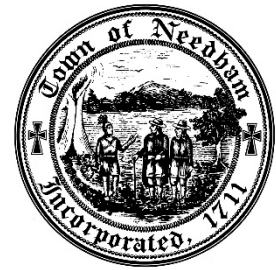


REVISED

SELECT BOARD AGENDA

Regular Meeting

6:00 p.m. February 13, 2024



Zoom Only

Pursuant to Chapter 2 of the Acts of 2023, 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:

Link:

<https://us02web.zoom.us/j/89068374046?pwd=UzBqaWlrNWZrSWdCQkpaZkYjd1RHQT09>

Webinar ID: 890 6837 4046

Passcode: 221095

One-Tap Mobile: [+13126266799](tel:+13126266799), [89068374046#](tel:+13126266799)

This is a public meeting of the Needham Select Board. The meeting is open to the public both in person and via Zoom. Residents are invited to provide comment during the public comment period (as set forth below) and for any item explicitly listed as a public hearing. Public comment is not available during other agenda items.

	6:00	Public Comment Period Residents are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 501, 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	Housing Needham (HONE) Advisory Group Update • Heidi Frail, Select Board Member & HONE Co-Chair • Kevin Keane, Select Board & HONE Member • Natasha Espada, Planning Board Member & HONE Co-Chair • Jeanne McKnight, Planning Board & HONE Member (remote) • Katie King, Deputy Town Manager • Lee Newman, Director of Planning & Community Development

2.	6:30	Introduce the New Director of Streets and Transportation • Carys Lustig, Director of Public Works • Tyler Gabrielski, Director of Streets and Transportation
3.	6:40	Town Manager • Accept and Refer Zoning – Citizen Petition • Accept and Refer Zoning – Solar Energy Systems • Calendar Year 2024 Fee Schedule Amendment • Consolidation of Information Technology Functions • Close Annual Town Meeting Warrant • Town Manager Report
4.	7:15	Board Discussion • Meeting Schedule April 2024 • Committee Reports

APPOINTMENT CALENDAR

1.	Masoomeh Rezaei	Commission on Disabilities Term Exp: 6/30/2024
2.	Katrina Kipp	Golf Course Advisory Committee Term Exp: 6/30/2026
3.	Preston Hall	Stormwater By-Law Working Group Term Exp: 10/31/2024
4.	Janine Helwig	Stormwater By-Law Working Group Term Exp: 10/31/2024
5.	John Salo	Stormwater By-Law Working Group Term Exp: 10/31/2024
6.	Alison Borrelli	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024

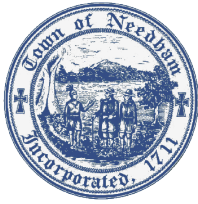
CONSENT AGENDA *Supporting Documents Attached

1.	Approve a request from Maggie Flanagan, Needham Athletic Booster Club, to hold the road event “NHS Boosters Rocket Run.” The event is scheduled for Saturday, March 23, 2024, at 9:00am - 11:00am. The event and route have been approved by the following departments: Fire, Police and Public Works.
2.	Approve a request from Bill Gallagher, Needham Running Club, to hold the road event “3 rd Annual MetroWest Backyard Ultra.” The event is scheduled for Saturday, September 28, 2024, at 8:00am - 11:00pm. The event and route have been approved by the following departments: Fire, Police, Park and Recreation, and Public Works.
3.	Approve a request from Hilary Ryan, Charles River Center, to hold the road event “Charles River Center 5k Run/1Mile Walk.” The event is scheduled for Sunday, September 29, 2024, at 10:00am - 12:00pm. The event and route have been approved by the following departments: Fire, Police and Public Works.
4.	Approve 2024 Outdoor Dining License renewal requests for each of the following establishments (subject to receipt of required completed paperwork):

	• French Press LLC d/b/a French Press Bakery & Café • Henry Hospitality Inc. d/b/a The James • PM Story Corporation d/b/a Little Spoon • Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria
5.	Accept the following donation made to Needham Youth and Family Services: • \$250 from the Patrick C. Forde Memorial Fund, Inc.
6.	Accept the following donations to the Needham Health Division: • \$100 from Lynda M Coburn to the Gift of Warmth program • \$50 from Erin Doyle to the Gift of Warmth program
7.	Accept the following donations made to the Needham Community Revitalization Trust Fund: • \$1295 from Needham Garden Center • \$500 from Louise Condon Realty, Inc.
8.*	Approve and sign the integrated collective bargaining agreement between the Town and the Needham Building Custodian and Trades Independent Association, Local 1116 for the period July 1, 2022 – June 30, 2023 and July 1, 2023 – June 30, 2026.
9.*	Approve minutes for January 9, 2024 Executive Session, January 9, 2024 Open Session, and January 23, 2024 Open Session.
10.*	Approve and Sign Water Sewer Abatement #1323.

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Needham History Center & Museum	Bourbon Tasting	Needham History Center, 1147 Central Avenue	02/21/2024
Needham Community Council	Party for the Pantry	Powers Hall, Needham Town Hall, 1471 Highland Avenue	03/23/2024
Plugged In Band Program	Let's Rock & Roll	Powers Hall, Needham Town Hall, 1471 Highland Avenue	04/06/2024



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

MEETING DATE: 2/13/2024

Agenda Item	Housing Needham (HONE) Advisory Group Update
Presenter(s)	Heidi Frail, Select Board Member & HONE Co-Chair Kevin Keane, Select Board & HONE Member Natasha Espada, Planning Board Member & HONE Co-Chair Jeanne McKnight, Planning Board & HONE Member (remote) Katie King, Deputy Town Manager Lee Newman, Director of Planning & Community Development

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Presenters will share an update of the Housing Needham (HONE) Advisory Group's community engagement efforts to date, which will inform recommended rezoning for multi-family housing in compliance with the MBTA Communities Act. Presenters will also discuss the timeline and scope of work ahead.
2.	VOTE REQUIRED BY SELECT BOARD
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	a. HONE Update PowerPoint b. MBTA Communities Act Timeline <i>updated 1/25/24</i>

Housing Needham (HONE) Update

Select Board Meeting

February 13, 2024



HOUSING NEEDHAM (HONE)

TOWN VISIONING FOR MULTI-FAMILY HOUSING

MBTA Communities Act Overview
HONE's Charge & Community Engagement
What's Next?
Questions & Feedback

MBTA Communities Act Overview

What is the MBTA Communities Act?

The law (MGL C.40A Section 3A) established a requirement that each of the 177 designated MBTA Communities must have zoning that:

- Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
- Cannot have age-restrictions and shall be suitable for families with children.
- Must have a minimum gross density of 15 dwelling units per acre.
- A portion of the district must be located within 0.5 miles from a commuter rail station.
- Commuter rail communities, including Needham, have a deadline to comply of **December 31, 2024**.

Needham's MBTA Communities Requirements:

Compliance Metric	Requirement
Gross Acres	50 acres
Unit Capacity	1,784 units
Dwelling Units per Acre	15 DU/AC
Percentage to be Located in Station Area	90%

HONE's Charge & Community Engagement

Housing Needham (HONE) Advisory Group

Purpose: The Housing Needham Advisory Group will lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act. The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

Members Appointed by the Select Board	Members Appointed by the Planning Board
Heidi Frail, Select Board Member (HONE Co-Chair)	Natasha Espada, Planning Board Vice Chair (HONE Co-Chair)
Kevin Keane, Select Board Vice Chair	Jeanne McKnight, Planning Board Member
Liz Kaponya, Renter	Ronald Ruth; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer
Michael Diener, Community Member At-Large	William Lovett; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer
Josh Levy, member appointed by the Finance Committee	



HONE's Charge

- Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
- Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
- Evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
- Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
- Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
- Recommend draft zoning to the Select Board and Planning Board to submit to DHCD and Town Meeting.

Timeline to Date

Housing Plan Working Group Community Engagement and Adopted Housing Plan

October 2021 – January 2023

Planning & Select Boards weigh in on State guidelines; create and appoint HONE; Town secures state grant, procures consultants.

March 2022 – August 2023

Housing Needham (HONE) Launches

Sept. 7, 2023

Community Meeting #1

Nov. 9, 2023

Community Meeting #2

Jan. 18, 2024

Updates to Planning & Select Boards

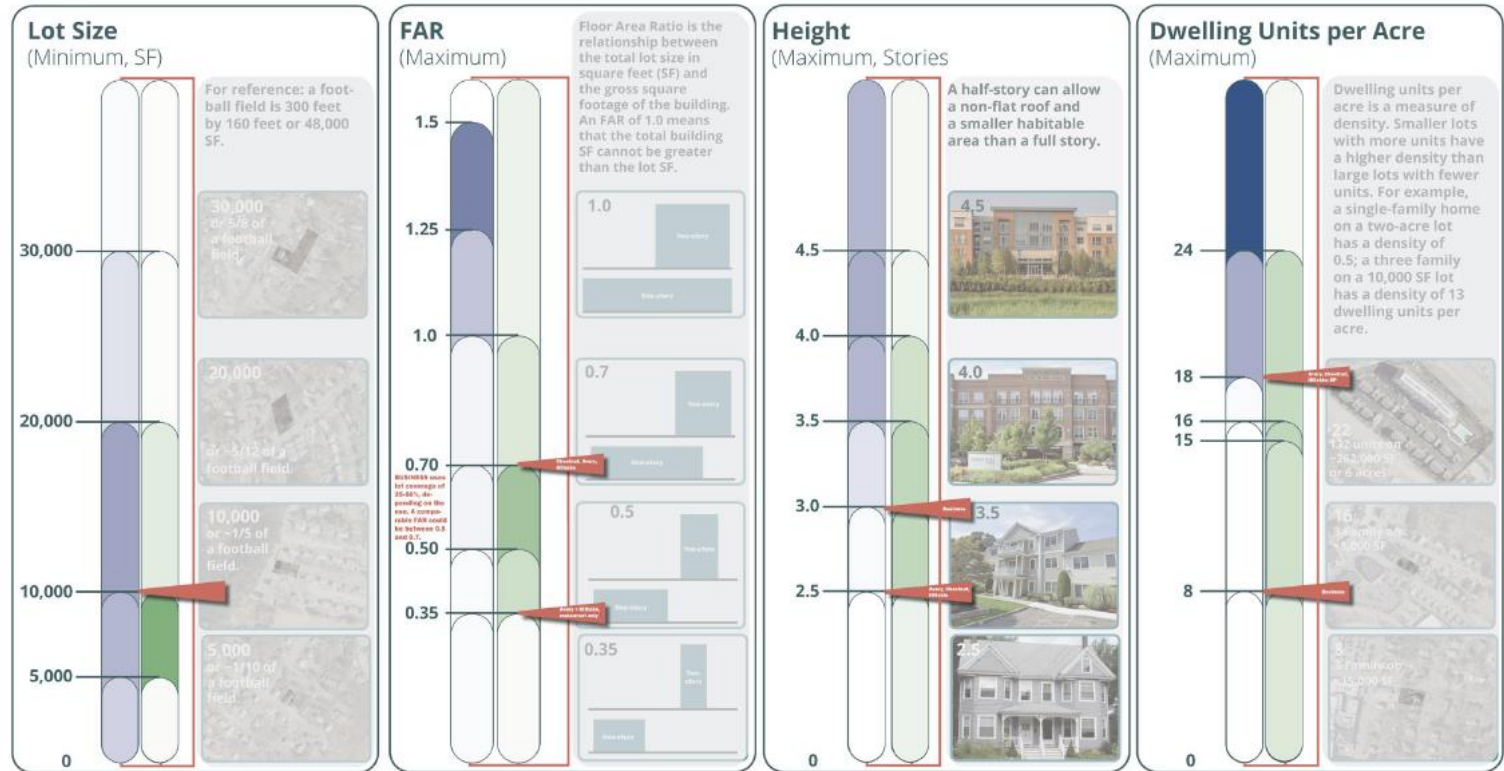
February 2024

Community Engagement: Workshop #1

- 2 postcards mailed to every Needham resident
- Approximately 300 participants (in person and online)
- Presented MBTA Communities Overview
- Participants engaged at stations to give feedback on key zoning levers by district

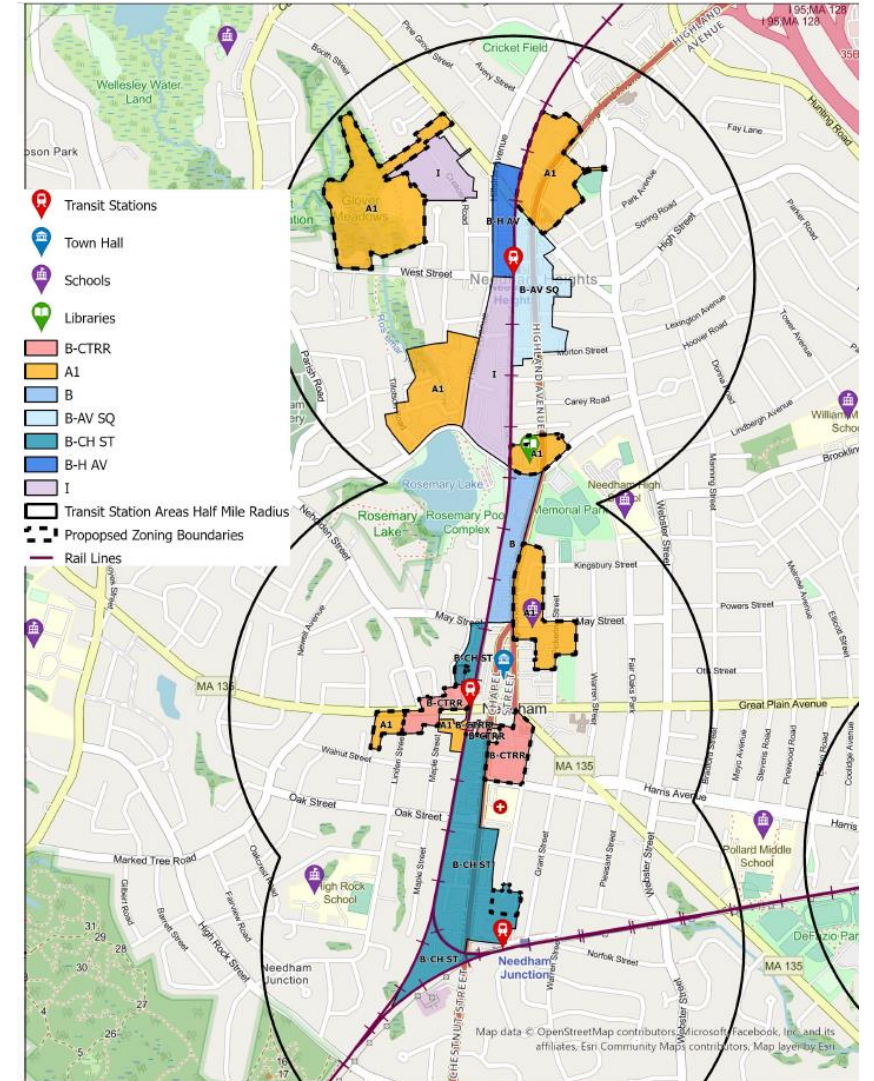


Business, Avery Square, Chestnut Street, Hillside Avenue



Community Engagement: Workshop #2

- Over 300 participants (in person and online)
- Presented Scenarios A, B, and C with varying land area and unit capacity
- Issued survey to get feedback on scenario preferences, boundaries, unit capacity
- Additional questions about:
 - allowing 3 or 4 units per parcel in General Residence district
 - requiring commercial on the 1st floor in commercial districts
- Open public comment session
- 595 survey responses



What's Next?

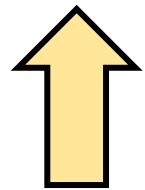
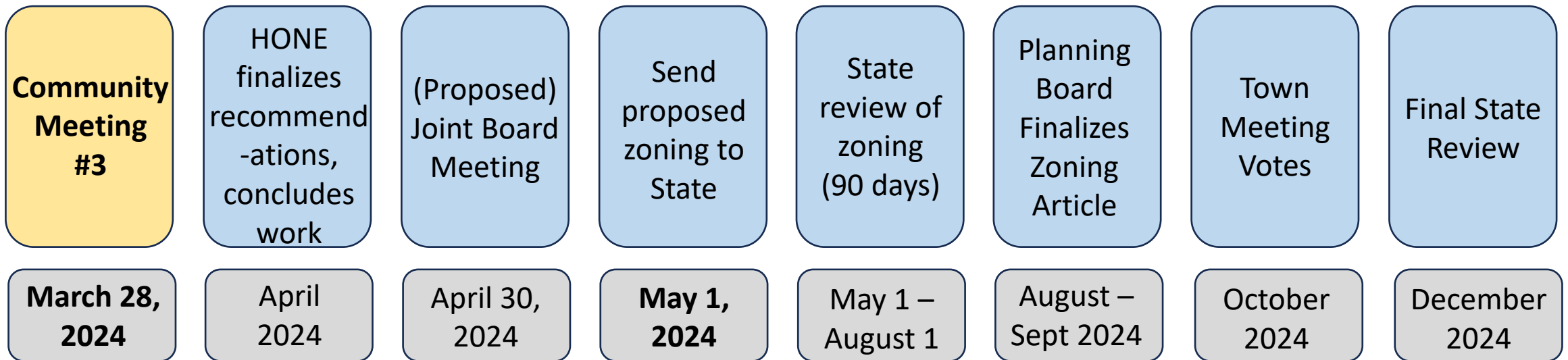
Community Workshop #3

****New Date: March 28 at 7 PM****

Town Hall, Powers Hall and Zoom

- Anticipate presenting two proposals, both recommended for EOHLC and Town Meeting:
 - One with limited zoning changes to bring Town into compliance with MBTA Comts.
 - Second with additional zoning changes to authorize multi-family housing to a greater degree than is necessary to simply achieve compliance with MBTA Communities
- Deliverables for workshop:
 - Maps and zoning parameters for each proposal
 - Likely build out estimates
 - Fiscal impacts (including school enrollment, tax revenue, infrastructure, operating and capital expenses for Town Departments)
 - Economic Feasibility Analysis for inclusionary zoning % (affordable unit policy)
 - Visualizations/3-D vignettes for select sites to illustrate potential build out

Timeline Ahead



New Date!

Questions & Feedback

Appendix: Scenarios from Workshop #2

Scenario Overview

Scenario A: Base Compliance

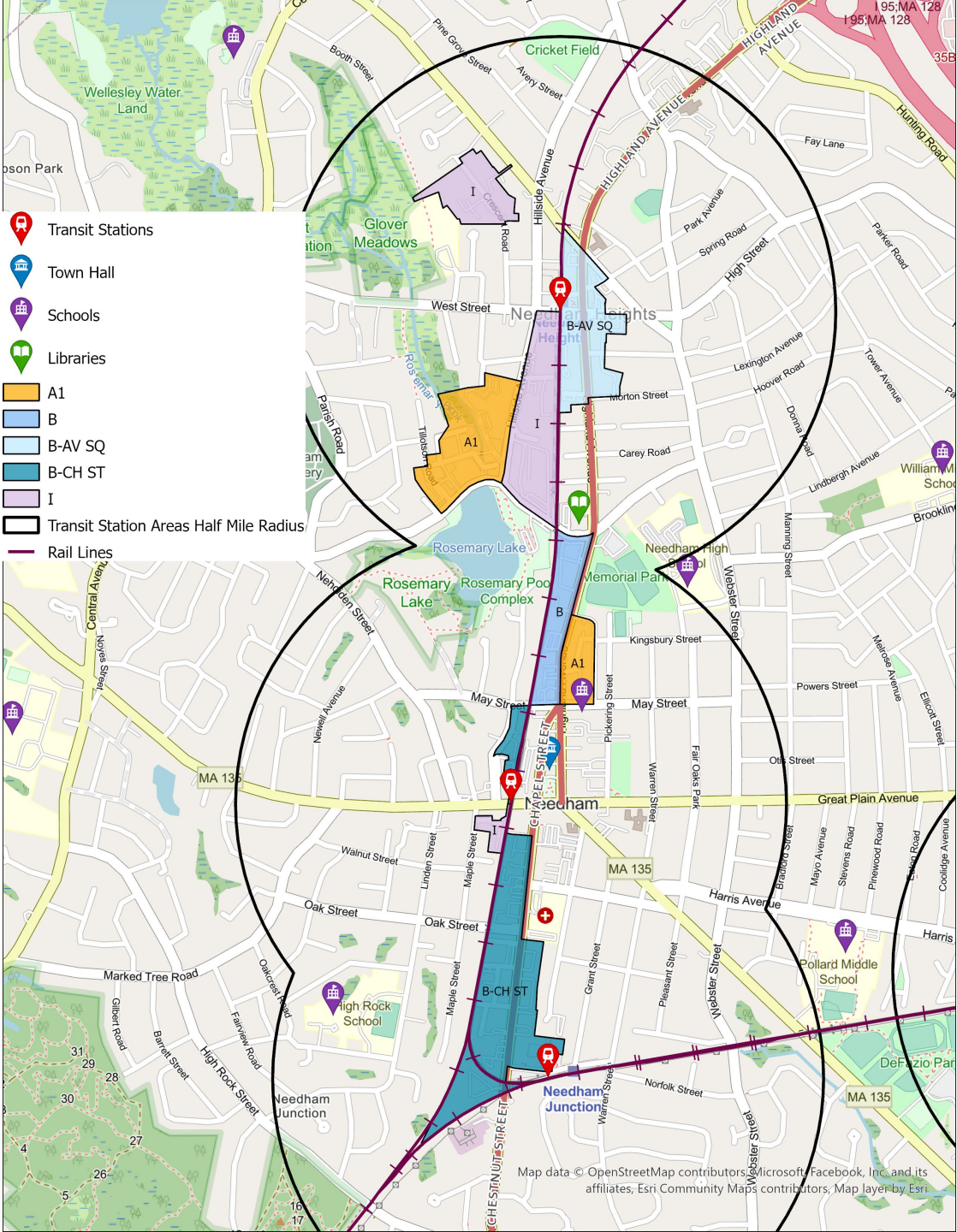
- 1. Begin with existing zoning districts.
- 2. Apply Housing Plan height, dimensional, density changes.
- 3. Keep 1.5 parking space per unit requirement.
- 4. Subtracting zoning districts to lower unit count while being mindful of impact on density (15 DU/AC).
- 5. Introduced 18 DU/AC cap in Avery Square and Chestnut Street to get unit count down further without impacting overall density of the MBTA District.

