthew Borrelli. Marcus Nelson did not attend the meeting. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Myles Tucker, Support Services Manager were also in attendance. Mary Hunt, Recording Secretary attended by Zoom.
- 6:00 p.m. Public Comment Period:
Andrea Danenberg, 131 Locust Lane spoke with the Board about the proposed Castle Farm development on Charles River Street. She said neighbors who attended the meeting on January 18, 2023, raised valid concerns, yet the draft development agreement does not show any substantive changes reflective of neighbors' concerns to size and scope of the project. Ms. Danenberg asked the Select Board why it is not listening to Town residents and taxpayers regarding the project. She asked the Select Board not to vote to allow the Town Manager to execute the Development Agreement and Purchase and Sale Agreement with Northland Residential, but to work with neighbors for a better solution that represents taxpayer and voter interests.
- Ms. Cooley commented on discussion during the Public Comment Period at the Select Board meeting on February 14, 2023, with Michael Miller, 12 High Street. She said the Town continues to be responsive to Mr. Miller about the rental property where he resides and continues working toward compliance of building codes and tenant regulations.
- 6:04 p.m. Introduce Recycling and Solid Waste Superintendent:
Carys Lustig, Director of Public Works introduced Matthew DeMarrais, who was recently appointed as the Recycling and Solid Waste Superintendent. She said Mr. DeMarrais has been working at the RTS for over eight years and has a passion for the environment, both professionally and personally. Ms. Lustig noted Justin McGregor will take over as Assistant Superintendent at the RTS, saying it is great to have both Mr. DeMarrais and Mr. McGregor in the leadership positions at the RTS.
- The Board welcomed Mr. DeMarrais and wished him well in his new position.
- 6:09 p.m. Public Hearing: Grant of Location - 64 High Rock Street

Joanne Callender, Eversource Energy representative spoke with the Board via Zoom requesting permission to install approximately 10 feet of conduit in High Rock Street. This work is necessary to provide underground electric service to 64 High Rock Street, Needham.

Ms. Fitzpatrick stated all paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

**Motion by Mr. Borrelli that the Select Board approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in High Rock Street for underground electric service to 64 High Rock Street.
Second: Mr. Keane. Unanimously approved 4-0.**

6:10 p.m. Public Hearing: Grant of Location - 47 Scott Road
Joanne Callender, Eversource Energy representative spoke with the Board via Zoom requesting permission to install approximately 31 feet of conduit in Scott Road. This work is necessary to provide underground electric service to 47 Scott Road, Needham.

Ms. Fitzpatrick stated all paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

**Motion by Mr. Borrelli that the Select Board approve and sign a petition from Eversource Energy to install approximately 31 feet of conduit in Scott Road to provide underground electric service to 47 Scott Road.
Second: Ms. Frail. Unanimously approved 4-0.**

6:15 p.m. Public Hearing: ABCC Amendment Application for Change of Ownership Interest - Innovative Distributing Concepts, LLC d/b/a Bin Ends
John Hafferty, Applicant spoke with the Board regarding two applications submitted to the Town for a Change in Ownership Interest. He stated the first application is for transfer of ownership interest from a deceased LLC Member to their surviving spouse, pursuant to the deceased's will. The second application is the sale of said ownership interest from the surviving spouse to an existing LLC Member. It was noted both applications may be voted on together under one Licensing Authority Certification.

Ms. Fitzpatrick noted all paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Borrelli that the Select Board, as Liquor Licensing Authority, approve both applications for a Change of Ownership Interest for Innovative

**Distributing Concepts, LLC d/b/a Bin Ends, 65 Crawford Street and to forward these applications to the ABCC for approval.
Second: Mr. Keane. Unanimously approved 4-0.**

6:20 p.m. Public Hearing (Continued): Outdoor Dining License - Henry Hospitality Inc., d/b/a The James
Stuart Henry, Manager spoke with the Select Board regarding Henry Hospitality Inc., d/b/a The James, located at 1027 Great Plain Avenue which is seeking to establish an outdoor dining space on four spaces in the municipal parking lot near the establishment.

It was noted that the applicant has used the requested area since 2020 in a similar arrangement to the proposal in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. Mr. Stuart is requesting year-round use of the space. The Select Board is authorized to grant outdoor seating earlier than April 1st and later than November 30th after consideration is given to snow removal, construction, or other needs of the Town. The applicant has also applied to the Select Board for an Alteration of Premises for their liquor license.