Zoning Metrics	District Name				
	Apartment 1	Business	Avery Square Business	Chestnut Street Business	Industrial
Max Units per Lot					
Minimum Lot Size	20,000	10,000	10,000	10,000	10,000
Height (Stories)	3.0	3.0	2.5	3.0	3.0
FAR	0.50		0.70	0.50	0.50
Max Blg Coverage					
Max Lot Coverage		25%			
Minimum Open Space (%)					
Open Space per Dwelling Unit					
FY Setback	25	10	10	25	25
Rear Setback	20			20	20
Side Setback	20			20	20
Parking per Unit	1.5	1.5	1.5	1.5	1.5
Lot Area per Dwelling Unit					
Maximum Dwelling Units per Acre	18		18	18	

MBTA Scenarios & Maps

Scenario A: Base Compliance Scenario

- Utilizes existing zoning district boundaries.
- Utilizes Needham Housing Plan zoning suggestions for height, dimensions, and density.
- Height Range: 2.5 – 3 stories.
- Floor Area Ratio (FAR) Range: 0.50 – 0.70.
- Keeps Center Business as a mixed-use district with no stand-alone multifamily allowed.



Model Output	Scenario A
Gross Acres	111.4 acres
Potential Maximum Unit Capacity	1,784
Dwelling Units per Acre	15.0

Scenario Overview

Scenario B: Housing Plan

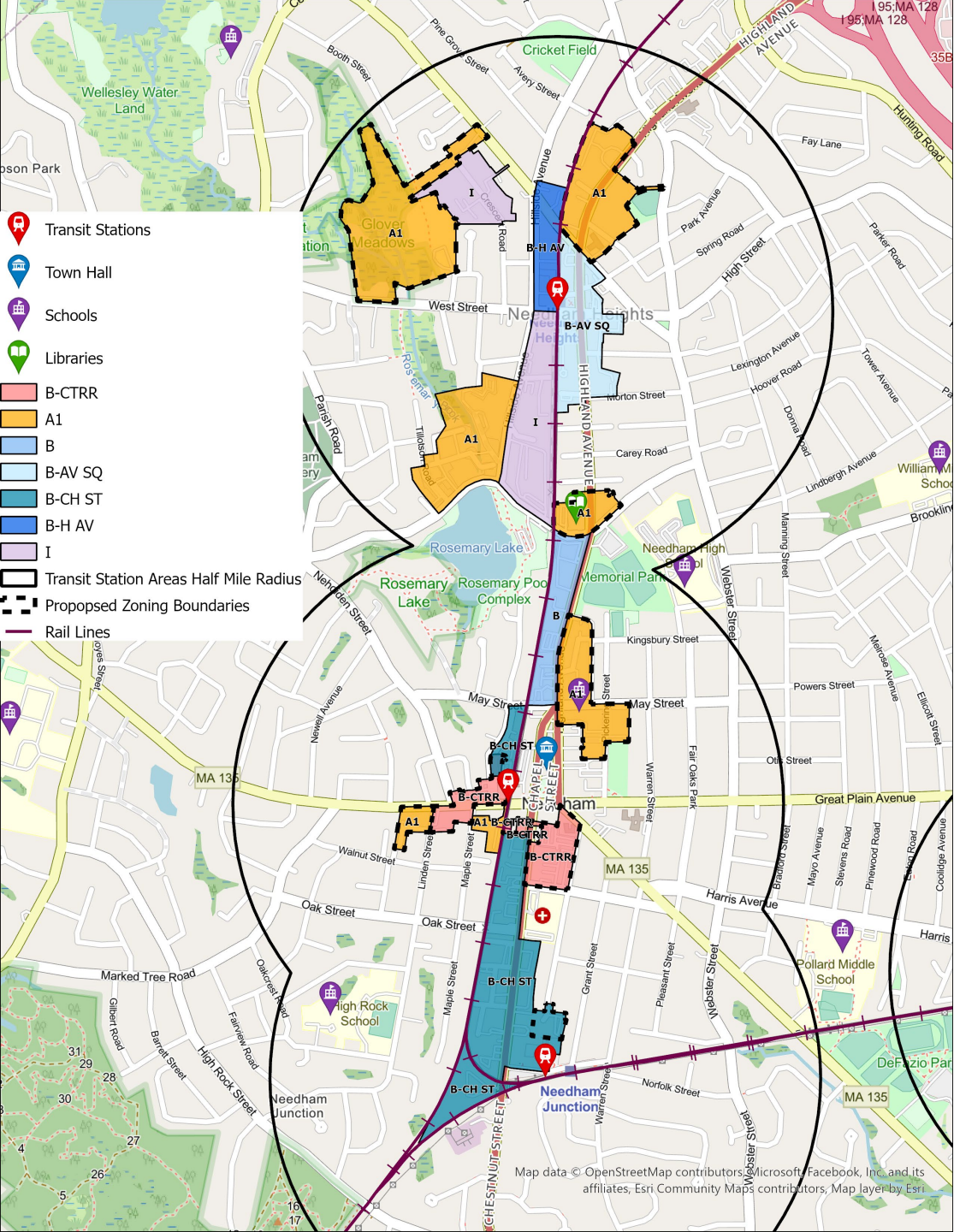
- 1. Models the Housing Plan with all proposed zoning district changes and height, dimensional and density changes.
- 2. Models a 1.0 parking space per unit requirement.
- 3. Includes new CTRR district and new A1 adjacent to CTRR.
- 4. Does not include GR district.

Zoning Metrics	District Name						
	Apartment 1	Business	Avery Square Business	Chestnut Street Business	Hillside Ave Business	Center Business Residential	Industrial
Max Units per Lot							
Minimum Lot Size	20,000	10,000	10,000	10,000	10,000	10,000	10,000
Height (Stories)	3.0	3.0	2.5	3.0	3.0	2.5	3.0
FAR	0.50		0.70	0.50	0.50	1.00	0.50
Max Blg Coverage							
Max Lot Coverage		25%					
Minimum Open Space (%)							
Open Space per Dwelling Unit							
FY Setback	25	10	10	25	25		25
Rear Setback	20			20	20		20
Side Setback	20			20	20		20
Parking per Unit	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lot Area per Dwelling Unit							
Maximum Dwelling Units per Acre	18					18	

Scenario B: Housing Plan Scenario

- Utilizes Needham’s 2022 Housing Plan as the base for zoning boundaries and zoning suggestions for height, dimensions, and density.
- Height Range: 2.5 – 3 stories.
- Floor Area Ratio (FAR) Range: 0.50 – 1.00.
- Keeps some of the Center Business as a mixed-use district but rezones some edges for stand alone multifamily.

Model Output	Scenario B
Gross Acres	186.7 acres
Potential Maximum Unit Capacity	2,630
Dwelling Units per Acre	15.8



Scenario Overview

Scenario C: Increased Density + General Residence (GR)

Zoning Metrics	District Name							
	Apartment 1	Business	Avery Square Business	Chestnut Street Business	CTR-R	Hillside Ave Business	General Resi	Industrial
Max Units per Lot	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Lot Size	20,000	10,000	10,000	10,000	10,000	10,000	10,000	20,000
Height (Stories)	4.0	5.0	5.0	5.0	5.0	4.0	2.5	4.5
FAR	1.00	1.50	1.50	1.50	1.25	1.50	N/A	N/A
Max Blg Coverage	N/A	N/A	N/A	N/A	N/A	N/A	0%	N/A
Max Lot Coverage	N/A	N/A	N/A	N/A	N/A	N/A	60%	70%
Minimum Open Space (%)	20%	20%	20%	20%	20%	20%	20%	20%
Open Space per Dwelling Unit	0	0	0	0	0	0	0	0
FY Setback	25	10	10	25	25	25	20	25
Rear Setback	20	0	0	20	20	20	20	20
Side Setback	20	0	0	20	20	20	14	20
Parking per Unit	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lot Area per Dwelling Unit	0	0	0	0	0	0	0	0
Maximum Dwelling Units per Acre	24	50	50	50	50	50	0	26
Maximum Dwelling Units per Lot	N/A	N/A	N/A	N/A	N/A	N/A	4	N/A

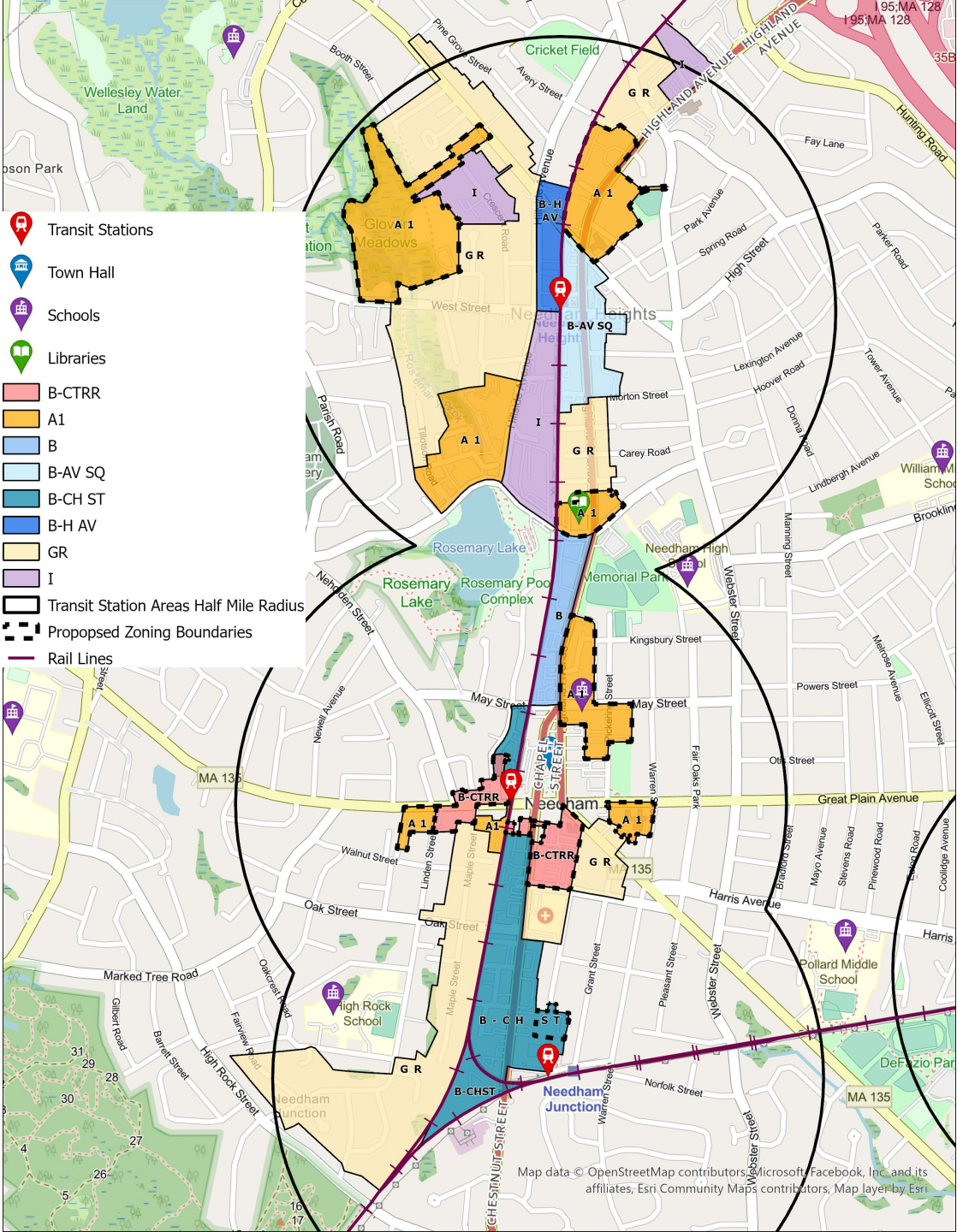
All zoning parameters are based on public feedback from Meeting 1 except setbacks, parking ratio, and open space %.

MBTA Scenarios & Maps

Scenario C: Increased Density + GR Scenario

- Utilizes Needham’s 2022 Housing Plan as the base for zoning boundaries.
- Models increased height, FAR, lot coverage, and density based on public feedback.
- Height Range (excluding General Residence): 4-5 stories.
- Floor Area Ratio (FAR) Range (excluding General Residence): 1.00 – 1.50.
- Incorporates General Residence (GR) allowing for up to 4 units per parcel at a max height of 2.5 stories.
- Keeps some of the Center Business as a mixed-use district but rezones some edges for stand alone multifamily.

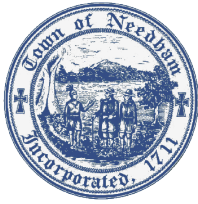
Model Output	Scenario C
Gross Acres	353.1 acres
Potential Maximum Unit Capacity	4,782
Dwelling Units per Acre	15.0



MBTA Communities Act Scope of Work/Timeline

Task	Schedule
HONE Community Meeting No. 2.	Thursday January 18, 2024
HONE Advisory Group meeting - discussion of feedback from Jan. 18 meeting and survey results. - Discuss CEA feedback Decision Points: - Determine alternative to using offset calculation - Finalize base scenario boundaries - Finalize base scenario zoning parameters - Decide on affordable/inclusionary zoning % - Decide on parking requirements	January 29, 2024
Planning Board (present update on HONE work to date)	February 6, 2024
Design Review Board (request feedback on design guidelines)	February 12, 2024
Select Board update (present update on HONE work to date)	February 13, 2024
HONE Advisory Group meeting - Presentation to group of final base scenario. Decision Points: - Finalize add-on scenario boundaries - Finalize add-on scenario zoning parameters - Decide on affordable/inclusionary zoning % - Decide on parking requirements	February 15, 2024
HONE additional meeting - Review deliverables from consultants for base and add-on scenario: - Likely build out - Fiscal impact - EFA for affordable/inclusionary zoning % - Maps and zoning parameters for base and add-on - Design Guidelines Decision Points: Finalize format of workshop.	March 7, 2024
NEW COMMUNITY MEETING DATE	March 28, 2024
HONE Community Meeting No. 3. Base and Add-on Scenarios presented.	
HONE meeting Debrief from community meeting Decision points: Make final edits on both scenarios.	April 4, 2024
ADDED HONE MEETING DATE HONE Advisory Group meeting to review final report and final zoning. Vote to approve and send to Planning Board & Select Board.	April 25, 2024
Joint meeting of HONE, Select Board, Planning Board, Finance Committee	April 30, 2024 (proposed)
Send proposals to State (EOHLC)	May 1

Task	Schedule
EOHLC returns zoning with feedback on compliance status	August 1, 2024
Planning Board finalizes article language	August 8, 2024 (Thursday)
Legal notice to newspaper	August 9, 2024
Select Board accept and refers zoning back to Planning Board	August 13, 2024
Legal notice to Clerk, first run in newspaper	August 15, 2024
Second run in newspaper	August 22, 2024
First Planning Board Hearing	September 3, 2024 (Tuesday after Labor Day)
Second Planning Board Hearing	September 17, 2024
Planning Board finalizes language	Sept 24, 2024
Language due to Town Manager for warrant	October 2, 2024
TOWN MEETING	October 21, 2024 (tbd)



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

MEETING DATE: 2/13/2024

Agenda Item	Introduce the New Director of Streets and Transportation
Presenter(s)	Carys Lustig, Director of Public Works Tyler Gabrielski, Director of Streets and Transportation

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	DPW Director Carys Lustig will introduce the Town's first Director of Streets and Transportation, Tyler Gabrielski who will officially start on February 20 th . Tyler has been employed with the DPW for 3 years as an Administrative and Management Analyst and replaces the former Highway Superintendent, Rhain Hoyland who retired on February 9 th .
2.	VOTE REQUIRED BY SELECT BOARD
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	a) Tyler Gabrielski's Resume

Tyler Gabrielski

WORK EXPERIENCE

Town of Needham – Department of Public Works (Needham, MA)

Management Analyst

December 2022 – present

- Oversees all department procurement across nine divisions while ensuring compliance with state law, executes contracts with vendors to support operations and to execute capital projects
 - Achievement: Implemented web-based contract/bid tracking platform, formalized an associated filing system and internal procurement procedures
- Supervises the Administrative Analyst in their management of the public bidding process and annual budget planning meetings, supervises the front desk assistant in their internal and public-facing daily tasks
- Monitors spending against multi-million-dollar capital budgets for road and utility infrastructure improvements, drafts capital project funding requests for submission
- Investigates and applies for state and federal grant funding opportunities to help accomplish Town goals
 - Achievements: Secured \$500K MassDOT grant to upgrade traffic signal equipment downtown, \$80K for snow removal equipment, and a cost-free School Zone speed radar sign assembly
- Administers the school space rental program, including internal and external coordination and billing
 - Achievement: Oversaw the transition to a new online event permit platform, held staff trainings on its use, integrated it with existing processes, and acted as troubleshoot support
- Serves as the liaison for the Transportation Safety Committee, handling committee correspondence with petitioners and assists the Highway and Engineering Divisions as they strategize to address traffic issues

Administrative Analyst

February 2021 – December 2022 (promoted)

- Procured design and construction services through the appropriate statutory processes, including drafting bid specifications, posting advertisements, holding walkthroughs, recording results, and executing contracts
 - Achievement: Published and administered 126 bids, compiled and managed 276 contracts
- Supported division superintendents in planning their operational, capital, and special budgets for approval at annual Town Meeting, performed analyses to track spending and evaluate alternative service delivery models
- Assisted managers in drafting job postings and conducting interviews to fill more than 20 vacancies

Boston University School of Law (Boston, MA)

Senior Program Coordinator

February 2016 – January 2021

- Balanced support to 10 faculty members in their teaching, expense, committee, and research responsibilities
- Interviewed, onboarded, trained, and managed 6 new faculty services staff members

The Law Office of Iannella and Mummolo (Boston, MA)

Senior Collections Paralegal

October 2014 - February 2016

- Managed disability claims and acted as a contact between clients and the Social Security Administration

CERTIFICATIONS & SKILLS

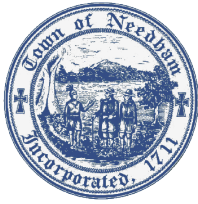
- *Massachusetts Certified Public Purchasing Official (MCPPO)*, Office of the Inspector General *September 2023*
- *Completed Programs, Baystate Roads/UMass Transportation Center*
 - Snow and Ice Operations, All About Liquid De-Icers, Traffic Signal Design & Operation *2023*
- Advanced proficiency with Infinite Visions finance and CivicPlus website software platforms

EDUCATION

Boston University: Master of City, Community, and Regional Planning, Certificate in Urban Policy

2019

Boston University: Bachelor of Arts in English, Minor in Psychology



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

MEETING DATE: 2/13/2024

Agenda Item	Accept and Refer Zoning – Citizens’ Petition
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
On February 1, 2024, Joseph Matthews, 31 Rosemary St, submitted the following certified Citizens’ Petition to the Select Board: “Citizens’ Petition/Amend Zoning By-Law – Dimensional Regulations.” Under State law, the Select Board has 14 days to accept the proposed amendment and refer it to the Planning Board for its review, hearing, and report. The Board’s action in this matter is not discretionary.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to accept the proposed zoning article titled, “Citizens’ Petition/Amend Zoning By-Law – Dimensional Regulations” for referral to the Planning Board for its review, hearing, and report.	
3.	BACK UP INFORMATION ATTACHED
a. Citizens’ Petition and Article Text b. M.G.L. c. 40A Section 5	

RECEIVED
TOWN OF NEEDHAM
SELECT BOARD

Town of Needham
Citizens' Petition for Warrant Article

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2024 FEB -1 AM 10: 37

2024 FEB -1 P 4: 39

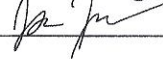
Town Meeting for Which Petition is requested: 2024 Annual Town Meeting

Primary Sponsor:

Name Joseph Matthews

Address 31 Rosemary Street, Needham

I certify that I am a registered voter in the Town of Needham.

Signature 

In accordance with M.G.L. c. 39 Section 10, the written requests of registered voters for insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The Selectmen shall submit such written requests to the Town Clerk/Registrars of Voters who shall check and forthwith certify the number of signatures so checked and certified shall be counted.

For an annual town meeting, a citizens' petition requires the certified signatures of ten or more registered voters. For a special town meeting, the signatures of 100 registered voters are required. The Selectmen shall call a special town meeting upon request, in writing, of two hundred registered voters or by four percent of the total number of registered voters, whichever number is lesser.

The deadline for submission of a petition for the Annual Town Meeting is the first Monday in February, in accordance with Section 1.15 of the General By-laws of the Town of Needham. The deadline for submission of a petition for a special town meeting will be determined by the Board of Selectmen, and will generally be the date that the warrant is closed.

Note: If properly certified, the text of the proposed citizens' petition will appear in the warrant exactly as presented. The Board of Selectmen, as the Warrant Committee, reserves the right to include a summary of the Board's understanding of the intent of the article along with the petition itself. The name of the primary sponsor will appear in the warrant.

Text of Citizens' Petition (Continue on other side or attach sheets as necessary)

(TEXT ATTACHED: CITIZEN'S PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS)

CITIZEN'S PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the Needham Zoning Bylaw by amending Chapter 4 Dimensional Regulations by:

Removing the following paragraph of section 4.2:

"The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures."

And in its place inserting the following paragraph:

"The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building, including areas in basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding spaces where the interior ceiling height is less than 5', unenclosed porches and balconies, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures."

Or take any other action relative thereto.

Inserted By: Joseph Matthews, et.al.

PETITIONERS' ARTICLE INFORMATION: For years, citizens have been concerned with the size of new construction relative to the size of lots in residential areas. In an effort to limit the size of residential new construction, a series of zoning by-law changes were approved in May 2017 and made effective June 2017. One of these changes was to apply the concept of Floor Area Ratio (FAR), a commonly used and understood tool for regulating the size of commercial buildings in Needham, to certain residential zones.

At the same time, language was inserted into Chapter 4: Dimensional Regulations which specified that FAR would only be calculated using space on the first and second floors in structures in these residential areas. This was thought to provide a clear, practical standard that would achieve Town Meeting's goal. However, new construction has evolved during the intervening years to include finished and habitable space in most, if not all third floors and basements. As such, the by-law changes from 2017 did not achieve the intended effect of reducing the size of residential new construction in Needham.

Other subsections of the zoning by-law specify areas of structures which should not be included as part of FAR calculations – however spaces which are exempted from FAR calculations are generally for parking, utilities, or otherwise spaces not consistently occupied by humans. The logic of this Citizens Petition Article is that all spaces designed for human occupancy should count towards floor area limits. This is the prevailing definition which appears in Chapter 1: General Definitions of the Needham Zoning By-Law and a theme used in zoning by-laws in other towns. To put it simply – a bathroom, a bedroom, a study, a gym, or any other space intended for human occupancy should count towards floor area limits regardless of the floor of the structure it is located on.

This article would revise the definition of countable space for SRB FARs to include all interior space with a ceiling height of five feet or more, with the exception of retaining the current exemption of 600 feet of garage space.

These changes will help the Needham Zoning By-laws more closely reflect the intent stated from the by-law changes in 2017. Based on historical figures, an average of 1-2 new construction plans for houses in Single Residence B are filed each week in Needham. Therefore, action should be taken in May 2024 via this Citizens Petition.

Town of Needham
Citizens' Petition for Warrant Article

Residence on January 1, 20__
If different (Street & number, if any

29 POWERS ST
7 NEEDHAM AVE RD
3 ROSEMARY ST
31 ROSEMARY ST
28 NEW ST CIR
857 WEBSTER ST
31 ROSEMARY ST.
29 MAY ST
128 MAPLE ST.
3 ROSEMARY ST
31 ROSEMARY ST.

✓ 12 Jan
✓ Stephen Fiel
✓ D
✓ ~~Wendy~~
✓ Robert O'Neil
✓ Susan Shelley
✓ Daniel P. Matthews
✓ John M. Hahn
✓ Thomas R. Brown
✓ Elizabeth Handel
✓ Genevieve Hammond

N – no such registered voter at that address
S – unable to identify signature or address as that of voter.
because of form or signature or address or illegible
T – signed too many petitions.

We certify that the (12) Twelve above
Signatures checked thus are names of qualified voters of this town.

Needham

Don M. Jacques
Katharine D. Jacques
Registrars of Voters
Sheldon K. Eaton
Board of Registrars

Town of Needham
Citizens' Petition for Warrant Article

1. Signatures to be made in person with the name substantially as registered

NOW LIVING AT
(street & number, if any)

Residence on January 1, 2024
If different (Street & number, if any

✓ Donato Vello.

141 Hawthorn Ave

✓ Pamela Steinfeld

132 Elmwood Rd.

✓ Richard Parker

117 MELROSE AVE

✓, EDD 2940

33 Powers St

✓ Kane J. J. (GCH)

33 POWERS 51

✓ See Q. 1

29 poems 54

✓ End McAul

97 Melrose Ave

✓ Barbara Livingston

78 Melrose Ave

Registrars of Voters check this against the name of each qualified Voter to be certified.
For names not certified, use the code opposite:

N – no such registered voter at that address
S – unable to identify signature or address as that of voter.
because of form or signature or address or illegible
T – signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the 8 (Eight) above
Signatures checked thus are names of qualified voters of this town.

Naghdham

Town

Registrars of Voters

Board of Registrars

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 5** ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall

be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is

sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-

thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

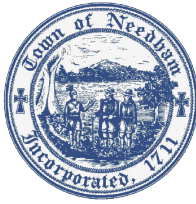
When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the

attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

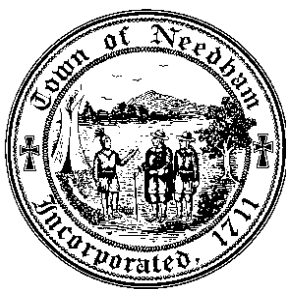


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/13/2024

Agenda Item	Accept and Refer Zoning – Solar Energy Systems
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
At its meeting of February 6, 2024, the Planning Board voted to place the following article on the warrant for the May 2024 Annual Town Meeting: “Amend Zoning By-Law – Solar Energy Systems.” Under State law, the Select Board has 14 days to accept the proposed amendment and refer it to the Planning Board for its review, hearing, and report. The Board’s action in this matter is not discretionary.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to accept the proposed zoning article titled “Amend Zoning By-Law – Solar Energy Systems” for referral to the Planning Board for its review, hearing, and report.	
3.	BACK UP INFORMATION ATTACHED
a. Transmittal Letter from Lee Newman dated February 7, 2024 b. Proposed Warrant Article c. M.G.L. c. 40A Section 5	



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

February 7, 2024

Ms. Kate Fitzpatrick
Town Manager
Town Hall
Needham, MA 02492

Re: Zoning Article for 2024 Annual Town Meeting

Dear Ms. Fitzpatrick:

The Planning Board, at its meeting of February 6, 2024, voted to place the following article on the warrant for the May 2024 Annual Town Meeting: Article 1: Amend Zoning By-Law – Solar Energy Systems. Accordingly, please find the above-named article as approved by the Planning Board for inclusion in the warrant of the 2024 Annual Town Meeting.

As you know, the Select Board will need to accept the article and to then forward it to the Planning Board for review, public hearing and report. Please have the Select Board act on the enclosed article at its next meeting of Tuesday, February 13, 2024, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the article for Tuesday, March 5, 2024.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS

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

1. In Section 1.3 Definitions, by adding the following terms and definitions in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:
 - a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
 - b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
 - c) Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.
 - d) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
 - e) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,500 square feet of surface area or less.
 - f) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.
 - g) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
 - h) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
 - i) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function

as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

2. Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”
2. Amend Section 6, Special Regulations, by adding a new Subsection 6.13 Accessory Uses – Solar Energy Systems, to read as follows:

“6.13 Accessory Uses – Solar Energy Systems

6.13.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts as-of-right. The installation of Roof-mounted Solar Energy Systems that: (i) comply with the regulations provided in this section; (ii) are located on properties with nonconforming uses or structures; and (iii) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right at the District-level setback as defined in Section 6.13.2.c)4). Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable District-level setback as defined in Section 6.13.2.c)4). Screening or landscaping of such systems from view from abutting lots or from a street, by plantings, walls, fences or other devices shall be provided. Solar Parking Canopies shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems shall be permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for uses allowed by operation of M.G.L. c.40A s.3, or other state and federal statutes.
- d) In the New England Business Center (NEBC) District, Mixed Use-128 (MU-128) District and in the portion of the Highland Commercial-128 (HC-128) District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue: Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning Board. In the Business (B), Chestnut Street Business (CSB), Center Business (CB), Avery Square Business ASB), Hillside Avenue Business (HAB), Neighborhood Business (NB), Elder Services (ES), Industrial (I), Industrial-1 (IND-1), Highway Commercial 1 (HC-1), and Institutional (I) districts Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board.
- e) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be permitted as of right as part of any use or site otherwise allowed in any zoning district.

6.13.2 Dimensional Requirement

a) Maximum Percentage (%) Lot Coverage

- 1) For the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined and regulated in the Dimensional Regulations provided in Section 4 of the Needham Zoning By-Laws.
- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Lot Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Lot Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

b) Height

1) Building-mounted Solar Energy Systems:

System Type	Roof Pitch	Siting	Maximum Height
Roof mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.

Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	NEBC, MU-128 & HC-128 districts Municipal buildings in all districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	B, CSB, CB, ASB, HAB, NB, ES, IND, IND-1, HC-1 & I districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All districts	No greater than the highest point of the roof.

2) Ground-mounted Solar Energy Systems:

System Type	Siting	Maximum Height
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Small-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Medium-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Solar Parking Canopy	All districts	Seventeen (17) vertical feet from grade.

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees may be met elsewhere on the lot. Landscaping for parking lots located under a canopy shall be designed to manage runoff from the panels and to be shade tolerant.
- 4) All other Ground-mounted Solar Energy Systems shall meet the requirements for Setbacks of principal structures as defined in Section 1.3 and Section 4.2 of the Needham Zoning By-Laws, as regulated for each use district in Section 4 ("District-level setback") provided, however, that a Small-Scale Ground-mounted Energy System in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts located in a side or rear yard may instead meet the setback requirements applicable to accessory structures under Section 4.2.9. A Small-Scale Ground mounted Solar Energy System constructed nearer to any lot line than the Setback applicable to a principal structure pursuant to the forgoing provision shall require screening or landscaping of such systems from view from abutting lots and/or from a street, by plantings, walls, fences or other devices with said screening having a minimum height of six feet.
- 5) Any extension of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.13.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example,

solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.

- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

6.13.4 Site Plan Review

- a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the Planning Board prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. In reviewing a Special Permit application under Section 6.13.1 b) the Board of Appeals shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c). In reviewing a Special Permit application under Section 6.13.1 d) the Planning Board shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c).
- b) Site Plan Review Document Requirements: The project proponent shall provide a Final Site Plan to the Planning Board in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4.Procedure. In addition, applicants shall submit the following:
 - 1) Name, address, and contact information for proposed system installer.
 - 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - 3) The name, contact information and signature of any agents representing the project proponent.
 - 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - 6) All submitted plans must be stamped by electrical, civil, and structural engineers or architects and landscape architects for their respective scope of work. Systems that are installed on existing structures must have a structural analysis stamped by a Professional Engineer that demonstrates the structure can handle the additional deadloads of the system as well as uplift wind loads per the local and state building codes.

- 7) Ground mounted solar structures must include geotechnical reports and engineering of any foundations associated with the new solar system per local and state building codes.
 - 8) Plans must include stormwater analysis with erosion control plans for proposed solar systems as well as stormwater control measures. Site modifications must meet the current stormwater by-laws for stormwater infiltration requirements. Impervious areas will include all impervious surfaces associated with the new solar system.
 - 9) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - 10) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - 11) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
- c) Site Plan Review Design Standards: The Planning Board shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:
- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - 2) Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a person responsible for responding to municipal officials, throughout the life of the installation.
 - 4) Height and Layout: The Planning Board shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.
 - 5) Visual Impact: Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
 - 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and

maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.

- 7) Stormwater: The Planning Board shall review the existing and post stormwater analysis to meet the current stormwater by-law infiltration requirements.
- 8) Lighting: The Planning Board shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”

3. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting from the second sentence of the first paragraph the phrase “solar panels,” so that the sentence shall now read as follows:

“In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building.”

4. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting the fourth sentence of the first paragraph which reads as follows:

“Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.”

5. Amend Section 4.5 Dimensional Regulations for Highland Commercial-128, Subsection (3), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

6. Amend Section 4.8 Dimensional Regulations for NEBC, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back

from the roof edge by a distance no less than their height, provided that the Planning Board may by Special Permit increase the height limit by not more than 5 additional feet.”

7. Amend Section 4.9 Dimensional Regulations for Mixed-Use 128, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

Or take any other action relative thereto.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 5** ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall

be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is

sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-

thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

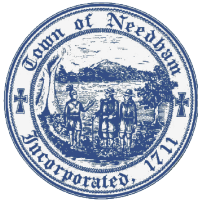
When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the

attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.



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

MEETING DATE: 2/13/2024

Agenda Item	Calendar Year 2024 Fee Schedule Amendment
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Office of the Town Manager has been informed that a local continuing care retirement community (CCRC) intends to file an application for an on-premises alcohol license under MGL Chapter 138, Section 12. The Town does not currently have an established fee for CCRC licenses. Since CCRCs operate in a similar manner to a club, in which only residents (similar to club members) and their guests have access to service, staff recommends that the fee mirror the Club License fee – \$510 annually.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to accept the updated Calendar Year 2024 Fee Schedule.	
3.	BACK UP INFORMATION ATTACHED
a. Proposed Update to CY2024 Fee Schedule b. Staff Memorandum dated 1/26/2024	



Town of Needham Select Board Fee Schedule

CALENDAR YEAR 2024

ON PREMISE ALCOHOLIC BEVERAGE

\$4,525	Innholders
\$4,025	Restaurants - All Alcoholic
\$1,500	Restaurants & Brew Pubs–Wine /Malt
\$1,500	Farmer Series Pouring Permit
\$ 510	Clubs/ Continuing Care Retirement Communities
\$ 150	New License/Transfer License (On Premise & Off Premise Licenses)
\$ 100	Change in License (On Premise & Off Premise Licenses)
	Includes:
	Change of Manager
	Pledge of License/Stock
	Alteration of Premises
	New Officer/Director
	Change of Corporate Name or D/B/A
	Most other changes

OFF PREMISE ALCOHOLIC BEVERAGE

<u>Initial</u>	<u>Renewal</u>	
\$3,500	\$2,500	Retail Package Goods Store, All Kinds of Alcoholic Beverages
\$3,000	\$2,000	Retail Package Goods Store, Wine & Malt Beverages Only

MISC. LICENSES/PERMITS

Automatic Amusement	\$ 50 each machine
Bowling	\$ 10 each lane
Class I and Class II	\$ 200
Common Victualler Licenses	\$ 100
Innkeeper	\$ 25
Livery	\$ 25
Lodging License	\$ 50
One-Day Special Liquor License	\$ 25
Outdoor Dining	\$ 25*
Pool Table	\$ 25
Sunday Public Entertainment	\$ 100
Weekday Public Entertainment	\$ 100
Road Race	\$ 25
Second Hand Articles	\$ 25
Taxi	\$ 10 each cab

**Outdoor Dining Fee License applied to Common Victualler License Fee upon approval. Does not include any use fees for sidewalk and/or parking space use defined in Select Board Policy SB-LIC-016.*

MEMORANDUM

TO: Kate Fitzpatrick, Town Manager
FROM: Myles Tucker, Support Services Manager
SUBJECT: Proposed Fee Schedule Update – Continuing Care Retirement Communities
DATE: January 26, 2024

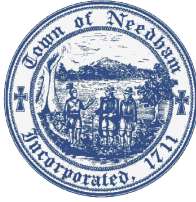
Background

The Office of the Town Manager has been informed that a local continuing care retirement community (CCRC) intends to file an application for an on-premises alcohol license under MGL Chapter 138, Section 12. MGL permits local licensing authorities (in Needham, the Select Board) to issue licenses to CCRCs under Section 12, in a manner like restaurants, clubs, and innkeepers.

Proposed Course of Action

The Town does not currently have an established fee for such a license, nor does it have language in its regulations governing CCRCs. After discussion with Town Counsel, it was determined that immediate revision to Town regulations is not required, as a CCRC license would fall under guidelines already applicable to other establishments licensed under Section 12.

Until the next revision of the alcohol regulations, staff recommends that the Board establish a published fee for CCRC on-premises licenses to ensure transparency for the potential and any future applicants. Since CCRCs operate in a similar manner to a club, in which only residents (similar to club members) and their guests may patronize establishments within the CCRC, we recommend that the fee mirror the Club License fee – \$510 annually.



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

MEETING DATE: 2/13/2024

Agenda Item	Consolidation of Information Technology Functions
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
For the past year, Town and School officials have been engaged in an evaluation of the concept of consolidating the Town and School Information Technology functions. Last summer, the parties engaged a consultant, Plante Moran, LLC to conduct an Informational Technology (IT) Organizational Assessment. The assessment was complete in November 2023 and presented to a joint meeting of the Select Board, School Committee, and Finance Committee on December 5, 2023. The Plante Moran report recommended that the Town and School technology departments be unified within a single structure under the direction of the School Department. The planned move is predicted to result in greater cohesion, efficiency and collaboration; to better enable strategic planning; and to provide consistent implementation of policy, procedure and training. Additionally, Plante Moran recommended that the Town strengthen its services by investing in its informational technology infrastructure, including cybersecurity resources.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Select Board vote to endorse the consolidation of Town and School Information Technology functions and recommend approval of a warrant article to fund transition efforts.	
3.	BACK UP INFORMATION ATTACHED
a. Memo to School Committee from Anne Gulati dated January 16, 2024 b. PPT from Joint Meeting, December 5, 2023	

TO: Dan Gutekanst, Superintendent & Kate Fitzpatrick, Town Manager
From: Anne Gulati, Assistant Superintendent for Finance & Operations
RE: Technology Reorganization Update and Warrant Article Request May 2024 Town Meeting
Date: January 16, 2024

In November, Plante Moran LLC concluded its Informational Technology (IT) Organizational Assessment. That report recommended that the Town and School technology departments be unified within a single structure under the direction of the School Department. The planned move is predicted to result in greater cohesion, efficiency and collaboration; to better enable strategic planning; and to provide consistent implementation of policy, procedure and training. Additionally, Plante Moran recommended that the Town strengthen its services by investing in its informational technology infrastructure, including cybersecurity resources.

Phased Implementation Plan

The School Department has developed a multi-year implementation plan for this consolidation:

- FY24: Continue to leverage external vendors to provide support services, particularly for Town Departments; Update inventories; Engage in risk assessment; Solicit Employee Feedback; Form the IT Steering Committee; Prepare for consolidation.
- FY25: Implement a 'transitional' organizational structure; Spin-off non-technology functions; Reorganize budgets; Develop an IT strategic plan; Update policies/procedures; Engage in staff training.
- FY26: Implement a permanent organizational structure; Replace legacy technology, as needed; Focus on systems integration, workflow improvements and software assessments.

Consistent with the aforementioned plan, during the current year, the School Department has engaged IntraSystems to provide help-desk and managed network services to Town Departments, including 24/7 support for the public safety functions. In addition, work has begun to map systems and inventory devices. Information sessions have been held with Town Boards, as well as with school and town technology staff. The Superintendent will schedule an additional session for technology staff in January to share updates and solicit feedback. Over the next few months, the Town and Schools will engage in impact bargaining with affected staff; will refine the implementation budget; will form the IT Steering Committee; and will begin a risk assessment of Town and School networks.

Preliminary Budget Request:

The Town and School Department have been working on a consolidated department budget, which will require additional funding at May 2024 Town Meeting through a financial warrant article. Preliminary information about this consolidated budget request is presented below.

In the area of staffing, no additional FTE positions are requested to implement the proposed ‘transitional’ structure in FY25. However, an increase in salary funds (of \$129,859) is required to transition employees and backfill functions that have been ‘spun off.’ The Superintendent and Town Manager intend to assess staffing levels over the next two years to determine if these levels of support are adequate, particularly in the areas of applications and network support.

In the area of supplies and services, approximately \$804,000 are required for the following new or ongoing expenses:

- Network monitoring, response and cybersecurity training \$204,034
- Zoom phone system configuration, deployment and support, \$91,700
- Print management services, \$65,000
- Town help desk support, including 24/7 services to public safety functions, \$93,672
- Network managed services, \$181,128
- Strategic plan and policy/procedure development, \$100,000
- Expand Town device replacement to 100 devices per year, \$52,500
- Other, \$16,160

The chart below identifies the proposed financial need (in green), compared to FY25 ‘existing base budget’ funding (in yellow). The additional funds requested represent the difference between the proposed need, and the existing budget funds available to support those functions.

FY25 Preliminary Information Technology Consolidation Budget Request	Budget FTE	Proposed FTE	Proposed Need	FY25 School Budget	FY25 Town Budget	Additional Funds Required
Salaries	19.00	19.00	2,040,484	1,332,397	578,228	129,859
Purchase of Service & Supplies			2,507,387	742,438	960,755	804,194
<u>Capital Outlay</u>	-	-	102,300	-	102,300	-
Total	19.00	19.00	4,650,171	2,074,835	1,641,283	934,053

Warrant Article Request:

At its meeting of January 23, the School Committee will be asked to support the following warrant request at May Town Meeting to support the consolidation effort. The article would be jointly submitted by the School Committee and Select Board.

ARTICLE XX: INFORMATION TECHNOLOGY CONSOLIDATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$934,055 to support information technology consolidation, to be spent under the direction of the School Committee, and to meet this appropriation that \$248,000 be raised from the Tax Levy and \$686,055 be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board, School Committee

ALG/alg



plante moran | Audit. Tax. Consulting.
Wealth Management.

IT Organizational Assessment

Town of Needham, MA – Assessment Report, December 2023



About Plante Moran

DEPTH



3,500+
staff



250+
technology, data
analytics, risk, change
management, &
cybersecurity consultants



40 hours
CPE per year

PUBLIC SECTOR INDUSTRY EXPERTISE



60+
years serving public
sector clients



250+
clients



Active software vendor
liaison program



Numerous
public sector
associations



Key Questions (Needham RFQ)



Given the existing town-wide IT responsibilities, what is the optimal organizational structure for the Town's IT services? Should some (or all) of the Town's IT services be combined? If changes are proposed, what is an implementation plan and budget?