Ms. Fitzpatrick stated all paperwork is in order.

Ms. Cooley noted the Town is in process with any restaurants in Needham that had expanded outdoor dining to determine requirements to make outdoor dining available year round. Ms. Cooley told Mr. Henry of a proposed fee per parking place for the outdoor dining season. She said while the fee is currently not a regulation, it may change.

Ms. Cooley invited public comment. No comments were heard.

**Motion by Mr. Borrelli that the Board vote to approve an Outdoor Dining license for Henry Hospitality Inc., d/b/a The James, modified to allow for outdoor dining from 1 January to 31 December 2023.
Second: Ms. Frail. Unanimously approved 4-0.**

6:25 p.m. Public Hearing (Continued): Alteration of Premises for an All-Alcohol License in a Restaurant - Henry Hospitality Inc., d/b/a The James
Stuart Henry, Manager spoke with the Select Board regarding Henry Hospitality Inc., d/b/a The James, located at 1027 Great Plain Avenue, who currently holds an All-Alcohol liquor license and who has submitted an amendment to expand the licensed premises. The current licensed premises is: 1500 square feet with two means of egress in the front and rear of a single-story building, with seating for 56 patrons, kitchen, food prep, bar, service, & two restrooms. The applicant has submitted an amendment to expand the licensed premises to include: a 650 square foot patio area with one means of egress and seating for 33 patrons and staff with a server station. The applicant has used the patio area since 2020 in an arrangement similar to the proposed set-up in accordance with state emergency orders and local

rules in the context of the COVID-19 pandemic. The applicant has also applied to the Select Board for an Outdoor Dining License since the proposed area is located on parking spaces for which the Town has rights to a right to use for municipal parking. It was noted that a legal notice was advertised in the Hometown Weekly on February 2, 2023, and abutters were notified. This hearing is continued from the Select Board's meeting on February 14, 2023.

Ms. Fitzpatrick said all supporting documentation appears to be in order.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Borrelli that the Board vote to approve the Amendment for Alteration of Premises application received from Henry Hospitality Inc., d/b/a The James and vote to forward the Amendment application to the ABCC for review and final approval.

Second: Ms. Frail. Unanimously approved 4-0.

6:26 p.m. Housing Authority Update:
Reg Foster, NHA Chair, Dan Chen, Principal-in-Charge, Bargmann Hendrie +Archetype, Inc., Margaret Moran, Deputy Executive Director of Development, Cambridge Housing Authority, and Steve Merritt, Interim Executive Director, NHA spoke with the Board, presenting the Housing Authority's high-level goals/objectives for the redevelopment of Linden Chambers Street property.

Mr. Chen showed a PowerPoint presentation titled "Needham Housing Authority, Redevelopment of Linden and Chambers Streets" dated February 28, 2023. He explained his company specializes in elderly and affordable housing projects, noting the 2022 completion of the Cambridge Housing Authority's housing complex, which took 4 years to complete. Mr. Chen noted BH+A has worked on several Needham projects in recent years, including Rosemary Recreation Complex and Pool, Center at the Heights, Emery Grover Renovation, among other projects.

Discussion ensued on the existing Linden/Chambers community, project goals, and project schedule.

Ms. Cooley said she is grateful to have a concrete plan that articulates how to move forward, and that the Town wants to support the project.

Mr. Borrelli asked, and discussion ensued on the "ballpark" number of units within the timeline.

Ms. Frail asked about the impact to residents and how relocation will be handled.

Ms. Moran said relocation will depend on the final design and that construction will be phased. She said other Needham Housing Authority resources will be used to

support residents, including a draft relocation plan and hiring an advisory service to assist and customize relocation of individual residents.

Mr. Keane suggested the look and feel of the new facility should be human and humane.

The Board thanked the presenters for the information.

6:47 p.m. Citizens Petition - Single Use Plastic Bags
Robert Fernandez, Lead Petitioner and Kathy Raiz, Petitioner discussed the citizens petition filed to prohibit single use plastic check out bags in Needham.

Mr. Fernandez said that he, Ms. Raiz, and Green Needham Collaborative have been working on a citizens petition proposing a ban on the use of point-of-sale plastic retail shopping bags in Needham.