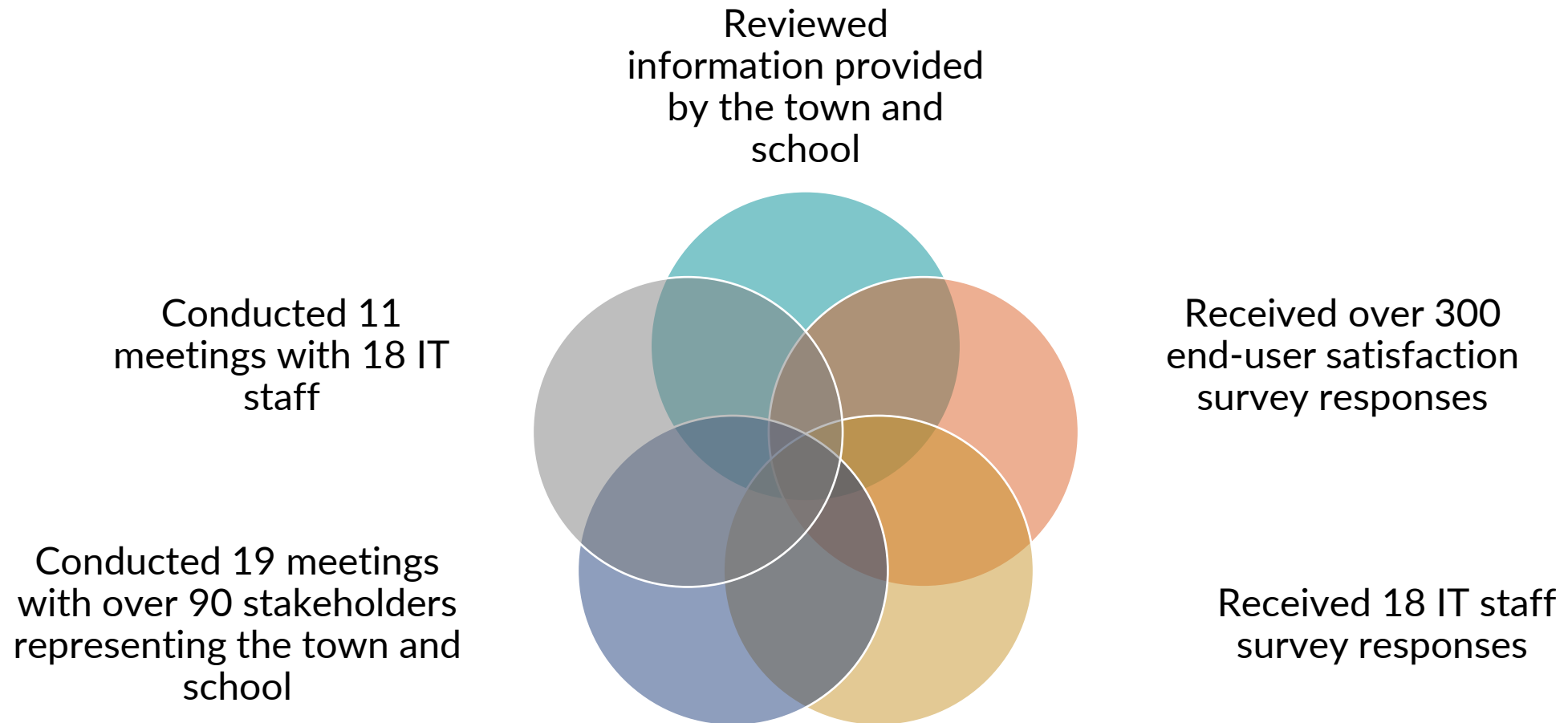
What should each proposed unit be responsible for and how should it be staffed? Include any critical responsibilities that are currently not being completed.



Through answering these above questions, the consultant should identify and share any additional strengths, weaknesses, and recommendations with the Town.



Needham's staff input





Technology trends in local government

Areas of focus for Cities and Counties in next two years:

1. Cybersecurity
2. Modernizing outdated IT systems, applications, etc..
3. Innovation/applying technology in new ways to help solve problems
4. IT workforce retention/attraction
5. Launching or updating digital services for citizens (e.g. mobile apps, web services, etc..)
6. Migrating systems/applications to the cloud
7. Addressing interoperability/integrating disparate systems, applications, etc..
8. Addressing data silos/making data more real-time and actionable
9. Streamlining procurement processes for the purchase/ implementation of technology

Source: 2023 CompTIA Public Technology Institute State of City and County IT National Survey



Technology trends in K-12 education

Top trends in K-12 education:

1. The rise of hybrid (online and offline), collaborative and mobile learning
2. Artificial intelligence: revolutionizing personalized/Adaptive learning
3. Immersive/interactive learning: virtual reality and augmented reality in education
4. Gamification: boosting student engagement
5. Learning insights/analytics: data management & analytics
6. Physical security measures: student and staff well-being
7. Cybersecurity: ransomware in K-12 education
8. Business: Higher investment in technology to meet demand
9. Environment: teacher/staff shortages and enrollment/learning losses

Sources: Compiled from multiple sources, including 2023 Edtech Trends in K-12 Learning, Gartner Top Technology Trends 2023 in K-12 Education, Learning Liftoff, Kitaboo, and Plante Moran's own research



People



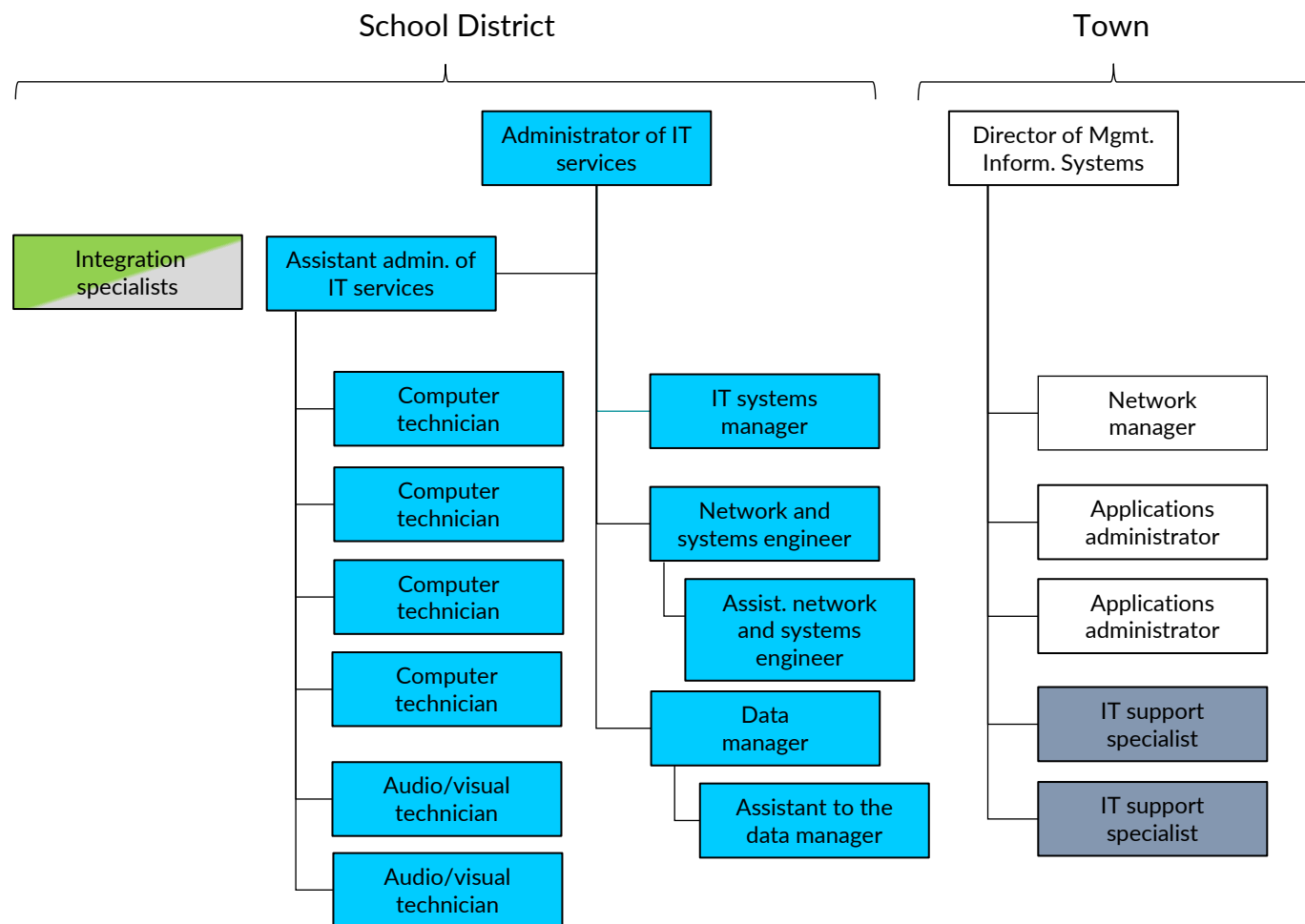
People observations

Organizational structure

- Needham has IT staff divided between the town and school.
- The school has 13 IT FTEs servicing 1,200 employees, which is below industry benchmarks.
- The town has six full IT FTEs to serve 350 users, which is below industry benchmarks.
- Most job titles are self-explanatory and consistent with industry and job descriptions.
- Educational technology integration specialists report to the instruction and innovations department.
- The school's IT systems manager has varied project, support, and operational tasks for the school and town.
- A/V technicians serve the school and town.
- GIS administrator works under public works but serves other departments of the town and school.
- The library operates independently under the technology direction of the Minutemen Library Network.
- There is no defined role to oversee the entire town and/or school applications and data landscape.



Current IT organizational structure

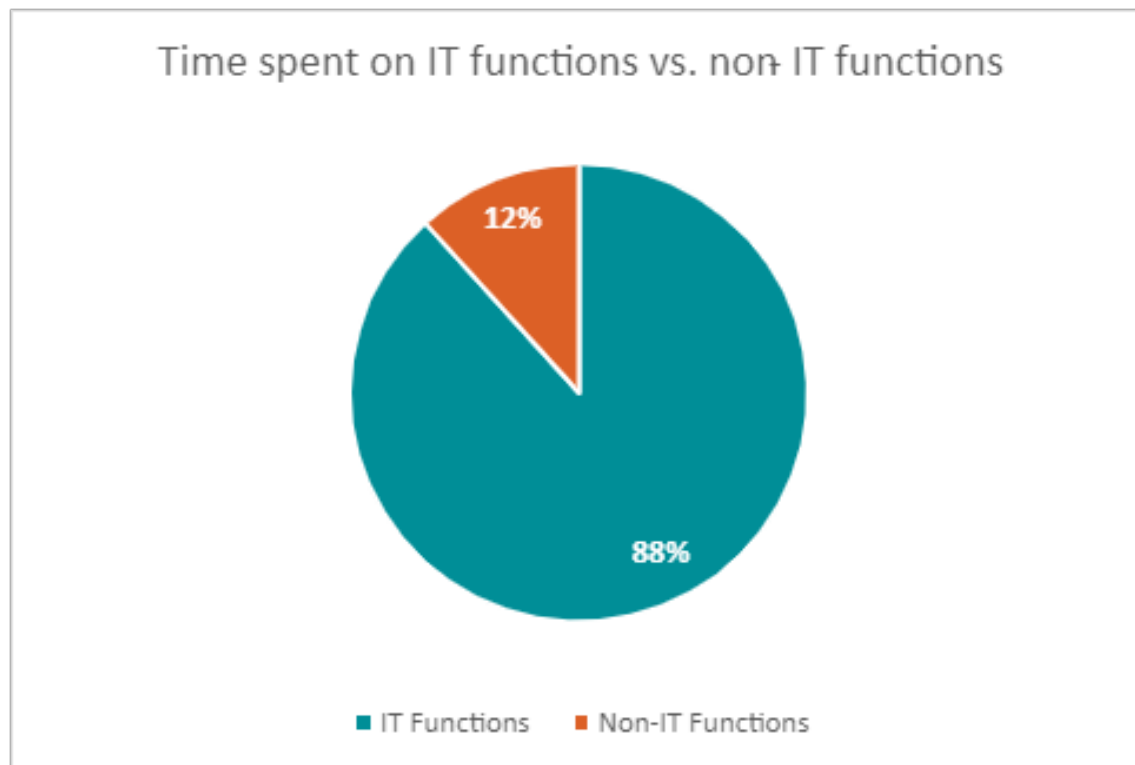


Legend

- Non-technology related functions
- Technology related functions within other departments
- Vacant position
- School administrative technology department
- General government information technology center (ITC)



Time/effort allocation analysis



Non-IT functions that IT staff are performing

- Printing payroll and accounts payable checks
- Generating daily reports
- Registrar functions
- School data reporting functions
- Manual data imports/exports
- Operational functions related to door access



People observations

Human capital management and strategic sourcing

- Multiple IT staff are expected to retire in the near term.
- Collaboration and cooperation between the school and town IT staff exists but is limited.
- No training plans are currently in place for IT staff.
- The town relies heavily on an external third party, IntraSystems, to support public safety and 24/7 support.
- The school relies on internal resources for tasks related to cabling, physical security, phones, printers, etc..
- Lack of responsiveness and effectiveness from vendors was cited as a factor prompting the need to insource.



Common themes for end-user survey

School

- Unavailability of tech support
- Lack of technology training
- Cybersecurity concerns
- Dissatisfaction with door security
- Challenges with interactive smartboards
- Want consistent hardware across departments
- Applications not integrated
- Excessive number of “add-on” software products
- Limited data analytics capabilities

Town

- IT department is understaffed
- Lack of technology training
- Unclear responsibilities within IT
- Support from IT takes too long
- Wi-Fi coverage in some areas, e.g., Town Hall, PSAB
- Dissatisfaction with outdated phones
- Connectivity issues for field staff



Common themes for stakeholder interviews

School

- Most were complimentary of the staff in the IT department
- Most mentioned a need for additional training
- Many of the integration specialists are spending too much of their time on support issues and training of non-instructional staff
- Individuals in IT who are solely responsible for certain areas can become bottlenecks

Town

- Public safety function is not leveraging some advanced technology
- Remote locations have challenges related to connectivity
- Most departments reported that they struggle to get technology support/assistance in a timely fashion
- Most mentioned a need for additional training



Recommendations rating approach

Rating	Priority		Effort	
	Urgency	Impact	Resources	Complexity
●	Requires immediate attention.	Significant impact on value creation and/or risk mitigation.	Resource intensive in terms of financial and/or human capital required.	Significant adoption and/or integration complexities.
◆	Should be timely addressed.	Meaningful impact on value creation and/or risk mitigation.	Requires moderate financial and/or human capital resources.	Some adoption and/or integration complexities.
■	Address as time/resources permit.	Low impact on value creation and/or risk mitigation.	Requires minimal financial and/or human capital resources.	Negligible adoption and/or integration complexities.

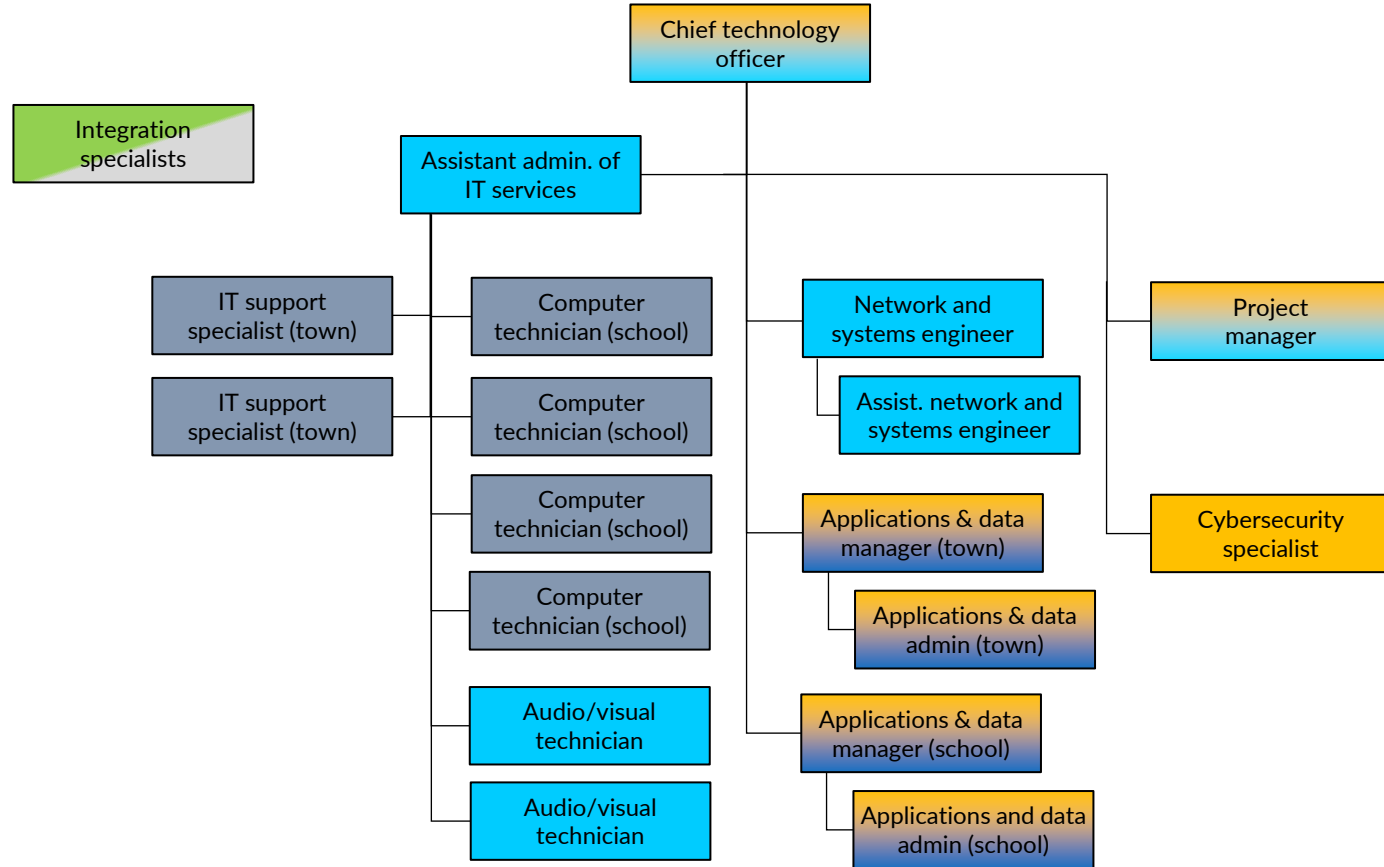
Rating	Timing
Now	Immediate: 0-3 months
ST	Short term: 3-6 months
MT	Medium term: 6-12 months
LT	Long term: More than 1 year

Rating	Budget
\$	\$0 – 50,000 USD
\$\$	\$50,000 – \$150,000 USD
\$\$\$	\$150,000 – \$500,000 USD
\$\$\$\$	Greater than \$500,000 USD

Note: Budget does not include internal staff time/costs or other indirect costs, except for salary/benefits of new positions.



Proposed IT organizational structure



Legend

- Non-technology related functions
- Technology related functions within other departments
- Existing position, to serve both town and school
- Existing position, dedicated to town or school
- New position within IT department
- Redefined position, to serve both town and school
- Redefined position, dedicated to town or school



People recommendations

#	Recommendations	Priority	Effort	Timing	Budget NRC	Budget ARC
1	People					
1.2	Human capital and strategic sourcing					
1.2.1	Develop a succession and transition plan	■	■	ST	-	-
1.2.2	Develop individualized training plans for IT staff	◆	■	MT	-	\$
1.2.3	Reassess staffing needs after executing the recommendations of this report	■	◆	LT	\$	-
1.2.4	Strategical leverage of external vendors	●	●	Now	TBD	TBD



People recommendations

#	Recommendations	Priority	Effort	Timing	Budget NRC	Budget ARC
1	People					
1.3	Stakeholders: School					
1.3.1	Create a formal technology professional development program	◆	●	MT	\$	\$
1.3.2	Create and publish an application software support staff directory	◆	■	ST	-	-
1.3.3	Develop a formal communications plan	◆	■	ST	-	-
1.3.4	Focus on continual service improvement	■	■	LT	-	-
1.3	Stakeholders: Town					
1.3.5	Create formal technology training programs for town staff	●	●	ST	\$	\$
1.3.6	Develop a formal communications plan	◆	■	MT	-	-
1.3.7	Address connectivity and support issues at remote locations	●	●	MT	TBD	TBD
1.3.8	Address police video footage retention and audio recording issues	■	◆	ST	\$	\$
1.3.9	Develop a plan for police to implement innovative technologies	■	◆	LT	-	-



Process



Process

Strategy and governance

- A technology advisory board is in place, comprised of town residents and IT leadership.
- No technology governance body representing Needham's departments exists.
- No IT strategic plan or technology roadmap is in place.
- Roles and responsibilities with regards to technology procurement, maintenance, and support are not clearly defined between IT and operating departments
- The technology budgeting and allocation process is not well understood.
- The technology procurement process on the town side is also not well understood.
- The schools have a process for vetting and purchasing educational software; however, there is no process (or stakeholders did not know what it was) for administrative software.
- No enterprise architecture approach is followed to manage the applications portfolio and data assets.

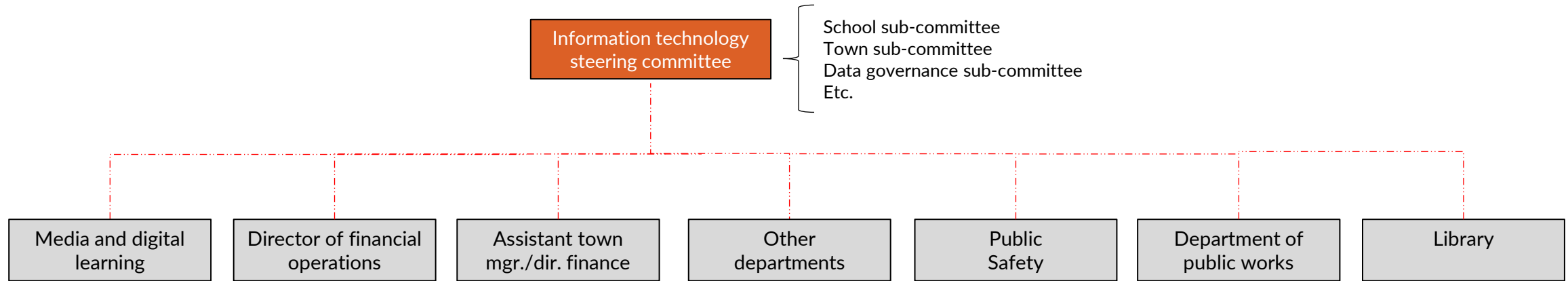


Process recommendations

#	Recommendations	Priority	Effort	Timing	Budget NRC	Budget ARC
2	Process					
2.1	Strategy and governance					
2.1.1	Implement a formal technology governance process	●	◆	Now	\$	-
2.1.2	Position the IT department as an enabler of departmental operations	◆	●	Now	-	-
2.1.3	Develop a strategic technology plan for the school	◆	◆	ST	\$	-
2.1.4	Develop a strategic technology plan for the town	◆	◆	ST	\$	-
2.1.5	Develop a policies and procedures for technology governance	■	◆	MT	\$\$	-



IT Steering committee





Roadmap and budget



Year 1 budget

#	Recommendations	Combined NRC	Combined ARC	School NRC	School ARC	Town NRC	Town ARC
1.1.1	Align the IT organizational structure	-	\$\$				
1.2.2	Develop individualized training plans for IT staff	-	\$				
1.2.4	Strategically leverage external vendors	TBD	TBD				
1.3.1	Create a formal technology professional development program			\$	\$		
1.3.5	Create formal technology training programs for town staff					\$	\$
1.3.7	Address connectivity and support issues at remote locations					TBD	TBD
1.3.8	Address police video footage retention and audio recording issues					\$	\$
2.1.1	Implement formal technology governance process	\$	-				
2.1.3	Develop a strategic technology plan for the school			\$	-		
2.1.4	Develop a strategic technology plan for the town					\$	-
2.1.5	Develop a policies and procedures for technology governance	\$\$	-				
2.2.1	Optimize the technology support process	\$	-				
2.2.2	Develop standards and procedures of technology operations	\$	\$				
3.1.1	Develop and maintain complete and up to date documentation of the IT environment	\$	-				
3.2.1	Develop and maintain a comprehensive inventory of technology assets	\$	-				
3.3.3	Evaluate the effectiveness of the finance and HR solutions	\$\$	\$				
3.3.4	Conduct process redesign for finance and HR solutions			\$	-		
3.4.7	Address Citrix in-session performance issues					\$	\$
	Total*	\$100K~\$550K	\$50~\$300K	\$0~\$150K	\$0~\$50K	\$0~\$200K	\$0~\$150K

Notes:

Due to project scope and limited information provided, some budgetary figures were not able to be estimated.