Discussion ensued on the current vs. proposed regulation, laws in surrounding towns, and presenting a proposed by-law at Town Meeting.

Mr. Borrelli commented on the impact to large and small businesses. He noted his preference for the Climate Action Committee or Select Board to advance a proposal after public hearing, rather than by a citizens petition. He said he was on the Select Board and part of a compromise with Green Needham for a voluntary ban, noting the idea at the time was that large stores could afford to absorb the cost. Mr. Borrelli commented he believes the choice should be left to customers, reiterating he believes it should be a voluntary ban, working with stores, and to come up with a better solution. Mr. Borrelli asked whether codifying the voluntary ban as a by-law was considered, rather than expanding the proposal.

Ms. Frail said the citizens petition is a good start. She said she understands Mr. Borrelli's point of having the Climate Action Committee move things forward, noting it is important to "have eyes on all parts of the project". She said however, it is not a bad thing to have another response come from a different sector. She said large and small stores are part of Needham and must care about the community. She said she is looking forward to voting on the issue.

Ms. Cooley stated the next step in the process is to hold a public hearing.

7:07 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- 1. Robert Dermody** Single Parcel Historic District Study Committee Term
Exp: 6/30/2026
- 2. Kimberly McCollum** Single Parcel Historic District Study Committee Term Exp:
6/30/2026

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes of February 14, 2023 (open session).**
- 2. Approve release of certain Executive Session minutes for the period of June 2018 through February 2020 (7/24/18, 7/27/18, 9/11/18, 10/9/18, 11/27/18, 12/4/18, 12/18/18, 1/29/19, 2/12/19, 3/12/19, 3/26/19, 4/23/19, 5/14/19, 8/20/19, 9/24/19, 12/17/19, 1/28/20, & 2/11/20) and a release of certain redacted material from minutes already approved from the period of August 2016 through June 2018 (8/16/16 & 6/12/18)**
- 3. Accept the following donation made to Youth & Family Services Department; \$2,000 from the Highrock Church, Jog for Joy 5K Fundraiser for Mental Health.**
- 4. Approve a One Day Special License for Robert Timmerman of Needham Knights of Columbus for Saturday, March 11, 2023, 6:00PM-11:00PM for the annual St. Patrick's Dinner Dance. The event will be held at Needham Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order. Police Department approved the events.**
- 5. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$200 from Sean Wilder, \$100 from Gregory Giokas, \$100 from Paul Murtagh, Rincon Management, and \$50 from Sandra Molinsky.**
- 6. Accept the following donations made to the Needham Free Public Library; \$50 from Carol Thomas, in memory of Barbara Cusack; \$50 from Jean Cavagnaro, in memory of Barbara Cusack; \$100 from Alyse Sicklick, in memory of Barbara Cusack; \$100 from Ned and Marge Berube, in memory of Barbara Cusack; \$100 from the Resnick Sullivan Foundation, in memory of Barbara Cusack; seven English language learning books (estimated value \$188) from Sandra Boynton; Two copies of Our Good Name, by Catherine Marengi (each estimated at \$19), one given by the author and the other given by the Friends of the Needham Free Public Library; and Precipice, by Paul Doiron (estimated value \$18), Swagger, by Jimmy Johnson (estimated value \$28), The Marriage Portrait, by Maggie O'Farrell (estimated value \$28), and 8 Rules of Love, by Jay Shetty (estimated value \$29), all given anonymously.**
- 7. With the approval of the Superintendent of Schools and the Principal of the Pollard School, the Board votes to authorize off-lease use of the Pollard tennis courts until 7:20 a.m. daily, subject to any exceptions deemed necessary by the Pollard School Principal.**
- 8. Approve a One Day Special License for Suzanne Baker of Needham Community Council for Saturday, March 11, 2023, 5:00PM-10:00PM for Party for the Pantry, Fundraising event to benefit the Needham Community Council. The event will be held at the Memorial Park Field House, 92 Rosemary Street, Needham. All documents are in order. The Police Department approved the events.**
- 9. Approve a One Day Special License for Sandra Rizkallah of Plugged In Band Program for Sunday, April 30, 2023, 5:00PM-8:00PM for Let's Rock 'n Roll Fundraiser for Plugged In Band Program. The event will be held at the**

Needham History Center and Museum, 1147 Central Avenue, Needham. All documents are in order. The Police Department approved the events.

Second: Mr. Keane. Unanimously approved 4-0.

7:09 p.m.

Castle Farm/484 Charles River Street Project - Foster Property Development Agreement:

Jack Dawley, President, Northland Residential provided the Board with an update on the status of the Castle Farm - 484 Charles River Street project and asked the Board's approval of the Development Agreement and Purchase & Sale Agreement. He also spoke to the request for the Town to confirm the property lines separating the Town property located at 0 Charles River Street containing 29.7 Acres from the two 3-acre lots on Charles River Street owned by the Charles H.W. Foster 200 Trust.

Ms. Cooley commented on the importance of transparency, particularly when there are significant changes. She said the documents brought forward are consistent with what was presented to Town Meeting and residents in September and October 2022. She noted the developer met with neighbors to hear their concerns on January 18, 2023 and additional neighbor groups since that time.

Discussion ensued on the 100 ft. buffer with the Whitman Road property line, the 200 ft. buffer on Charles River Street, and changes in the process due to Northland's negotiations with the seller that led to Northland agreeing to purchase the two 3 acre parcels earlier than the rest of the property.

Mr. Dawley commented he has a binding P&S Agreement with the seller to purchase all of the property. He commented on the property lines agreement, the comprehensive permit application, project eligibility application to DHCD, and the comprehensive permit application for submission to the Needham Zoning Board of Appeals, all of which he said is anticipated to happen between now and the end of 2023.

Ms. Cooley said the intent is not to vote tonight as the Board needs time to review the documents. She commented that a letter was received today from the lawyer for some of the abutters asking a number of questions. She concluded the agreement is intended to document Needham's plan for the development, working with Northland so that it could be submitted as part of the eligibility letter to the DHCD to move the project forward.

Mr. Borrelli noted Town Meeting was overwhelmingly supportive of the concept and the Agreement is a roadmap for going to the ZBA. He said the Agreement lays out the roadmap to protecting the Town on the ANR lots, buffers, etc. He wished Mr. Dawley success, and success for the Town to get the benefits of the parcel while partnering with Northland Residential.

The Board thanked Mr. Dawley for the discussion.

7:34 p.m.

Police Chief Annual Report:

John Schlittler, Chief of Police, provided the Board with a summary of the draft 2022 Annual Report of the Department. Chief Schlittler also introduced Kelsey Cournoyer, NPD Crime Analyst, who compiled the report and said she has been a great addition to the staff.

Chief Schlitter said the annual report, “Needham Police, 2022 Year End Review” provides a snapshot of the services and activities conducted by the Needham Police Department. He stated the report is a comprehensive analysis of crimes that have occurred within Needham and that have been reported to the Federal Bureau of Investigation via the uniform crime reporting program. He stated the national crime program has been collecting and organizing crime data since 1930 and is used by researchers, media, and the public to better understand criminal activity. Discussion ensued on crime statistics, types of offenses (Group A and Group B), special studies, and race/gender interactions, among other items.

Ms. Cooley said all of the information will be available on the Needham Police Department website.

Mr. Borrelli thanked Chief Schlittler for the comprehensive report. He said the report gives a terrific overview of what the department does and why Needham is such an attractive community. He acknowledged the past three years have been a difficult time in policing, but said the department rose to the occasion in what has been accomplished, along with extra and optional training. He said Chief Schlittler’s leadership is very impressive and thanked him for his work.

Mr. Keane thanked Chief Schlitter and said he is astounded by the data as nothing seems settled. He commented on handcuffing percent of resident vs. nonresident. He said the police have a very difficult job.

Ms. Frail said she appreciates having the information, suggesting it be accessible to the public. She thanked the Chief for advocating the hiring of a social worker, saying mental health is a big issue.

Ms. Cooley said it would be good to have sporadic, focused updates throughout the year so the Select Board and residents can learn about what is going on within the police department. She asked Chief Schlittler to comment on civil service staffing and challenges of filling positions.

Chief Schlitter stated the department is in a crisis situation in terms of recruitment and retention. He said there are currently five openings, noting similarities with other Massachusetts communities and across the country. He said it is stressful for officers because shifts must be filled. Chief Schlitter said the civil service system is broken and antiquated, noting many surrounding towns have left the system.

The Board thanked Chief Schlitter and Ms. Cournoyer for the information and presentation.