Budgetary costs are exclusive of risk management/cybersecurity recommendations.



Year 2 budget

#	Recommendations	Combined NRC	Combined ARC
1.2.3	Reassess staffing needs after executing the recommendations of this report	\$	-
3.1.2	Replace or upgrade aged or legacy technologies	TBD	TBD
3.2.2	Seek to standardize technologies across the organization when possible	TBD	TBD

Notes:

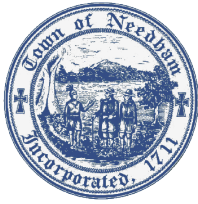
Additional diligence is required in Year 1 to provide an accurate budgetary estimation for the Year 2 budget. This includes inventorying and evaluating the adequacy of current hardware and software technologies to determine the need to replace or upgrade technologies that are legacy, not meeting the needs of the school and town as identified in the IT strategic plan, or that will be standardized.



Thank you!

Plante Moran staff responsible for this report:

Mike Riffel
Marv Sauer
Jacinto Cordero
Santana Hill
Jenna Houterloot



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

MEETING DATE: 2/13/2024

Agenda Item	Close Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Town Manager will recommend that the Board vote to close the warrant for the 2024 Annual Town Meeting. Note that we are recommending that the auditorium light and sound article be moved to the Special Town Meeting Warrant. The School Department intends to seek an emergency preamble and the Special Town Meeting adjourns before the Annual Town Meeting. The effect of this recommendation is to potentially speed up the design work. The School Department may request funding for construction of the Newman School Auditorium project in October. We also recommend that the Town Charter and By-Law proposal be moved to the Special Town Meeting Warrant, as the working group is still evaluating options to recommend.
2.	VOTE REQUIRED BY SELECT BOARD
	<i>Suggested Motion:</i> That the Board vote to close the warrant for the 2024 Annual Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.
3.	BACK UP INFORMATION ATTACHED
	a. Draft 2024 Annual Town Meeting Warrant dated 2/13/2024

TOWN OF NEEDHAM



2024 ANNUAL TOWN MEETING WARRANT

ELECTION: TUESDAY, APRIL 9, 2024

BUSINESS MEETING: MONDAY, MAY 6, 2024

7:30 P.M.

JAMES HUGH POWERS HALL

NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 2/13/24

Additional information on Warrant articles will be made available at www.needhamma.gov/townmeeting during the weeks leading up to the Special Town Meeting.

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 9, 2024
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 NINTH DAY OF APRIL 2024

from seven o'clock in the forenoon, until 8:00 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 Town Clerk for One Year;
Two Members of School Committee for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;
Two Trustees of Needham Public Library for Three Years;
Two Members 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;
Two Members of Park and Recreation Commission for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
Eight Town Meeting Members from Precinct B for Three Years;
One Town Meeting Member from Precinct B for One Year;
Eight Town Meeting Members from Precinct C for Three Years;

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;
Eight Town Meeting Members from Precinct J for Three Years.

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in Powers Hall on Monday May 6, 2024 at 7:30 o'clock in the afternoon, then and there to act upon the following articles:

**Warrant for the Annual Town Meeting
Monday, May 6, 2024 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 RESOURCES 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, 2024, as required by Massachusetts General Laws, Chapter 41, Section 108:

<u>Town Clerk</u>	\$
<u>Select Board, Chair</u>	\$1,800
<u>Select Board, Others</u>	\$1,500

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 annual stipends for the members of the Select Board have remained unchanged since 1977.

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NIPEA

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Public Employees Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement for fiscal year 2025; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – ITWA

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Town Workers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement for fiscal year 2025; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

FINANCE ARTICLES

ARTICLE X: 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 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 \$12,561 in FY2023.*

ARTICLE X APPROPRIATE FOR 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 said sum be transferred from Overlay Surplus; 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 X: 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 9: APPROPRIATE FOR PLANNING CONSULTING ASSISTANCE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$80,000 for the purpose of funding professional consulting services for the Planning and Community Development Department, 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: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: These funds would provide support to the Planning and Community Development Department, enabling the Director to engage professional services from time to time to support regulatory functions of the Planning and Community Development Department, which oversees permit granting for the Planning Board, the Zoning Board of Appeals, and the Conservation Commission; and land use and town planning initiatives of the Planning Department.

ARTICLE 10: APPROPRIATE FOR SCIENTIFIC EXPERTS & CONSULTANTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding professional consulting services and scientific experts for the Health and Human Services Department, 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: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: These funds would establish a source of funding that allows the Board of Health to retain outside scientific experts and consultants to evaluate novel and emerging health issues about which the Board and the Public Health Division lack the necessary expertise.

ARTICLE X: APPROPRIATE FOR FIRE ALARM WIRE REMOVAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$201,885 for the purpose of funding the removal of townwide fire alarm wiring, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$99,145 be transferred from Free Cash and that \$102,740 be transferred from Article 37 of the 2014 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: These funds would allow for the removal of all fire alarm wiring on circuits throughout Town. The wiring is no longer in use and must be removed whenever a pole is relocated or replaced.

**ARTICLE X: APPROPRIATE FOR INFORMATION TECHNOLOGY
CONSOLIDATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$934,055 to support information technology consolidation, to be spent under the direction of the School Committee, and to meet this appropriation that \$248,000 be raised from the Tax Levy and \$686,055 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board and School Committee

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE THE FY2025 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 \$X, from Overlay Surplus in the amount of \$X, from amounts Reserved for Debt Exclusion

Offsets in the amount of \$X, and \$X 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 X: APPROPRIATE THE FY2025 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 2025, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise FY2025							
Line #	FY2023		FY2024		FY2025		Town Meeting Amendments
	Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	\$1,003,177	11.0	\$1,144,544	11.0	\$1,194,443	11.0	
201B	\$580,617		\$823,367		\$866,539		
201C	\$49,950		\$65,000		\$96,000		
201D	\$6,760,857		\$7,084,841		\$7,084,841		
201E	\$606,350		\$610,000		\$670,000		
202	Transfers Only		\$35,000		\$35,000		
	\$9,000,951	11.0	\$9,762,752	11.0	\$9,946,823	11.0	
FY2025 Budget Percentage Change from FY2024 Budget						1.9%	

and to meet this appropriation that \$8,351,268 be raised from Sewer Enterprise Fund receipts, \$745,804 be transferred from Sewer Enterprise Fund Retained Earnings, and \$849,751 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE THE FY2025 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 2025, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise							
FY2025							
Line #	FY2023		FY2024		FY2025		Town Meeting Amendments
	Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	\$1,141,589	17.0	\$1,598,687	17.0	\$1,632,768	17.0	
301B	\$1,355,152		\$1,564,469		\$1,689,997		
301C	\$0		\$53,605		\$57,100		
301D	\$1,464,186		\$1,887,130		\$1,887,130		
301E	\$1,244,475		\$1,250,000		\$1,460,000		
302	Transfers Onlt		\$75,000		\$75,000		
	\$5,205,401	17.0	\$6,428,891	17.0	\$6,801,995	17.0	
FY2025 Budget Percentage Change from FY2024 Budget						5.8%	

and to meet this appropriation that \$6,075,000 be raised from Water Enterprise Fund receipts, and that \$726,995 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: 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 2025 beginning on July 1, 2024 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	FY2024 Spending Limit	FY2025 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

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2024 Spending Limit	FY2025 Spending Limit
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	\$125,000	\$125,000
Traveling Meals	Health and Human Services Department	\$100,000	\$100,000
Needham Transportation Program	Health and Human Services Department	\$10,000	\$10,000
Aging Services Programs	Health and Human Services Department	\$75,000	\$75,000
Youth Services Programs	Health and Human Services Department	\$5,000	\$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 M.G.L Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting. There are no proposed changes to current annual spending limits.

ARTICLE X: 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 Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation for FY2025 is \$X. Unless circumstances require otherwise, this Chapter 90 allocation will be directed towards additional infrastructure projects, such as intersection improvements, roadway reconstruction of Marked Tree Road, sidewalk improvements, and the design and construction of the downtown infrastructure improvement project.

ZONING/LAND USE ARTICLES

ARTICLE X: AMEND ZONING BY-LAW – AFFORDABLE HOUSING DISTRICT

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

1. In Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Residential:

“AHD – Affordable Housing District”

2. In Section 3, Use Regulations, by inserting a new Subsection 3.16, Affordable Housing District, to read as follows:

“3.16 Affordable Housing District

3.16.1 Purpose of District

The purpose of the Affordable Housing District (hereinafter referred to as AHD) is to promote the health, safety, and general welfare of the community by encouraging the establishment of affordable housing units, while minimizing potential adverse impacts upon nearby residential and other properties.

3.16.2 Scope of Authority

The regulations of the Affordable Housing District shall govern all new construction, reconstruction, or expansion of new or existing buildings, and new or expanded uses. Provisions of Section 3.16 shall supersede those of Section 3.2 (Schedule of Use Regulations), Section 4.1.5 (Minimum Required Lot Width), Sections 4.2 through 4.11 (Dimensional Regulations) and Section 5.1.2 (Required Parking), except as otherwise specifically provided herein. The Planning Board shall be the permitting authority for any multi-family housing development in the AHD.

3.16.3 Definitions

For the purposes of this section and the Needham Zoning By-Law, the following words and phrases shall have the following meanings:

- a. AHD Project – a multi-family housing development of affordable housing units, as defined in Section 1.3 of this By-Law.
- b. Multi-family housing- a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.
- c. Site Plan Review – the Site Plan Review process as provided in Section 7.4 that an applicant must obtain for any AHD project.

3.16.4 Allowed Uses

The following uses may be constructed, maintained, and operated by right:

- a. AHD Projects, after completion of Site Plan Review as provided in Section 7.4.
- b. Accessory buildings and uses to the use allowed by right.

3.16.5 Multiple Buildings in the Affordable Housing District

More than one building may be located on a lot in the AHD as a matter of right, provided that each building and its uses complies with the requirements of Section 3.16 of this By-Law.

3.16.6 Dimensional Regulations for AHD Projects in the Affordable Housing District

- a. Minimum Lot Area (Sq. Ft.): 20,000 SF
- b. Minimum Lot Frontage (Ft.): 150 FT
- c. Minimum Front Setback¹ (Ft.): 40 FT
- d. Minimum Side Setback² (Ft.): 25 FT
- e. Minimum Rear Setback³ (Ft.): 25 FT
- f. Maximum Floor Area Ratio: .5
- g. Maximum Dwelling Units Per Acre: 25
- h. Maximum Lot Coverage: 20%

¹ The front setback shall be a landscaped, vegetative buffer area, except that driveway openings, sidewalks, walkways and screened mechanical equipment may be located in the buffer area. Additionally, parking areas may be located in the buffer area, but must be set back at least 10 feet from the front lot line, which setback shall provide a landscaped buffer.

² Parking areas must be set back at least 5 feet from a side lot line.

³ Parking areas must be set back at least 5 feet from a rear lot line.

- i. Maximum Height⁴: 58 FT
- j. Maximum Number of Stories: 4

3.16.7 Parking Requirements

- a. Notwithstanding anything in the By-Law to the contrary, for AHD Projects in the Affordable Housing District, the off-street parking requirement shall be .5 parking spaces per dwelling unit.
- b. For AHD Projects in the Affordable Housing District, the requirements of By-Law Section 5.1.3, Parking Plan and Design Requirements, shall apply.

3.16.8 Site Plan Review

- a. Site plan review under Section 7.4 of the By-Law shall be completed by the Planning Board for any AHD Project prior to the filing of an application for a building permit.
 - b. For AHD Projects the site plan review filing requirements shall be those set forth in the By-Law for Major Projects as defined in Section 7.4.2.
 - c. The procedure for the conduct of site plan review for an AHD project shall be as set forth in Section 7.4.4 of the By-Law.
 - d. In conducting site plan review of an AHD project, the Planning Board shall consider the review criteria set forth in Section 7.4.6 of the By-Law.
3. In Section 7.4 Site Plan Review, Subsection 7.4.2 Definitions, by adding a new paragraph after the paragraph defining MAJOR PROJECT, to read as follows:

“In the Affordable Housing District, a MAJOR PROJECT shall be defined as any construction project which involves the construction of 10,000 or more square feet of gross floor area; or increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more off-street parking spaces; or any project that results in any new curb- or driveway-cut.”

4. In Section 7.4 Site Plan Review, Subsection 7.4.2 Definitions, by adding a new paragraph after the paragraph defining MINOR PROJECT, to read as follows:

“In the Affordable Housing District, a MINOR PROJECT shall be defined as any construction project which involves the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area after the increase is 5,000 or more square feet – and the project cannot be defined as a MAJOR PROJECT.”;

⁴ Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilation or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all such structures, except roof-mounted solar energy systems, on the building does not exceed 25 percent, and all such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND ZONING BY-LAW – MAP CHANGE FOR AFFORDABLE HOUSING DISTRICT

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

Place in the Affordable Housing District all that land now zoned Single Residence B and General Residence lying east of Linden Street, comprising parcels 23 and 24, on Assessors Map No. 133, parcel 41 on Assessors Map No. 134, and parcel 13 on Assessors Plan No. 45. Said land is bounded and described as follows:

Beginning at a concrete bound at the northwesterly corner of the property, on the easterly side of Linden Street; Thence, S 83° 26' 20" E for a distance of 107.02 feet to an iron rod; Thence, S 82° 15' 50" E for a distance of 87.89 feet to a concrete bound; Thence, S 08° 56' 11" W for a distance of 328.80 feet to a point; Thence, S 42° 44' 39" E for a distance of 159.58 feet to a point; Thence, S 23° 11' 00" W for a distance of 275.88 feet to a point; Thence, S 14° 57' 44" W for a distance of 199.48 feet to a point; Thence, S 86° 04' 45" E for a distance of 59.86 feet to a point; Thence, S 88° 37' 00" E for a distance of 37.49 feet to a point; Thence, S 86° 19' 44" E for a distance of 140.96 feet to a point; Thence, S 86° 19' 44" E for a distance of 26.25 feet to a point; Thence, along a curve turning to the right, having a radius of 2817.93 feet, a distance of 716.25 feet to a point; Thence, S 37° 38' 40" W for a distance of 530.86 feet to a point; Thence, N 52° 24' 02" W for a distance of 175.47 feet to a point; Thence, N 74° 08' 46" W for a distance of 39.96 feet to a point; Thence, N 21° 18' 16" E for a distance of 70.00 feet to a point; Thence, N 72° 56' 42" E for a distance of 165.00 feet to a point; Thence, N 59° 35' 49" E for a distance of 116.66 feet to a point; Thence, N 40° 49' 41" E for a distance of 118.66 feet to a point; Thence, N 21° 56' 08" E for a distance of 118.67 feet to a point; Thence, N 02° 41' 11" E for a distance of 122.65 feet to a point; Thence, N 09° 25' 32" W for a distance of 271.23 feet to a point; Thence, N 43° 37' 54" E for a distance of 103.44 feet to a point; Thence, N 20° 01' 11" E for a distance of 112.07 feet to a point; Thence, N 86° 04' 45" W for a distance of 22.72 feet to a point; Thence, N 78° 30' 10" W for a distance of 108.86 feet to a point; Thence, N 10° 27' 40" E for a distance of 823.79 feet to a point; Thence N 08° 57' 40" E a distance of 71.55 feet to the point of beginning.

Said parcel contains four hundred seventy-nine thousand two hundred fifty-four square feet more or less (479,254 S.F.); or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS

ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS

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

1. In Section 1.3 Definitions, by adding the following terms and definitions in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

- a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
- b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
- c) Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.
- d) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
- e) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,500 square feet of surface area or less.
- f) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.
- g) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
- h) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
- i) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway,

walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

2. Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”
2. Amend Section 6, Special Regulations, by adding a new Subsection 6.13 Accessory Uses – Solar Energy Systems, to read as follows:

“6.13 Accessory Uses – Solar Energy Systems

6.13.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts as-of-right. The installation of Roof-mounted Solar Energy Systems that: (i) comply with the regulations provided in this section; (ii) are located on properties with nonconforming uses or structures; and (iii) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right at the District-level setback as defined in Section 6.13.2.c)4). Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable District-level setback as defined in Section 6.13.2.c)4). Screening or landscaping of such systems from view from abutting lots or from a street, by plantings, walls, fences or other devices shall be provided. Solar Parking Canopies shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems shall be permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for uses allowed by operation of M.G.L. c.40A s.3, or other state and federal statutes.
- d) In the New England Business Center (NEBC) District, Mixed Use-128 (MU-128) District and in the portion of the Highland Commercial-128 (HC-128) District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue: Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning Board. In the Business (B), Chestnut Street Business (CSB), Center Business (CB), Avery Square Business (ASB), Hillside Avenue Business (HAB), Neighborhood Business (NB), Elder Services (ES), Industrial (I), Industrial-1 (IND-1), Highway Commercial 1 (HC-1), and Institutional (I) districts Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board.

- e) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be permitted as of right as part of any use or site otherwise allowed in any zoning district.

6.13.2 Dimensional Requirement

a) Maximum Percentage (%) Lot Coverage

- 1) For the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined and regulated in the Dimensional Regulations provided in Section 4 of the Needham Zoning By-Laws.
- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Lot Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Lot Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

b) Height

1) Building-mounted Solar Energy Systems:

System Type	Roof Pitch	Siting	Maximum Height
Roof mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.

Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	NEBC, MU-128 & HC-128 districts Municipal buildings in all districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	B, CSB, CB, ASB, HAB, NB, ES, IND, IND-1, HC-1 & I districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All districts	No greater than the highest point of the roof.

2) Ground-mounted Solar Energy Systems:

System Type	Siting	Maximum Height
Small-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Medium-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Solar Parking Canopy	All districts	Seventeen (17) vertical feet from grade.

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees may be met elsewhere on the lot. Landscaping for parking lots located under a canopy shall be designed to manage runoff from the panels and to be shade tolerant.
- 4) All other Ground-mounted Solar Energy Systems shall meet the requirements for Setbacks of principal structures as defined in Section 1.3 and Section 4.2 of the Needham Zoning By-Laws, as regulated for each use district in Section 4 ("District-level setback") provided, however, that a Small-Scale Ground-mounted Energy System in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts located in a side or rear yard may instead meet the setback requirements applicable to accessory structures under Section 4.2.9. A Small-Scale Ground mounted Solar Energy System constructed nearer to any lot line than the Setback applicable to a principal structure pursuant to the forgoing provision shall require screening or landscaping of such systems from view from abutting lots and/or from a street, by plantings, walls, fences or other devices with said screening having a minimum height of six feet.
- 5) Any extension of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.13.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.
- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

6.13.4 Site Plan Review

- a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the Planning Board prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. In reviewing a Special Permit application under Section 6.13.1 b) the Board of Appeals shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c). In reviewing a Special Permit application under Section 6.13.1 d) the Planning Board shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c).
- b) Site Plan Review Document Requirements: The project proponent shall provide a Final Site Plan to the Planning Board in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4.Procedure. In addition, applicants shall submit the following:
 - 1) Name, address, and contact information for proposed system installer.
 - 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - 3) The name, contact information and signature of any agents representing the project proponent.
 - 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - 6) All submitted plans must be stamped by electrical, civil, and structural engineers or architects and landscape architects for their respective scope of work. Systems that are installed on existing structures must have a structural analysis stamped by a Professional Engineer that demonstrates the structure can handle the additional

deadloads of the system as well as uplift wind loads per the local and state building codes.

- 7) Ground mounted solar structures must include geotechnical reports and engineering of any foundations associated with the new solar system per local and state building codes.
 - 8) Plans must include stormwater analysis with erosion control plans for proposed solar systems as well as stormwater control measures. Site modifications must meet the current stormwater by-laws for stormwater infiltration requirements. Impervious areas will include all impervious surfaces associated with the new solar system.
 - 9) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - 10) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - 11) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
- c) Site Plan Review Design Standards: The Planning Board shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:
- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - 2) Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a person responsible for responding to municipal officials, throughout the life of the installation.
 - 4) Height and Layout: The Planning Board shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.

- 5) Visual Impact: Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
 - 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
 - 7) Stormwater: The Planning Board shall review the existing and post stormwater analysis to meet the current stormwater by-law infiltration requirements.
 - 8) Lighting: The Planning Board shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”
3. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting from the second sentence of the first paragraph the phrase “solar panels,” so that the sentence shall now read as follows:
- “In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building.”
4. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting the fourth sentence of the first paragraph which reads as follows:
- “Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.”
5. Amend Section 4.5 Dimensional Regulations for Highland Commercial-128, Subsection (3), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:
- “Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

6. Amend Section 4.8 Dimensional Regulations for NEBC, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height, provided that the Planning Board may by Special Permit increase the height limit by not more than 5 additional feet.”

7. Amend Section 4.9 Dimensional Regulations for Mixed-Use 128, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE X: APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,600,000 for improvements to the Needham High School tennis courts, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,440,000 be transferred from CPA Free Cash, \$1,000,000 be transferred from the Athletic Facility Stabilization Fund, \$149,196 be transferred from Overlay Surplus, and \$10,804 be transferred from Article 43 of the 2015 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *This funding would provide for the renovation of the current four courts and installation of four new tennis courts at Needham High School. All courts include post-tension concrete as the base. Post-tension concrete is now an industry norm as the warranty on post-tension concrete is 25+ years. An asphalt-based tennis court has a 5- to 7-year warranty with many factors influencing surface deterioration.*

ARTICLE X: APPROPRIATE FOR LINDEN STREET REDEVELOPMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,500,000 for the Linden Street Redevelopment Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Funds/Receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR DEFAZIO COMPLEX FENCING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$417,000 for the DeFazio Complex Fencing Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Funds/Receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FY2025 CPA RESERVES

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 FY2025 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:

Administrative and Operating Expenses of the Community Preservation Committee:	\$ 82,000
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Reserves:

B. Community Preservation Fund Annual Reserve:	\$1,187,215
C. Community Housing Reserve:	\$ 872,545
D. Historic Resources Reserve:	\$ 0
E. Open Space Reserve	\$ 436,273

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% of the estimated fiscal year receipts to account for any changes to the revenue estimate or State match that may occur during the year. The CPC has voted to increase the amount set aside in the Community Housing Reserve to 22% of the estimated revenue for the year to ensure that at a minimum of 20% of the actual CPA receipts are appropriated or reserved for future appropriation for Community Housing. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Fund.

CAPITAL ARTICLES

ARTICLE X: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$4,739,438 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 Services	High School Fitness Center Equipment Replacement	\$32,673	
Community Services	Library Technology	\$47,000	
Community Services	Library Renovation Young Adult Area	\$454,000	
General Government	Town Facility Replacement Furniture and Office Fixtures	\$40,000	
General Government	Town Building Security and Traffic Cameras	\$190,000	
General Government	Powers Hall IT and AV	\$220,000	
General Government	Non-Public Safety & Public Safety Data Centers & Networking Equipment Replacement	\$600,000	
Public Safety	LIFEPAK 15 V4 Monitor/Defibrillator	\$44,671	

Public Safety	Personal Protective Equipment	\$54,290	
Public Works	Geographic Information System Equipment	\$75,000	
Public Works	Sustainable Building Retrofit Program	\$100,000	
Public Works	Specialty Equipment	\$180,000	
Schools	School Furniture	\$25,000	
Schools	Eliot Boiler Replacement	\$34,000	
Schools	Newman Preschool Playground	\$54,000	
Schools	School Copier Replacement	\$66,767	
Schools	School Technology	\$661,150	
Transportation Network	Transportation Safety Committee Improvements (Traffic Improvements)	\$100,000	
Transportation Network	Electric Vehicle Charging Stations	\$800,000	
Multiple	Fleet Program	\$960,887	
	Total	\$4,739,438	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Town Facility Replacement Furniture and Office Fixtures

This funding request is for the replacement of furniture in Town Hall and the Public Services Administration Building. These facilities were equipped with new furniture when they reopened and opened in 2011 and 2010 respectively. In FY2025, some furniture will be well over 10 years old, and many items require replacement due to heavy wear and tear.

Powers Hall IT and AV

This funding will support updating IT and AV equipment and infrastructure in and supporting Powers Hall. While some IT and AV assets are and will continue to be replaced relatively easily on an as-needed basis, larger updates are required to improve reliability and usability for the coming decades. This project includes both the design and build phases. The design phase will permit a full scope design of both the required improvements and the requisite facilities modifications needed to facilitate the improvements. The build phase will implement the design.

Non-Public Safety and Public Safety Data Centers and Networking Equipment Replacement

This funding request is for the replacement of servers, storage units, data center switching, a network core switch, firewalls, and services for installation needed in the Town Hall data center (Data Center 1), Public

Safety Building data center (Data Center 2) and Public Services Administration Building (Staging 1). Data Center 1 is the primary data center where Town Departments access files and programs, the internet, and where network and internet security take place, Data Center 2 acts as fail over in case the Town Hall network and infrastructure go offline and will require duplicate hardware as designed for Data Center 1. Staging 1 is being delegated as a location for file staging prior to Fiscal Year 2025 Proposed Budget backing up to the cloud. The servers and storage units in Data Center 1, as well as in Data Center 2, are physical devices that support over 120 virtual servers with corresponding data maintained on the storage units. There are other physical servers that are for specific software solutions such as financial operations.

Town Building Security and Traffic Cameras Replacement

This funding request is for the replacement and upgrade of traffic cameras and security cameras at intersections and buildings. Traffic cameras are currently located at two intersections downtown, Great Plain at Chapel and Chestnut, and Great Plain at Highland and Dedham. The downtown intersections are both traffic management control and equipped with cameras. The traffic control cameras, at the time of installation, were low resolution and will be updated to cameras with higher resolution to better help control traffic. The security cameras are not only for the intersections above which have been added over the last ten years during construction and retrofitting across the Town at multiple municipal buildings and locations. Each building with security cameras also maintains a Digital Video Recorder which currently are backed up through the local area network to a storage unit in the Public Services Administration Building (Staging 1). The cameras installed on municipal buildings are high resolution cameras used for maintaining the security of the buildings and properties. The Town is pursuing several different funding opportunities for improving the traffic cameras, so the recommended funding is for building security cameras only.

Personal Protective Equipment

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

Lifepak 15 V4 Monitor/Defibrillator

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

Newman Preschool Playground Update With Shade Structure

This funding request is for the additional funds required to install a shade structure that also functions as climbing equipment and to replace the existing poured-in-place surface. The estimated cost of the renovated playground is \$228,800, toward which the School Department proposes to apply the \$69,200 previously appropriated for a custom shade shelter (Article 37 of the 2019 Annual Town Meeting), as well as \$105,600 in reserved fund balance from the Preschool Revolving Fund. The additional amount required to complete this project is \$54,000.

Needham High School Fitness Center Equipment Replacement

This funding request is for the purchase of equipment for the Needham High School Fitness Center, which is undergoing modernization to increase student use, improve accessibility, and better meet student needs. This request anticipates that \$25,000 in offsetting funds will be available.

School Copier Replacement

This funding request is to replace three copiers in the following locations: Production Center, Emery Grover, and Needham High School. School photocopiers in all school buildings are used both by administrative and teaching staff. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at seven years, although planned replacement ages range from five to nine years, depending on use. It is important to replace machines regularly, even if they have not yet reached maximum copy allowances, given the additional operating expense associated with servicing and maintaining older equipment, as well as the difficulty in obtaining replacement parts. This analysis also assumes that copiers are re-deployed around the District as needed, to better match projected usage with equipment capacity.

School Furniture

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

School Technology

This funding request is a recurring capital item to fund the School Department technology replacement program. This program funds replacement of desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The FY2025 School Technology request includes \$548,150 for hardware and \$113,000 for infrastructure replacement.

Electric Vehicle Charging Stations

This request is for funding at a minimum one Level 2 charger (typically used for regular passenger vehicles and smaller trucks) and four Level 3 chargers (used to charge mid-sized vehicles more quickly or to feasibly charge larger trucks and high-capacity passenger vehicles). The Town will purchase and install additional chargers if outside funding is received.

DPW Specialty Equipment

This request is for large equipment that fits the definition of capital but is not included in the fleet request because the equipment is not a registered vehicle. Specialty equipment proposed for FY2025 includes a John Deere Gator (\$32,400) and a Smithco Super Start Renovator (\$31,400) for the Parks & Forestry Division, as well as a Dynapac Roller (\$55,700) and a Salso Paver (\$60,500) for the Highway Division.

Eliot Boiler Replacement Design

This request is for the design phase of the project to replace both boilers at the Eliot School. The design for the replacements would include high efficiency condensing boilers. This setup would both improve the performance and reliability of the boilers and the energy efficiency of the system. This request has been advanced from FY2026 to FY2025 due to the continued deterioration of the boilers warranting more frequent and increasingly expensive repairs.

Sustainable Building Retrofit Program

This request is for lighting upgrade projects at the Broadmeadow and High Rock schools, converting their existing outdated lighting to high-efficiency LED systems. Similar projects have been successfully completed in the past few years at the Pollard, Newman, Mitchell, and Hillside schools, and these projects

would be modeled on those. Building Maintenance plans to continue these lighting upgrade projects at all Town and School buildings wherever feasible to reduce energy consumption and to take advantage of state programs that subsidize their cost. This request was previously submitted as "Energy Efficiency Upgrades". The project title change is to reflect the more holistic purpose of the projects.

GPS Equipment

This request is for the purchase and installation of replacement GPS units fleet-wide (approximately 80 units) that are compatible with the modern software platform. These new units will restore DPW's ability to generate reporting on the locations of its assets and operators. The replacement units would also allow the ability to physically integrate with the vehicles' systems with reporting features designed to support snow fighting operations.

Library Renovation: Young Adult Area Design

This request is for the design phase of a project to expand and improve the young adult area. Recommendations from the Utile space study that would be further detailed in the design phase include: an expanded footprint of the young adult area on the second floor, installing glass walls and doors to enclose the young adult space while maximizing daylight and providing visibility, removing the built-in desk in the existing teen room, providing a variety of seating options for groups and individuals, improving the HVAC systems in the young adult area, addressing acoustic impacts of the young adults on the rest of the library, and adding a dedicated young adult staff desk.

Library Technology Plan

This request is for the replacement of self-check stations, catalog computers and monitors, Chromebooks and laptops, a pay-station computer and monitor, and gaming systems.

Transportation Safety Committee Projects

This request is for funding construction-related transportation safety projects and interventions in response to resident petitions, including roadway geometry changes, accessibility ramps, crosswalks, flashing LED pedestrian signs, speed radar signs, "Stop", "School Zone", and "Children Playing" signs, and other pedestrian improvements. In 2023, the committee transitioned from the Traffic Management Advisory Committee (TMAC) to the Transportation Safety Committee (TSC), which has a wider scope and range of interventions. The amount has increased by \$50,000 annually to address the additional needs coming from the TSC as well as the estimated increase in costs to complete the proposed projects.

General Fund Core Fleet Replacement

Unit	Existing	Division	Year	Replacement	Amount
703	Ford Transit Connect Cargo	DPW Building Maintenance	2015	Utility Van (Electric)	\$81,647
302	N/A	DPW Parks and Forestry	N/A	Small Pickup	\$50,880
C-43	Ford Escape	Fire Department	2017	Public Safety Response Vehicle	\$72,523
588	Ford F-150	Police Department	2014	Work Truck Class 3	\$82,902
New	N/A	Needham Public Schools	N/A	Utility Van with Lift	\$66,388

General Fund Fleet Replacement – Specialized Equipment

Unit	Existing	Division	Year	Replacement	Amount
72	Ford F550 Superduty	DPW Parks and Forestry	2015	Work Truck Class 5 Chip Box	\$152,142
74	Ford F550 Superduty	DPW Parks and Forestry	2016	Work Truck Class 5	\$116,996
350	John Deere Tractor Loader	DPW Parks and Forestry	2010	Work Truck Class Specialty Tractor	\$68,229
61	Genie Forklift	DPW RTS	2013	Forklift	\$149,884
89T	Warren Open-Top Trailer	DPW RTS	2017	Specialty Trailer	\$119,296

ARTICLE X: APPROPRIATE FOR POLLARD MIDDLE SCHOOL FEASIBILITY STUDY/MSBA

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,750,000 for the purpose of paying costs of a feasibility study of the Pollard Middle School, located at 200 Harris Ave, Needham, MA 02492, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Permanent Public Building Committee and the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding would provide for a feasibility study of renovation of the Pollard Middle School. The Town has been invited to participate in the eligibility phase of the Massachusetts School Building Authority process. Feasibility includes funding for OPM, designer, survey, initial geotechnical analysis, wetlands, hazardous materials and traffic study costs. This project assumes that the Pollard would be constructed in partnership with the Massachusetts School Building Authority (MSBA), at a potential reimbursement rate of 20-22% of total project costs. The Pollard School project has been the subject of the School Committee’s master planning process for many years.

ARTICLE X: APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS – CLAXTON FIELD

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,600,000 for the Claxton Field renovation project, 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: This request is for the construction phase of the Claxton Field Renovation project, Funding for the design phase was granted for FY2021. The project includes conversion of the metal halide lighting on most of the existing poles to energy-efficient LED lights, and cutting and capping the older poles in the middle of the field, which present safety issues. The project will also include removing the existing skin clay material and evaluating the conditions below the skin, after which a new engineered material will be installed and laser graded, and the clay skins will be replaced. After further guidance from MassDEP, a more comprehensive geotextile fabric system was added to act as a barrier between the entire field subsurface and playing surface (previously this was limited to the ballfield areas and not as deep) as well as an additional six inches of loam depth. Other new features added during design include an irrigation system, an accessible looped pathway as a passive recreation enhancement, native tree, wildflower, and pollinator garden plantings, covered dugouts, spectator seating, fencing, warm up areas, and replacement bases and other equipment.

ARTICLE X: APPROPRIATE FOR FIRE ENGINE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,275,000 for the purchase of a new fire engine, 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: This funding would provide for the purchase of a new fire engine for the Fire Department. The new engine would replace Unit E-04, a 2005 model. The new engine would provide increased reliability, safety, and operational capabilities.

ARTICLE X: APPROPRIATE FOR WATER FLEET REFURBISHMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for Fleet refurbishment, to be spent under the direction of the Town Manager, and to meet this appropriation that \$75,000 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The goal of this program is to extend the life cycle of vehicles, increase operational safety, and eventually reduce reactive maintenance. This is a recurring request, based on need.

ARTICLE X: APPROPRIATE FOR QUIET ZONE PROJECT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,340,000 for the Quiet Zone design and construction project, including the payment of costs incidental or related thereto, to be

spent under the direction of the Town Manager, 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 X: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$475,000 for the Public Works Infrastructure Program, 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: *This request is for the Public Works Infrastructure Program which 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.*

Street Resurfacing

The Town aims to resurface 17 lane miles (or 120,000 square yards) per year, either through traditional milling and paving, micro surfacing, or rubber chip seal surface treatments, as appropriate. The cost per lane mile for resurfacing in FY24 is \$128,000 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$105,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$6.13 per square yard. The street resurfacing program will be funded by other available sources..

Sidewalk Program

FY2024 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$451,440 per mile (\$85.50/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$485,760 per mile (\$92.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. The sidewalk program will be funded by other available sources..

Intersection Improvements

This request is for improvements at the Hunnewell Street at Central Avenue intersection. There have been traffic flow concerns along Central Avenue, including at the intersection at Hunnewell Street. The traffic signal system at this intersection is outdated and beyond its useful life. This project would include a replacement/improvement of the traffic signal system. The new traffic signal system would feature modern technology better able to control the flow of traffic through the intersection, reducing traffic back-ups. The signals would be located in a way that leaves space for further improvements to the overall layout of the intersection to comply with Complete Streets principles. This project would be part of a larger traffic improvement plan along Central Avenue.

The intersection improvement program will be funded by other available sources.

Stormwater Plan

The request is to fund a Stormwater Plan that would evaluate the capacity and the condition of the existing Townwide stormwater drainage system. The plan would identify, prioritize, and address the health and

safety, regulatory, and capacity concerns associated with the management of stormwater. It would also provide estimates for the financial investments that would be required for the construction and maintenance of future storm drain improvement projects to be funded out of the infrastructure article, including storage areas for discharge (e.g. retention ponds, underground vaults, dry wells). The Stormwater Plan would be closely tied to the ongoing master planning of the Town's brooks and culverts, which function as another important component of the stormwater network capacity by controlling the flow of surging water during heavy rains/storms. Destructive flooding in the summer of 2023 continued a pattern of increasingly erratic weather that is expected to worsen over time, further illustrating the need to continuously maintain and improve stormwater management infrastructure through holistic planning. It is difficult to ensure that the DPW is targeting projects that will have the maximum impact without a comprehensive plan to inform the Town's stormwater strategy.

In addition to the capacity and resiliency considerations, the Stormwater Plan would allow the Town to identify ways to improve surface water quality by mitigating pollutants through the stormwater drainage system. This portion of the Stormwater Capacity Plan would assist the DPW in their efforts to comply with standards set by the National Pollutant Discharge Elimination System (NPDES) permit. Target funding for the Stormwater Plan in FY2025 is \$250,000.

Brooks and Culverts

This request is for the design phase of the project. Funding for the construction phase will be requested for FY2027. Alder Brook is considered a category 5 impaired water body under NDPES. Category 5 is the worst rating a water body can receive from the EPA. An engineering consultant will be brought in to design a project to remove sediment and vegetation from the brook as well as repair/replace failing walls/culverts. The design will be focused on effectively cleaning the brook to remove the phosphorus contaminated sediment and improve the overall water quality. The section of the brook being addressed is from Webster Street at Dedham Avenue to the Charles River. Target funding for Brooks and Culverts improvements for FY2025 is \$225,000.

ARTICLE X: APPROPRIATE PUBLIC WORKS FACILITIES IMPROVEMENTS PHASE 1 DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,300,000 for the Public Works Facilities Improvements project, to be spent under the direction of the Town Manager, and to meet this appropriation that \$32,600 be transferred from Article 37 of the 2019 Annual Town Meeting, \$249,700 be transferred from Article 21 of the 2020 Annual Town Meeting, \$219,600 be transferred from Article 42 of the 2017 Annual Town Meeting, \$21,820 be transferred from Article 36 of the 2018 Annual Town Meeting, \$176,280 be transferred from Article 39 of the 2018 Annual Town Meeting, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,600,000 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: This funding would provide for Phase One design of the DPW Facilities Improvement. Phase One is to construct a new fleet maintenance facility as an expansion of the Jack Cogswell Building that will house the Fleet Division, including fleet storage and the equipment and facilities needed for their daily operations. Funding for the construction phase of this project is planned for fall 2026.

ARTICLE X: APPROPRIATE FOR SEWER MAIN REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$13,600,000 for sewer main replacement and rehabilitation, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of Massachusetts General Law Chapter 29C, that to meet this appropriation that \$194,597 be transferred from Article 41 of the 2014 Annual Town Meeting, \$7,486 be transferred from Article 48 of the 2017 Annual Town Meeting, \$42,451 be transferred from Article 40 of the 2019 Annual Town Meeting, \$1,355,466 be transferred from Sewer Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$12,000,000 under Massachusetts General Law Chapter 44, Section 7, Massachusetts General Law Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to Massachusetts General Law Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding would provide for the second construction phase of the Interceptor Phase 2 project. The funding for the design phase was approved in FY2023, and the first construction phase was funded through the American Recovery Plan Act (ARPA). The Town is actively working on identifying and applying for funding from other grants and external funding sources from state agencies such as the MWRA and MassDEP (SRF loan program). The second phase involves the replacement of a section of the sewer interceptor under the MBTA tracks, as well as additional lining south of the tracks. The existing interceptor is struggling to handle the sewer flow, so it is necessary to replace part of this segment with larger piping to increase its capacity while lining the rest to prevent collapse and infiltration. The limits of work for the second construction phase are from Kenney Street to Valley Road at Norwich Road (replacement of 2,900 linear feet) and from Valley Road at Norwich Road to the MWRA sewer siphon (lining of 3,400 linear feet).

ARTICLE X: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$180,814 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.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Unit	Existing	Division	Year	Replacement	Amount
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151T	Ingersoll Rand	DPW Water	2008	Specialty Trailer	\$31,323
157T	PP&P Portable Pump Trailer	DPW Water	2012	Specialty Trailer	\$81,991

ARTICLE X: APPROPRIATE FOR WATER SERVICE CONNECTIONS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for water service connections, to be spent under the direction of the Town Manager, and to meet this appropriation that \$207,466 be transferred from Article 46 of the 2013 Annual Town Meeting, \$49,037 be transferred from Article 42 of the 2014 Town Meeting, \$140,994 be transferred from Article 46 of the 2015 Annual Town Meeting, \$15,364 be transferred from Article 47 of the 2015 Annual Town Meeting, \$24,584 be transferred from Article 48 of the 2016 Annual Town Meeting, \$9,320 be transferred from Article 39 of the 2018 Annual Town Meeting, and that \$553,235 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding would provide for the development of a plan to document and identify all known and unknown water service pipe materials and their locations, confirm the unknown services through test pit excavation, and remove old lead or plastic service connections wherever they exist, replacing them with new copper service piping. Services identified for replacement could range from supply mains into residential homes just prior to the water meters.

ARTICLE X: RESCIND DEBT AUTHORIZATIONS

To see if the Town will vote to rescind the authorization to borrow, which was approved at a prior Town Meeting, where the purpose of the borrowing is no longer required nor necessary:

Project	Town Meeting	Article	Authorized	Rescind
Appropriate for Property Acquisition	October 24, 2022 Special Town Meeting	11	\$2,500,000	\$2,500,000

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

GENERAL ARTICLES, CITIZENS PETITIONS, & COMMITTEE ARTICLES

ARTICLE X: ACCEPT M.G.L. CH. 32 SECTION 20(6)(A)/RETIREMENT BOARD STIPENDS

To see if the Town will vote to accept the provisions of M.G.L. Ch. 32 Section 20(6)(a) to provide a stipend of \$3,000 per year to the members of the Needham Contributory Retirement Board; or take any other action relative thereto.