8:25 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 3 items:

1. Approve Property Line Agreement Charles River Street

Ms. Fitzpatrick said Town Counsel has suggested moving this agenda item to the same time when the Select Board votes on the Development Agreement.

2. Discuss Proposed Alcohol Regulation Revision

Myles Tucker, Support Services Manager presented the Board proposed revisions to the Town Alcohol Regulations.

Mr. Tucker said numerous administrative updates were identified and are the reason for the revisions, along with some opportunities to recommend policy changes resulting from findings from compliance checks, changes in business models from license holders, licensee recommendations, and to fix a potential perceived disparity caused by the inclusion of licensing microbreweries. Mr. Tucker commented on and explained the ambiguity in bar service areas and counter service restaurants, along with a recommended revision to the regulation.

Ms. Cooley said the Board of Health is interested in the revision and will provide the Select Board with feedback.

Mr. Borrelli commented on the required mandatory scanning, noting there are certain situations where it would be impractical, along with the idea of giving an initial warning. He said the clarifications are excellent work.

Discussion ensued on hours of operation.

Ms. Cooley said she supports the scanning proposal, as it is required for potentially underage customers.

Ms. Frail said, because of the available technology, she would like to see everyone carded, regardless of the time of day.

3. ARPA Budget Update Proposal

Ms. Fitzpatrick provided the Board with an update on ARPA spending, commitments, grants, and projects, and recommended that the Board approve certain transfers within spending categories. The proposed amendment is to fund a temporary assignment for a Sustainability Coordinator to assist the Climate Action Plan Committee in developing the Town's Climate Action Plan, and to provide initial assistance in the implementation of a plan. Proposed funding is for approximately 18 months in the amount of \$145,000.

Mr. Borrelli said he believes this item should be within the budget as this will probably be a recurring position for years to come. He asked for more discussion on the position of a Sustainability Coordinator before spending \$145,000. He asked to postpone the vote to gather more information on what the Sustainability Coordinator would be doing for the Town.

Ms. Cooley stated a job description on the role of the Sustainability Coordinator is available.

Mr. Keane said the Climate Action Committee examined the issue and concluded the return on investment is high and a “slam dunk.”

Ms. Frail said the position is one of the most important for Needham, commenting the 18-month position should be celebrated. She said she would agree to postpone the vote to gather more information, however, note the Climate Action Committee has stated hiring a Sustainability Coordinator is their number one priority. Ms. Frail said everyone must be informed, but the Board must decide whether the recommendations of the Climate Action Committee will be followed or whether each decision will be questioned. She said she wants the position funded as quickly as possible.

Mr. Borrelli said he understands Ms. Frail’s passion but asking questions and gathering more information is always a good thing. He said he hopes future positions will be funded through the budget.

Ms. Cooley said Mr. Borrelli’s comments are “fair.”

8:55 p.m.

Board Discussion:

1. Code of Conduct

Mr. Keane and Ms. Frail presented the Select Board a draft of the proposed Code of Conduct dated February 28, 2023. They reviewed items in the proposal.

Ms. Cooley said she appreciates the work done on the Code of Conduct document.

Mr. Borrelli said many things were taken for granted over the years, but as the Select Board turns over, it is nice to codify the Code of Conduct and the expectations of Select Board members. He said it is a good roadmap for future Select Board members.

2. Committee Reports

Ms. Frail reported the Active Recreation Assets Working Group met last night and voted on two amenities including a skatepark and pickleball courts. She said recommendations on potential locations and feasibility studies are forthcoming. She stated discussion at the next Active Recreation Assets Working Group meeting on March 13, 2023, will be off leash dog areas and activities.

9:07 p.m.

Executive Session: Exception 3 - Collective Bargaining - Fire Union Contract
Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session under Exception 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Not to return to Open Session prior to adjournment.

Second: Mr. Keane. Unanimously approved 4-0.

A list of all documents used at this Select Board meeting is available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

The next Select Board meeting is scheduled for Tuesday, March 14, 2023.

**Town of Needham
Select Board
Special Meeting
Minutes for Monday, March 6, 2023
Select Board's Chamber
and
Via ZOOM**

5:30 p.m.

Call to Order:

A special meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, and Matthew Borrelli. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Myles Tucker, Support Services Manager were also in attendance. Mary Hunt, Recording Secretary recorded the meeting by Zoom.