INSERTED BY: Retirement Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE X: AMEND GENERAL BY-LAW NON-CRIMINAL DISPOSITION/
PLASTIC BAGS**

To see if the Town will vote to amend the General By-Laws as follows:

1. By deleting Section 3.12.4 (Penalties and Enforcement.) in its entirety and renumbering the remaining section in Section 3.12 in appropriate numerical order to account for said deletion.
2. To amend Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, immediately following the existing row for Section 3.11 to read as follows:

3.12	Plastic Bags	\$100	Per Offense	Director of Health of Health and Human Services or Designee
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or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The October 2023 Special Town Meeting voted to amend the General By-Laws to standardize placement of penalties and enforcement entities for non-criminal dispositions in a distinct section of the By-Laws (Section 8) and remove such references from the text of other By-Law sections. At the time of this amendment, the Plastic Bag By-Law, as adopted by the 2023 Annual Town Meeting, was not included in this realignment. This article seeks to rectify this omission.

ARTICLE X: AMEND GENERAL BY-LAW TECHNOLOGY ADVISORY BOARD

To see if the Town will vote to amend the General By-Laws by deleting section 2.2.6 in its entirety and inserting in place thereof the following:

2.2.6. Technology Advisory Board

- (a) There shall be a Technology Advisory Board (hereinafter called the Board) consisting of five (5) regular members and three (3) ex officio members. The ex officio members shall be non-voting members.

- (b) The regular members of the Board shall be appointed by the Select Board to staggered three-year terms. The regular members of the Board shall be residents of the Town who have knowledge and experience in telecommunications or information technology. No employee of the Town shall be a regular member of the Board.
- (c) The ex officio members of the Board shall be:
 - (i) the Deputy Town Manager/Director of Finance
 - (ii) the Assistant Superintendent for Financial Operations, or a substitute designated by the Superintendent of Schools,
 - (iii) the School Department's Director of Technology, or a substitute designated by the Superintendent of Schools.
- (d) The role of the Board shall be (1) to provide technical assistance to all Town departments and the School Department in the formulation of technology plans and capital requests for voice, data and video systems; (2) to advise the Town Manager in the review of capital requests for voice, data and video systems, taking into consideration the goals of maximizing efficiency and cost effectiveness, minimizing unnecessary redundancy, and insuring, to the extent possible, the compatibility of each request with other existing or proposed systems; (3) to advise the Permanent Public Building Committee on the specifications to be considered for voice, data and video systems when constructing or renovating Town Facilities; (4) advise the Town Manager, Town Select Board, and Town Departments on matters relating to information technology policy, specifically with reference to issues of security, privacy, future technology and possible provision of government services through information technology; and (5) the advice will be delivered through a vote of the regular members and reported to the Town Manager, Town Select Board, and the Town Departments which requested the advice.
- (e) The Board shall, annually in June, elect from among its regular members a chair and vice-chair, each of whom shall serve until a successor is duly elected. The chair shall annually appoint a member to serve as secretary."

or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AUTHORIZE SELECT BOARD TO REMOVE RESTRICTIONS

To see if the Town will vote to amend its prior votes under Article 5 of the October 21, 1957 Special Town Meeting; Article 21 of the November 14, 1960 Special Town Meeting; and Articles 51 and 52 of the March 20, 1967 Annual Town Meeting to remove the restriction that property conveyed to the Needham Housing Authority be limited to use as housing for the elderly, and to otherwise leave said votes unamended and in full force and effect and, further, to authorize the Select Board to execute and record any instrument or instruments necessary to eliminate restrictions of record in the title to the property conveyed to the Needham Housing Authority under authority of said votes, including without limitation in the deed to the Needham Housing Authority dated October 29, 1957, and recorded with the Norfolk County Registry of Deeds in Book 3600, Page 519; the deed to the Needham Housing Authority dated December 20, 1960, and recorded

in Book 3871, Page 27; and the deed to the Needham Housing Authority dated May 9, 1967, and recorded in Book 4426, Page 484; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS — LOCAL HISTORIC DISTRICT

To see if the Town will vote to amend the General By-Laws as follows:

1. By adding new Section 2.12, to read as follows:

SECTION 2.12 Local Historic District and Historic District Commission

2.12.1 There is hereby established a Local Historic District, and a Historic District Commission which shall administer the district as provided for under Massachusetts General Laws Chapter 40C, as amended, and this By-law.

2.12.2 Purpose. The purpose of this By-law is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Needham, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2.12.2 Definitions. As used in this By-law the following terms shall have the following meaning:

Alteration/To Alter

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

Building

A combination of materials forming a shelter for persons, animals or property.

Certificate

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this By-law.

Commission

The Historic District Commission as established in this By-law.

Construction/To Construct

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

Display Area

The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to

the sign. The display area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the display area shall be defined as the area of one face of the sign.

District

The Local Historic District as established in this By-law consisting of one or more district areas.

Exterior Architectural Feature

Such portion of the exterior of a building or structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures.

Person Aggrieved

The applicant; an owner of adjoining property; an owner of property within the same district area; an owner of property within 100 feet of said district area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings, or districts.

Signs

Any symbol, design or device used to identify or advertise any place of business, product, activity, or person.

Structure

A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk, or driveway.

Temporary Structure or Building

A building not to be in existence for a period of more than two years. A structure not to be in existence for a period of more than one year. The commission may further limit the time periods set forth herein as it deems appropriate.

2.12.3 District. The Local Historic District shall consist of one or more district areas as listed in Section 2.12.13 (Appendices) of this By-law.

2.12.4 Commission.

2.12.4.1 The district shall be overseen by the commission, which shall consist of between five to seven members to be appointed by the Select Board. one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

2.12.4.2 The commission shall include, if possible, one member from two nominees solicited from the Needham History Center and Museum, one member from two nominees solicited from the chapter of the American Institute of Architects covering Needham; one member from two nominees of the Greater Boston Association of Realtors covering Needham; and one property owner from within at least one of the district areas.

If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select Board may proceed to make appointments as it desires.

2.12.4.3 The Select Board may appoint up to four alternate members to the commission. An alternate member shall act and vote in the place of a regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote, as designated by the Chair. Said alternate members shall initially be appointed for terms of two or three years, and for three-year terms thereafter.

2.12.4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

2.12.4.5 Meetings of the commission shall be held at the call of the chair, at the request of two members and in such other manner as the commission shall determine in its Rules and Regulations.

2.12.4.6 A majority of the appointed membership of the commission (exclusive of those seats provided for alternate members) shall constitute a quorum.

2.12.5 Commission Powers and Duties

2.12.5.1 The commission shall exercise its powers in administering and regulating the construction and alteration of any structures or buildings within its jurisdiction in the district as set forth under the procedures and criteria established in this by-law. In exercising its powers and duties hereunder, the commission shall pay due regard to the distinctive characteristics of each building, structure and district area.

2.12.5.2 The commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this By-law or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees, hearing procedures and other matters. The commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

2.12.5.3 The commission, after a public hearing duly posted and advertised at least 14 days in advance, may adopt and from time to time amend guidelines which set forth the designs for certain exterior architectural features which are, in general, suitable for the issuance of a certificate. No such design guidelines shall limit the right of an applicant for a certificate to present other designs to the commission for approval.

2.12.5.4 The commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chair, a Vice Chair, and Clerk, and file notice of such election with the office of the Town Clerk.

2.12.5.5 The commission shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

2.12.5.6 The commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a district.

2.12.6 Alterations and Construction Prohibited Without a Certificate

2.12.6.1 Except as this by-law provides, no building or structure or part thereof within a district shall be constructed or altered in any way that affects the exterior architectural features, unless the commission shall first have issued a certificate with respect to such construction or alteration.

2.12.6.2 No building permit for construction of a building or structure or for alteration of an exterior architectural feature within a district and no demolition permit for demolition or removal of a building or structure within a district shall be issued by the town or any department thereof until a certificate as required under this by-law has been issued by the commission.

2.12.7 Procedures for Review of Applications

2.12.7.1 Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, of non-applicability or of hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

2.12.7.2 The commission shall determine within fourteen (14) days of the filing of an application for a certificate whether said application involves any exterior architectural features which are within the jurisdiction of the commission.

2.12.7.3 If the commission determines that an application for a certificate does not involve any exterior architectural features, or involves an exterior architectural feature which is not subject to review by the commission under the provisions of this By-law, the commission shall forthwith issue a certificate of Non-Applicability.

2.12.7.4 If the commission determines that such application involves any exterior architectural feature subject to review under this By-law, it shall hold a public hearing on the application, except as may otherwise be provided in this By-law. The commission shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the commission to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice.

2.12.7.4.a A public hearing on an application for a certificate need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a certificate may be waived by the commission if the commission determines that the exterior architectural feature involved, or its category, is so insubstantial in its effect on the district that it may be reviewed by the commission without a public hearing. If the commission dispenses with a public hearing on an application for a certificate, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the commission may act upon such application.

2.12.7.5 Within sixty (60) days after the filing of an application for a certificate, or within such further time as the applicant may allow in writing, the commission shall issue a certificate or a disapproval. In the case of a disapproval of an application for a certificate, the commission shall set forth in its

disapproval the reasons for such disapproval. The commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the commission in a subsequent application, would make the application acceptable to the commission.

2.12.7.6 The concurring vote of a majority of the members shall be required to issue a certificate.

2.12.7.7 In issuing certificates, the commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this By-law.

2.12.7.8 If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the district, the commission shall issue a certificate of appropriateness.

2.12.7.9 If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this By-law. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the commission shall issue a certificate of hardship.

2.12.7.10 The commission shall send a copy of its certificates and disapprovals to the applicant and shall file a copy of its certificates and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a certificate or disapproval shall be the date of the filing of a copy of such certificate or disapproval with the office of the Town Clerk.

2.12.7.11 If the commission should fail to issue a certificate or a disapproval within sixty (60) days of the filing of the application for a certificate, or within such further time as the applicant may allow in writing, the commission shall thereupon issue a certificate of Hardship Due to Failure to Act.

2.12.7.12 Each certificate issued by the commission shall be dated and signed by its chair or such other person designated by the commission to sign such certificates on its behalf.

2.12.7.13 A person aggrieved by a determination of the commission may, within twenty (20) days of the issuance of a certificate or disapproval, file a written request with the commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

2.12.8 Criteria for Determinations

2.12.8.1 In deliberating on applications for certificates, the commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the exterior architectural features involved; and the relation of such exterior architectural features to similar features of buildings and structures in the surrounding area.

2.12.8.2 In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the scale, shape and proportions of the building or structure both in relation to the land area upon which the building or structure is situated and in relation to buildings and structures in the vicinity. The commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or by-law.

2.12.8.3 When ruling on applications for certificates on solar energy systems as defined in Section IA of Chapter 40A, the commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

2.12.8.4 The commission shall not consider interior arrangements or architectural features not subject to public view from a public way.

2.12.9 Exclusions

2.12.9.1 The commission shall exclude from its purview the following:

- 1) Temporary buildings, structures or signs subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the commission may reasonably specify.
- 2) Terraces, walks, driveways, sidewalks and similar structures, provided that any such structure is substantially at grade level.
- 3) Storm windows and doors, screen windows and doors, and window air conditioners.
- 4) The color of paint.
- 5) The color of materials used on roofs.
- 6) Signs of not more than two (2) square feet in display area in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure which is not more than six (6) square feet in display area, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- 7) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

2.12.9.2 Upon request the commission shall issue a certificate of Non-Applicability with respect to construction or alteration in any category not subject to review by the commission in accordance with the above provisions.

2.12.9.3 Nothing in this By-law shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within a district which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this By-law.

2.12.10 Categorical Approval. The commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Needham, that certain categories of exterior architectural features, structures or buildings under certain conditions may be constructed or altered without review by the commission without causing substantial derogation from the intent and purpose of this By-law.

2.12.11 Enforcement and Penalties.

2.12.11.1 The commission shall determine whether a particular activity is in violation of this By-law or not.

2.12.11.2 The commission, upon a written complaint of any resident of Needham, or owner of property within Needham, or upon its own initiative, may seek to institute – via appropriate action by the enforcement entity – any appropriate action or proceedings in the name of the Town of Needham to prevent, correct, restrain, or abate violation of this By-law. In the case where the commission is requested in writing to enforce this By-law against any person allegedly in violation of same and the commission declines to act, the commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

2.12.11.3 Whoever violates any of the provisions of this By-law shall be punishable by a non-criminal disposition fine for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

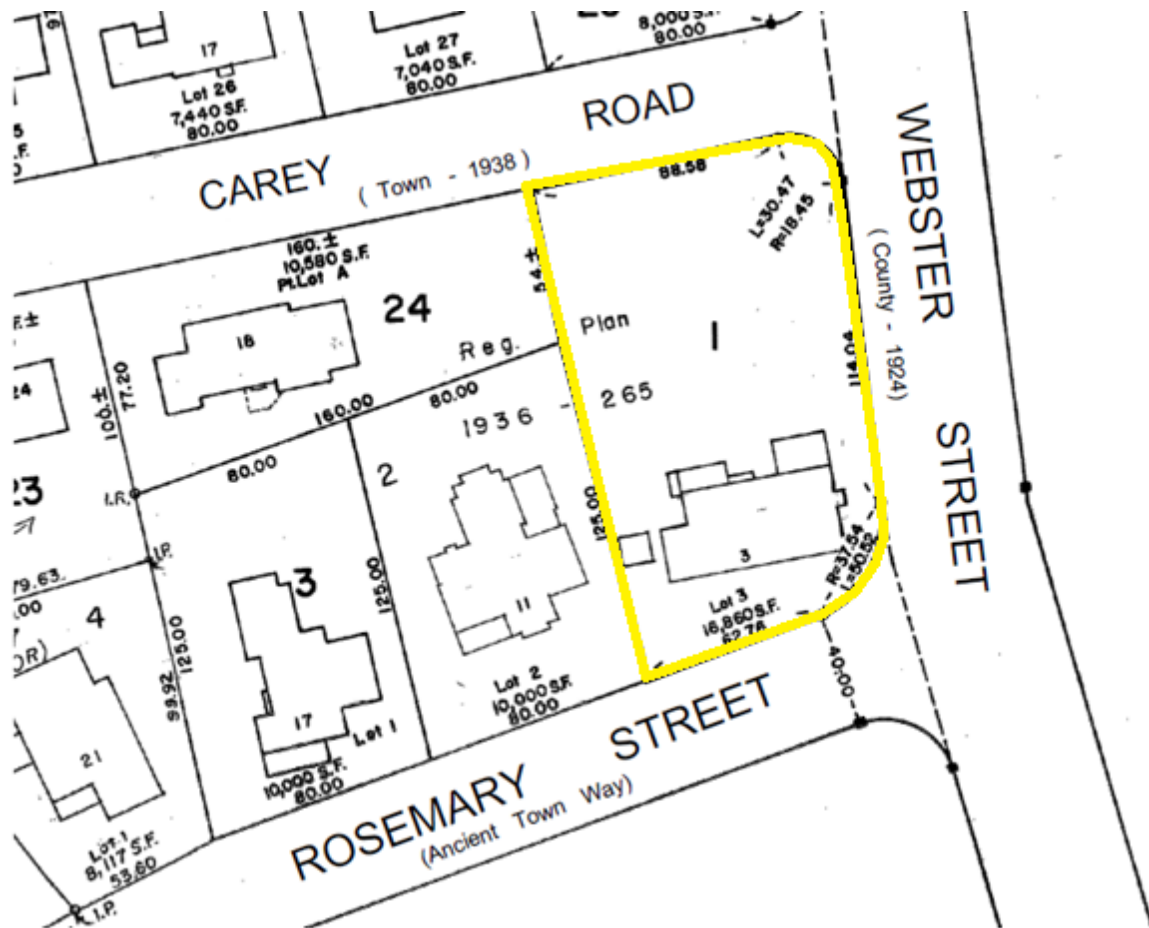
2.12.12 Validity and Separability. The provisions of this By-law shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this By-law shall continue to be in full force and effect.

2.12.13 Appendices.

Appendix 1: Jonathan Kingsbury House Local Historic District

The Jonathan Kingsbury House Local Historic District shall be a district area under this By-law. The location and boundaries of the Jonathan Kingsbury House Local Historic District are defined and shown on the Local Historic District Map of the Town of Needham, Sheet 1-2024 which is a part of this By-law. Sheet 1 is based on the 2023 Assessor's Map. The delineation of the district area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Local Historic District Map of the Town of Needham, Sheet 1-2024:



Recorded in the office of the Needham Town Clerk.

2. To amend Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, immediately following the existing row for Section 2.11.5, to read as follows:

2.12	Historic District	\$300	Per Day	Building Commissioner or Designee
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or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: CITIZENS' PETITION: RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind the authorization to borrow, which was approved at a prior Town Meeting, where the purpose of the borrowing is no longer required nor necessary:

Project	Town Meeting	Article	Authorized	Rescind
Appropriate for Property Acquisition (Castle Farm Property owned by the Foster Estate)	October 2022 Fall Special Town Meeting	11	\$2,500,000	\$2,500,000

INSERTED BY: Joseph Abruzese

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: CITIZEN'S PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the Needham Zoning Bylaw by amending Chapter 4 Dimensional Regulations by:

Removing the following paragraph of section 4.2:

“The term “Floor Area Ratio” means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures.”

And in its place inserting the following paragraph:

“The term “Floor Area Ratio” means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building, including areas in basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding spaces where the interior ceiling height is less than 5’, unenclosed porches and balconies, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures.”;

or take any other action relative thereto.

INSERTED BY: Joseph Matthews

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: CITIZEN'S PETITION – SINGLE USE PLASTICS BAN BY-LAW

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

1. Adding a new Section 3.13 to read as follows:

SECTION 3.13 POLYSTYRENE PACKAGING MATERIAL, SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, PLASTIC SPLASH GUARDS, AND WATER BOTTLES

3.13.1 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) “Food or Beverage Vendor” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.
- c) “Health Agent” shall mean the Director of Health and Human Services or his/her designee.
- d) “Plastic” means a material that contains one or more organic polymer substances of large molecular weight as an essential ingredient.
- e) “Polystyrene” means any food, beverage, or other packaging materials made from a styrene monomer, including but not limited to
 - i) Expanded polystyrene (EPS), which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); or
 - ii) Clear or solid polystyrene, which is known as “oriented polystyrene.”
- f) “Prepared food” means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served. For the purposes of this bylaw, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.
- g) "Retail Sales 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.
- h) “Single-use plastic straw”
 - i) In general – The term “single-use plastic straw” means a single-use, disposable tube made of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage.

- ii) Exception – The term “single-use plastic straw” shall not include straws made from non-plastic materials, including, but not limited to metal, glass, paper, pasta, sugar cane, wood, or bamboo;
- i) “Single-use plastic stirrer” – The term “single-use plastic stirrer” means a device that is used to mix beverages and designed as a single-use product made of plastic.
- j) “Single Use” means food and beverage serviceware, that is not reusable, as defined above, and are designed to be used once and then discarded, and not designed for repeated use and sanitizing.
- k) “Single-use plastic splash guard” means a device that fits into the sip-hole of a beverage container lid to prevent a beverage from splashing and is designed as a single-use product made of plastic.
- l) “Single-use plastic water bottle” means any single serving container, whether sold individually or in bulk, containing non-carbonated, unflavored drinking water with a volume of one liter or less, that is made in whole or in part of plastic material, excluding the cap.
- m) “Styrofoam” is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes identified by a #6 resin code.

3.13.2 Regulated Conduct.

3.13.2.1 Polystyrene/Styrofoam Containers.

- a. Food establishments are prohibited from dispensing prepared food or beverages to any person in single use food containers made from foam polystyrene.
- b. Retail establishments are prohibited from selling or distributing single use food containers made from foam polystyrene to customers.

3.13.2.2 Single Use Plastic Straws. A food or beverage vendor shall not provide a single-use plastic straw to a customer, unless that customer verbally or electronically requests a plastic straw.

3.13.2.3 Single-Use Plastic Stirrers. A food or beverage vendor shall not provide a single-use plastic stirrer to a customer.

3.13.2.4 Single-Use Plastic Splash Guards. A food or beverage vendor shall not provide a single-use plastic splash guard to a customer.

3.13.2.5 Single-Use Plastic Water Bottles. No retail establishment shall sell or otherwise provide to a consumer plastic water bottles containing 1 liter or less of non-carbonated, non-flavored water, except as may be required for safety, health, or emergency situations.

3.13.3 Effective Date.

Section 3.13.2.5 (Single-Use Plastic Water Bottles) shall take effect on January 1, 2026. All other provisions of this Section 3.13 shall take effect on January 1, 2025.

3.13.4 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.13.5 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.

2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

3.13	Polystyrene Packaging Material, Single-Use Plastic Straws, Single-Use Plastic Stirrers, Plastic Splash Guards, and Water Bottles	\$100 - 1st Offense \$200 – 2nd Offense \$300 – each subsequent	Per Day	Director of Health and Human Services or Designee
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or take any other action relative thereto.

INSERTED BY: Robert Fernandez
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: CITIZEN’S PETITION – AUTHORIZATION TO EXPEND FUNDS FOR CONSULTANT FOR MBTA COMMUNITIES ZONING

This petition, in accordance with Section 1.8 of Needham’s General By-Laws, now comes before the Town Meeting for the express “purpose of providing the [Town Meeting] voters of the town with factual information relative to measures to be voted upon at elections in the town.” In this instance, the “measures to be voted upon” are related to current zoning proposals associated with the MBTA Communities Act.

This petition now seeks the appropriation and authorization in an amount not to exceed \$150,000 to prepare an analysis of Infrastructure, Public Safety, and Environmental Impacts associated with said MBTA Communities Act.

This appropriation shall be directed toward the hiring of a technical consultant with the expertise to perform an independent evaluation of the potential infrastructure, public safety, and environmental impacts caused by the changes in zoning that are currently proposed and recommended by the HONE Committee.

Scope of said evaluation would include a) data collection and from relevant town departments, b) integrated analysis of the data with current zoning proposals, c) evaluation of the Town’s current capital infrastructure program and how it would be affected by HONE’s current proposals, d) identify areas of convergence, divergence, and potential cost impacts within these various capital programs, e) identify potential ‘red flags’ regarding public safety and environmental impacts, and f) create a report of findings that would include

visual imagery, such as 3-dimensional rendering of the proposed zoning plan(s) that would enable the lay public to better understand the current HONE proposal(s).