Ms. Cooley commented that while tonight's meeting is not a public hearing, a number of residents are in attendance. She noted the Development Agreement for the Castle Farm/484 Charles River Street Project - Foster Property Development Agreement is a requirement of the Purchase and Sale Agreement and has been being worked on for quite some time. She said Christopher Heep, Town Counsel, has reviewed a letter dated February 28, 2023, from attorney Dan Hill, noting the letter does not raise any concerns which merit renegotiation of terms of the deal, nor suggest a need to delay Select Board approval of the Agreement. Ms. Cooley noted an anonymous letter sent to Town Meeting Members this past weekend and that the Town asked Attorney Hill whether he could disclose his clients. She said no response has been received, and that attorney Hill has been engaged with a goal of attempting to delay, change, or stop the development. She reiterated the Town is working on the development because it enables Needham to purchase 33 acres + of conservation, passive recreation land, which was overwhelmingly approved and requested by Town Meeting. Ms. Cooley noted minor language tweaks related to the buffer, but other than that it is the Agreement that people saw last week. She noted broad terms of the deal conveyed last September 2022, brought to Town Meeting in October 2022, and included in the Development Agreement in December 2022 are the same, and sets out what the Town is trying to accomplish.

Ms. Cooley asked for comments from the Select Board.

Ms. Frail reiterated she believes the deal, negotiated by and on behalf of the Town, is wonderful. She commented she understands the bit of opposition to the deal but hopes to reassure people that the deal is "solid." She said she looks forward to seeing the project through to fruition.

Ms. Cooley said more work needs to be done, but the process is one from which the Select Board and the Town will benefit, in terms of being able to access the land.

Mr. Borrelli reiterated this is the culmination of over a year and a half and a kickoff to the Zoning Board of Appeals, and a lifetime opportunity for the Town to purchase the land. He said it will be very special, noting many concerns will be brought to and addressed by the ZBA during the process.

Mr. Keane commented overall it is a good deal, but that he is sympathetic to arguments that the Town could “get stuck with the short end of the stick” on severability and other issues.

Mr. Nelson concurred, noting the ZBA process and the due diligence in making sure people who have questions will be heard. He stated moving forward with the property is positive and that the ZBA will make the best decisions possible with input from residents.

Ms. Cooley reiterated she believes the project is wonderful for Needham and the Conservation Commission sees it as a legacy it can leave for the Town.

Motion by Mr. Borrelli that the Select Board authorize the Town Manager to execute the Development Agreement and Purchase and Sale Agreement with Northland Residential Corporation.

Second: Ms. Frail. Unanimously approved 5-0.

Ms. Cooley referred to the Property Line Agreement deferred from the Select Board meeting on Tuesday, February 28, 2023. She noted the Agreement is necessary because during the survey of the ANR lots, the boundaries were not able to be found in the field, noting the lines essentially needed to be recreated for the purposes of conveying the property in a formal way. She stated the boundary lines being discussed are between the ANR lots and existing Town owned land.

Ms. Fitzpatrick confirmed the Engineering Division and Conservation Commission both approved the lot lines.

Motion by Mr. Borrelli that the Select Board authorize the Town Manager to execute the Agreement with the Charles H.W. Foster 2000 Trust for the purposes of confirming as a matter of record the property lines separating the Town property located at 0 Charles River Street containing 29.7 acres and the two 3 acres lots on Charles Rivers Street owned by the Charles H.W Foster 2000 Trust.

Second: Mr. Keane. Unanimously approved 5-0.

5:42 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board’s special meeting of Monday, March, 6, 2023.

Second: Mr. Nelson. Unanimously approved 5-0.

A list of all documents used at this special Select Board meeting is available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 11, 2023
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: Center at the Heights, 300 Hillside Ave.
PRECINCT B: Center at the Heights, 300 Hillside Ave.
PRECINCT C: Newman School, 1155 Central Ave. Gym
PRECINCT D: Newman School, 1155 Central Ave. Gym
PRECINCT E: Needham Golf Club, 49 Green Street.

PRECINCT F: Rosemary Recreation Complex, 178 Rosemary St.
PRECINCT G: Rosemary Recreation Complex, 178 Rosemary St.
PRECINCT H: Needham Golf Club, 49 Green Street
PRECINCT I: Town Hall, 1471 Highland Ave., Powers Hall
PRECINCT J: Town Hall, 1471 Highland Ave., Powers Hall

on TUESDAY, THE ELEVENTH DAY OF APRIL 2023

from seven 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:

Two Members of the Select Board for Three Years;
One Assessor for Three Years;
One Assessor for Two Years;
Two Members of School Committee for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – Veteran) for Three Years;
Three Trustees of Needham Public Library for Three Years;
One Member of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Member of Needham Housing Authority for Five Years;
One Commissioner of Trust Funds for Three Years;
One Member of Park and Recreation Commission for Three Years;
Two Constables for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
One Town Meeting Members from Precinct A for One Year;
Eight Town Meeting Members from Precinct B for three Years;
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;
Eight Town Meeting Members from Precinct I for Three Years;
One Town Meeting Member from Precinct I for One Year;
Eight Town Meeting Members from Precinct J for Three Years.

ARTICLE 1: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

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

Shall the acceptance by the Town of Needham of Chapter 39 of the Acts of 1924, entitled “An Act placing the chief of police and members of the police department of the Town of Needham under civil service,” be revoked?
YES ____ NO ____

Fair and Concise Summary

The Chief of Police and the members of the Police Department were placed within the Massachusetts civil service system when the Town voted at the March 8, 1926 Annual Town Election to accept Chapter 39 of the Acts of 1924, *An Act Placing the Chief of Police and Members of the Police Department of the Town of Needham Under the Civil Service*.

The Town and the Needham Police Union recently reached agreement to remove the Police Department from civil service, to allow for the use of a more efficient, locally created recruitment system, to select candidates based on criteria in addition to exam scores, to expand the pool of available candidates, and to allow the Town to hire the most qualified candidates. Upon removal from civil service, a human resources policy will govern hiring of entry level officers, and the collective bargaining agreement will replace the promotional process.

The May 9, 2022 Special Town Meeting voted to support the removal of the Police Department from the civil service system. Massachusetts General Laws c. 4, §4B states that a town may revoke its acceptance of a law in the same manner that the law was originally accepted. Accordingly, withdrawing the Police Department from civil service requires approval of the voters on the official ballot of the Town.

A yes vote on Question 1 would remove the Chief of Police and the Members of the Police Department from civil service and provide local control over the recruitment and promotion of personnel.

A no vote on Question 1 would result in no change to the civil service status of the Chief of Police or Police Department and the recruitment and promotion of personnel would remain under state regulation and control.

ARTICLE 2: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 2. Shall The Town of Needham grant additional licenses for the Sale of all alcoholic beverages?

Shall an act passed by the General Court in the year 2022, entitled ‘An Act authorizing the town of Needham to grant additional licenses for the sale of all alcoholic beverages not to be drunk on the premises’ be accepted?
YES ____ NO ____

Fair and Concise Summary

The Select Board licenses establishments that sell alcohol for off premises consumption (a/k/a package stores). The Select Board’s authority to issue package store licenses comes from Chapter 207 of the Acts of 2012, a special act that applies exclusively to Needham. Chapter 207 allows the Select Board to issue a maximum of eight package store licenses in Town, and all eight have already been issued.

In towns where liquor licensing is not covered by a special act, Massachusetts General Laws c.138, §17 allows for one All Alcohol package store license and one Wine and Malt Only package store license for every 5,000 residents of the town. Based on Needham's population, switching to the quota system in Massachusetts General Laws c.138, §17 would allow the Select Board to issue seven All Alcohol package store licenses and seven Wine and Malt Only package store licenses.

The October 25, 2021 Special Town Meeting voted unanimously to petition for new special legislation switching Needham to the General Laws c.138, §17 quota system; this special legislation has now passed, but requires approval of the voters in order to become effective. If approved, the available licenses would change as follows:

Type of License	Existing Licenses	Standard ch. 138 Licenses	Change
All Alcohol	6	7	+1
Wine & Malt	2	7	+5
Total	8	14	+6

A yes vote on Question 2 would amend Chapter 207 to authorize the Select Board to issue the number of package store licenses generally allowed by General Laws c.138, §17.

A no vote on Question 2 would not amend said Chapter 207 and make no change to the number of package store licenses that the Select Board may issue.

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 do 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 14th day of March 2023.

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

Select Board of Needham

A true copy,
 ATTEST _____ 2023
 Constable (month) (day)