Said evaluation would take the form of a written report and would be produced and available for viewing by Town Meeting Members and the general citizenry at least thirty (30) days before any voting by any Town Meeting Members.

This report will address “factual information” and impacts to public safety; schools (student enrollment and capital projects); water, sewer, and drainage systems; traffic circulation; capital road projects; and to the extent possible, property valuations and potential property tax impacts.

INSERTED BY: Gary Ajamian
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

TOWN RESERVE ARTICLES

ARTICLE X: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$68,743 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 transferred from Free Cash; 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 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 December 29, 2023 was \$1,169,616.

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 December 29, 2023 was \$ 1,617,038.

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: Massachusetts General Law chapter 40, section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2007 Annual Town Meeting under Article 10 approved the creation of the Capital Facility Fund, as part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation, or reconstruction relating to the structural integrity, building envelope, or MEP (mechanical, electrical, plumbing) systems of then-existing capital facilities. The balance in the fund as of December 29, 2023 was \$2,063,076.

ARTICLE X: APPROPRIATE DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Debt Service Stabilization Fund as provided under the provisions of Massachusetts General Law chapter 40, section 5B, as further amended by section 22 of chapter 218 of the Acts of 2016, and to meet this appropriation that a sum be transferred from Free Cash and that said sum be raised from the tax levy; or take any other action relative thereto.

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 fund is designed to ensure that monies are not depleted in a single year, and that the amount available for appropriation is known before the budget year begins. The amount appropriated into the Fund will stay with the fund and will be used to manage the Town's reliance on debt. The balance in the fund as of December 29, 2023 was \$2,312,383.

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 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 13th day of February 2024.

Marianne B. Cooley, Chair
Kevin Keane, Vice Chair
Heidi Frail, Clerk
Marcus A. Nelson, Member
Catherine Dowd, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable:

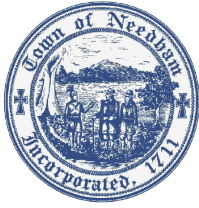


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 2/13/2024

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Town Manager will update the Board on issues not covered on the agenda.
2.	VOTE REQUIRED BY SELECT BOARD
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	None



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

MEETING DATE: 2/13/2024

Agenda Item	Meeting Schedule April 2024
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will discuss the meeting schedule for April, 2024.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to adopt the following meeting schedule for April, 2024: April 2, 2024 (tentative); April 16, 2024 and April 30, 2024 (Joint Meeting with Planning Board).	
3.	BACK UP INFORMATION ATTACHED
None	



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

MEETING DATE: 2/13/2024

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
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
None	

**Agreement between the
Town of Needham
and the
Massachusetts Laborers' Public Employees' Council
in behalf of the Needham Building Custodian and Tradesman Independent Association Local
1116 of the Laborers' International Union of North America**

July 1, 2022 through June 30, 2023

and

July 1, 2023 through June 30, 2026

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Agreement

Agreement entered into this first day of July, 2022 through June 30, 2026, between the Town of Needham, hereinafter referred to as the "Town" and Local #1116 of the Laborers' International Union of North America hereinafter referred to collectively as the "Union."

ARTICLE 1 RECOGNITION

Section 1. Recognition/Composition In recognition of the fact that a majority of the employees in the unit described below, in an election conducted by the Massachusetts Labor Relations Commission in Case No. MCR-09-5356, have designated the Union as their bargaining representative on all matters cognizable as subjects of collective bargaining under the provisions of Chapter 763 of the Acts of 1965 of the General Court and any subsequent amendments thereto, the Town recognizes the Union as the exclusive bargaining agent of the employees in the following unit for purposes of collective bargaining with respect to wages, hours and other conditions of employment: all building custodian, warehouse, and maintenance employees, and trades people as depicted on Appendix A, working a minimum of twenty (20) hours per week for a minimum of six (6) consecutive months but excluding the Director of Public Works, Shift Supervisor, part-time or temporary help and all other employees. Temporary employees are defined as employees who are not expected to be employed for more than six consecutive months.

Section 2. Non-Discrimination Neither party will discriminate against any employee or applicant for employment by reason of his/her membership or non-membership in the Union, or by reason of any organization activity on his part not in contravention of any provision of the Agreement, or because of race, sex, age, color, religion, national origin, sexual orientation or disability.

Section 3. This Agreement is a complete agreement between the parties covering all subjects of bargaining for the term hereof.

Section 4. The Town shall not be under obligation to negotiate with the Union any modifications or additions to this Agreement which are to become effective during the term hereof. The Town will impact bargain any unilateral changes not covered by the terms of this Agreement.

Section 5. In any event, that agreements are mutually reached on a voluntary basis, between the Town and the Union, they will be reduced to writing, will be signed by the Town and the Union, and will become an addendum to this Agreement.

Section 6. The Town will not aid, promote, or finance any labor group or organization which purports to engage in collective bargaining for this bargaining unit, nor will it make any agreement with any such group for the purpose of undermining the Union, or changing any condition contained in the Agreement.

ARTICLE 2

MEMBERSHIP IN THE UNION

Section 1. Neither the Town nor its representatives or agents shall interfere with, restrain or coerce employees in the exercise of the right of self-organization, to form, join or assist any employee organization to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Section 2. The Union shall be responsible for representing the interests of all employees without discrimination and without regard to employee organization membership.

ARTICLE 3

DUES COLLECTION

Section 1. Subject to applicable law as set forth in Chapter 180, Section 17A of the General Laws of the Commonwealth of Massachusetts, the Town shall deduct from earned wages monthly union membership dues required as a condition of acquiring, or retaining, membership in the Union of those employees who individually authorize such deduction in writing on the form attached hereto, made a part hereof and marked, "Appendix B." The Town will remit all sums deducted under such check off authorization to the Treasurer of the Union, together with a list of the employees from whom such dues have been deducted. Such remittance shall be made by the tenth day of the succeeding month.

Section 2. The Union shall indemnify and save the Town harmless against any claim, demand, suit or other form of liability that may arise out of, or by reason of, action taken by the Town for the purpose of complying with this Article, or in reliance on any assignment furnished by the Town.

Section 3. The Town will incur no liability for loss of dues money after the Union representative receives said money in person from the Town Treasurer.

ARTICLE 4

MANAGEMENT RIGHTS

Section 1. The listing of the following specific rights of management is not intended to be in limitation of the rights of the Town, the Town Manager, the Board of Selectmen and the Director of Public Works. Responsibilities which are inherently those of management shall remain such whether or not specifically listed hereafter.

Section 2. Among such Management responsibilities as are vested exclusively in the Town, the Town Manager, the Board of Selectmen and the Director of Public Works are the following: the right to hire, promote, transfer, assign and retain employees in positions and to suspend, demote, discharge or take other disciplinary action against employees for just cause, to relieve employees from duty because of lack of work or other reasons, to determine the method, means and personnel by which such operations are to be conducted and to take whatever action may be necessary to carry out the work of the Department of Public Facilities Operations

Section 3. The Town, the Town Manager, the Board of Selectmen and the Director of Public Works shall have the freedom of action to discharge their responsibility for the operation of the Department of Public Facilities Operations including the scheduling of operations, the methods and materials used in carrying out the function of the Department and the extent to which its own or other facilities and/or personnel shall be used.

ARTICLE 5 CONTINUITY OF EMPLOYMENT

Section 1. Strike Prohibition In consideration of the terms of this Agreement and the legislation which engendered it, the Union and its members, individually and collectively, agree for the term hereof, that they shall not cause, sponsor, sanction, assist or participate in any strike, work stoppage, concerted absence or refusal to perform assigned duties, or other illegal activities, directed against the Town of Needham during the term of this Agreement.

Section 2. If the Union disclaims such activities publicly and in writing to the Town, and advises the individuals concerned that the activity is illegal and in violation of this Contract and instructs them to cease such activities, it will not be liable in any way therefore.

Section 3. Employees who participate in any such activities may be disciplined or discharged as the Town in its judgment deems proper; and said discipline shall be final and binding on the parties affected thereby and not subject to arbitration, provided, however, that an issue of fact as to whether an individual has engaged in such activities may be made the subject of the grievance and arbitration procedure.

Section 4. In connection with any negotiations for a successor agreement held pursuant to Article 28 (Duration of Agreement) said negotiation shall be conducted without the threat of sanctions or strikes by either party and any outstanding differences shall be referred to the mediation, fact-finding or other statutory impasse procedures permitted by law only.

ARTICLE 6 GRIEVANCES

Section 1. For the purpose of this Agreement a grievance shall be defined as: "any complaint by an employee covered by this Agreement that (1) he or she has been subject to a violation, inequitable application or misinterpretation of a specific provision of the Agreement, or (2) he or she has been subject to an unfair or discriminatory act contrary to established policy and practice."

Section 2. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems, which may from time arise, affecting the welfare or working conditions of employees. Both parties agree that these proceedings will be kept as informal and confidential as may be appropriate at any level of this procedure.

Section 3. Nothing herein contained will be construed as limiting the rights of any employee having a problem to discuss the matter informally with any appropriate member of the administration and to have the problem adjusted without intervention of the Union, provided the adjustment is not inconsistent with the terms of this Agreement and that the Union has been given the opportunity to be

present at such adjustment above level one and to state its views. If the employee so chooses, a representative of the Union may be present at level one.

Section 4. No written communication, other document, or record relating to any grievance, shall be filed in the personnel file maintained by the Town of Needham for any employee involved in presenting such grievance.

Section 5. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process. The time limits specified may be extended only by prior mutual agreement. It is understood and agreed that no grievance dispute, misunderstanding or difference between the parties arising out of acts which occurred prior to the execution of this Agreement shall be submitted to the Town under the provision of this Article. It is understood that any grievances pending at the conclusion of the contract will remain operative in the subsequent contract period unless settled in negotiations.

Section 6. The employee's grievance must contain the following information:

- (a) A statement of the grievance which cites that part of the Agreement which has been violated, or the circumstances that gave rise to the grievance;
- (b) A statement of remedial action or relief sought;
- (c) Evidence (documentary, if available) to support the grievance; and
- (d) A statement of reasons why the grievant believes that the remedy should be granted.

Section 7. Level One The employee and/or the Union must file the grievance in writing to the Director of Public Works or his or her designee within five (5) working days after the occurrence of the matter which gave rise to the grievance, or the date when the employee should reasonably have had first knowledge of its occurrence, whichever is later, or the matter will be considered resolved. The Director shall make his or her decision within five (5) business days after receipt of the grievance unless it is mutually agreed by the participants that additional time to answer will be allowed. In order for the grievance to be considered timely, the Director/designee must sign and date the grievance during the five (5) day period.

Section 8. Level Two Should the employee and/or the Union wish to appeal the decision of the Director of Public Works, he or she, or the Union, shall present the grievance to the Director of Human Resources within five (5) working days after the decision of the Director of Public Works is rendered or due, otherwise the matter will be considered resolved. The Director of Human Resources shall make his or her decision within fifteen (15) business days after receipt of the grievance unless it is mutually agreed by the participants that additional time to answer is allowed. In order for the grievance to be considered timely, the Director of Human Resources /designee must sign and date the grievance within the five (5) day period.

Section 9. Level Three Should the grievance remain unsettled, it shall be presented to the Personnel Board within five (5) business days after the decision of the Director of Human Resources is rendered or due, via certified mail, return receipt requested, or signed and dated by the Director of Human Resources /Designee on behalf of the Personnel Board, otherwise the matter will be considered resolved. If, after its own investigation and hearing, the Personnel Board agrees with the decision of

the Director of Human Resources (level Two 2), the Personnel Board will issue a decision within twenty (20) business days of receipt by the Board of the grievance.

- (a) If, after its own investigation and hearing, the Personnel Board disagrees with the decision of the Director of Human Resources, it will convene a meeting of the Joint Resolution Committee (JRC) within fourteen (14) working days after receipt by the Personnel Board of the grievance. The JRC will be comprised of two (2) members of the Personnel Board and the Town Manager.
- (b) The JRC shall make its findings within fourteen (14) working days after being convened. Two affirmative votes of the JRC will be required to overturn the decision of the Director of Human Resources.
- (c) The time-frames in this section may be extended at the agreement of the parties.

Section 10. Level Four Should the grievance remain unsettled, the Union may, by giving written notice to the Town Manager within fifteen (15) business days after the reply of the Personnel Board is rendered or due, submit the grievance to arbitration. If such written notice is not provided within fifteen (15) business days after the reply of the Personnel Board is rendered or due, the matter will be considered to be resolved.

Section 11. If there is a grievance which directly affects a group or class or employees, or is of a general nature, the Union may submit such a grievance in writing directly to the level of administration having the appropriate authority to resolve said grievance.

Section 12 . A grievance not initiated within the time specified shall be deemed waived. Failure of the employee filing the grievance to appeal a decision within the time limit specified will mean that the grievance shall be considered settled on the basis of the decision last made and shall not be eligible for further appeal. Failure of the Town to answer an appeal within the time limit specified shall mean that the appeal may be taken to the next step immediately. The above limitations may be waived by mutual agreement of the parties.

Section 13. The Town will, upon request, provide the Union with copies of any documents in its possession, which may be necessary for the Union to process grievances under the agreement.

ARTICLE 7 ARBITRATION

Section 1. In the event either party elects to submit a grievance to arbitration, the arbitrator shall be selected according to and governed by the following procedure: the arbitrator is to be mutually selected by the Town and the Union. If the Town and the Union cannot agree, within seven (7) work days after written notice specified above of the intention to arbitrate, then the party demanding arbitration shall, within three (3) work days thereafter, request the American Arbitration Association to provide a panel of arbitrators. Said arbitrator is then to be selected under the provisions of the Voluntary Labor Arbitration Rules.

Section 2. The fees of the American Arbitration Association and of the arbitrators and the expenses of any required hearings shall be shared equally by the Town and the Union, but each party

shall bear the expenses of its representatives, participants, witnesses, and for the preparation and representation of its own case. The obligation of the Town to pay shall be limited to the obligation which the Town may legally undertake, and in no event shall any present or future member of any Town Board, its employees or its agents have any personal obligation for payment under the provisions of this contract.

Section 3. The Arbitrator's Award shall be in writing and shall set forth his or her findings of fact with reasoning and conclusions. He or she shall arrive at this decision solely upon the facts, evidence and contentions presented by the parties through the arbitration proceeding. The arbitrator shall have no power to add to, subtract from, or modify any of the terms of this Agreement, and in reaching his or her decision shall interpret the Agreement in accordance with the commonly accepted meaning of words used herein and the principle that there are no restrictions intended on the rights or authority of the Town other than those expressly set forth herein. Subject to the foregoing, the decision of the arbitrator shall be submitted to the Town and the Union and shall be final and binding upon the Town and the Union, and the employee, or group of employees, who initiated the grievance.

Section 4. Notwithstanding anything to the contrary, no dispute or controversy shall be the subject for arbitration unless it involves the interpretation or application of specific provisions of this Agreement. The parties may, by mutual agreement, submit more than one pending grievance to the same arbitrator.

Section 5. If mutually agreed between the Town and the Union, arbitration shall be held before the Division of Labor Relations or the American Arbitration Association

ARTICLE 8 HOURS OF WORK AND OVERTIME

Section 1. Work Week The normal work week shall consist of five (5) consecutive eight (8) hour work days within the seven (7) day work week, with an unpaid meal break scheduled near the middle of the shift, wherever possible; except that employees assigned to the evening shift shall be entitled to a half hour paid meal break. The work day for the purpose of this section is a twenty-four (24) hour period beginning with the employee's regular starting time.

Section 2. Establishment of Work Schedules It is recognized that temporary work schedules may be established and altered by the administration to serve the best interests of the Town of Needham. However, there shall be no permanent change in shift times without giving the Union an opportunity to discuss the matter.

Section 3. Work Schedules Unless otherwise noted, the work schedule shall be Monday through Friday as follows:

(a) School Year

CATEGORY	WORK SCHEDULE
High School Day Senior	6:00am - 2:30 pm
School Day Seniors	6:00 am - 2:30 pm
School Day	8:00 am - 4:30 pm

School Evening Senior	4:00 pm - 12:00 am	
School Evening	2:00 pm - 10:00 pm	
Municipal Day	6:30 am - 3:00 pm	
Municipal Evening	2:00 pm - 10:00 pm	
Library Senior	6:30 am - 3:00 pm	
Library Day	7:00 am - 3:30 pm	
Library Evening	3:00 pm - 11:00 pm	
Library Rotation <i>Every 3rd week, staff will not work on Friday but instead staff will work Saturday. Rotate Sunday as overtime.</i>	Friday	8:45am - 5:45pm
	Saturday	8:45am - 5:15pm
	Sunday (Winter)	12:45pm - 7:15pm
	Sunday (Summer)	12:45 pm - 5:15 pm
Trades Positions <i>All Trades shift to Day Hours during the summer</i>	Day	6:00am - 2:30pm
	Night	2:00pm - 10:00pm
	Summer	6:00am - 2:30 pm

(b) December, February & April School Vacation Weeks

CATEGORY	WORK SCHEDULE
Elementary School Evening	7:00 a.m. - 3:30 p.m
High School Day Senior	7:00 a.m. - 3:30 p.m
High School Day	7:00 a.m. - 3:30 p.m
Middle School Day Senior	7:00 a.m. - 3:30 p.m
Middle School Day	7:00 a.m. - 3:30 p.m
Elementary School Day	7:00 a.m. - 3:30 p.m
All others same as section (a)	

(c) Summer Vacation

CATEGORY	WORK SCHEDULE	WORK SPECIFICATION
All Custodians	7:00 a.m. - 3:30 p.m	Except the positions of High School Evening Senior, Town Hall Evening Custodian, Library Evening Custodian & Middle School Evening Senior
Night Shift trades shift	2:00 pm – 10:00 pm	These positions (Electrician, Carpenter, Craftworker, HVAC Technician) will work the day shift during school vacations and summer months

(d) Alternative Shift/Summer

At least one custodian at each school will be assigned a regular shift during summer, December, February, and April school vacation periods of 8:00 a.m. - 4:30 p.m. in order to provide coverage for activities of outside groups taking place within the school or on school grounds, including but not limited to summer school, extended day programs, Park and Recreation programs, and construction or contractor activities.

(e) Meal Period

All of the foregoing weekday shifts include a ½ hour unpaid meal period. The Saturday shifts include a 1 hour unpaid meal period. Evening shifts include a ½ hour paid meal period. Evening shift personnel who are paid for a ½ hour meal period cannot leave the building to which they are assigned for the meal period, including trades personnel who will take their meal period at the site to which they are assigned for the majority of the shift on any given day.

(f) Maintenance (Entire Calendar Year)

7:00 a.m. - 3:30 p.m. (1/2 hour unpaid lunch)

(g) Warehouse Person (Entire Calendar Year)

7:00 a.m. - 3:30 p.m. (1/2 hour unpaid lunch)

(h) The Director of Public Works/designee may authorize a flexible work schedule for Trades staff subject the following conditions:

1. The employee can accomplish all required duties during the adjusted hours without detrimental impact on the productivity of the Division.
2. Clear work objectives and tasks are set.
3. The employee has demonstrated the ability to work productively without direct supervision.
4. The work schedule will be outlined in a Flexible Work Schedule Agreement. The Flexible Work Schedule Agreement will clearly define daily work hours and the length of the adjustment. The Agreement will be reviewed every two months and may be rescinded if it no longer meets the operational needs of the Division.
5. Granting or revoking a Flexible Work Schedule Agreement shall be the sole prerogative of the Director of Public Works/designee and shall not be grievable.
6. Employees will not receive night differential pay if their flexible schedule shift begins before 12:00 p.m.

All second Shift Custodians whose shift begins at 2:00pm shall take their meal break between 5:30pm and 7:00pm. Second shift Custodians whose shift begins at 4:00pm shall take their meal break between 7:30pm and 9:00pm.

Section 4. Overtime Payment Employees will be paid at time and one-half their regular rate of pay for any time worked in excess of forty (40) hours per week. For the purposes of this subsection, time worked shall include all paid leave and shall not include unpaid leave. Subject to necessary approvals, the Town will make arrangements to insure that overtime pay is paid within two (2) weeks after it is earned.

Overtime worked outside of a regular scheduled shift between 11:00 P.M and 7:00 A.M, will be paid at a double time (2 times) the employee's rate of pay.

Section 5. Overtime Assignment It is recognized that the assignment of overtime work is the function of the Town in keeping with its responsibility for meeting its obligations to the citizens of the community. Subject to the requirements of the Town for over-time work, an attempt will be made to assign overtime on an equitable basis to qualified, dependable employees in accordance with their

skills and familiarity with the work as determined by the Town. The Town shall keep records of the overtime worked. Such records shall be made available to the Union for examination during the regular working hours. If volunteers for overtime work are not available, the Town reserves the rights to assign employees to such work.

Section 6. Call Backs An employee who has completed his/her shift for the day and is called to return to work either later that day or earlier the next day, shall receive not less than four (4) hours pay at time and one-half his or her regular hourly rate of pay ("four hour minimum") so long as the call back is not the result of the employee's own negligence. If, however, the employee is advised during his or her shift of the need for his/her services to be extended for the same day (stay late) or to arrive prior to his/her regularly scheduled time on the following work day, no four hour minimum will apply. The employee shall be paid at time and one-half his/her regular hourly rate of pay for the time worked.

Section 7. Compensatory Time Members will be allowed to accrue compensatory time up to 40 hours in a fiscal year within the member's assigned division. Compensatory time will be earned at time and one-half the time worked; an eight (8) hour overtime shift will yield a credit of twelve (12) hours of compensatory time. Time worked by the member in another division, including those funded by enterprise funds, will be paid as overtime.

- (a) Members may only accrue forty (40) hours of compensatory time in a fiscal year. If the member reaches the forty (40) hour maximum cap and elects to use compensatory time bringing his/her balance below the forty (40) hour cap, he/she may again accrue compensatory time up to the forty (40) hour limit per fiscal year. If the member requests and is authorized to earn compensatory time in lieu of overtime payment, and the resulting compensatory time, will put him/her over the forty (40) hour cap, all time worked will be paid as overtime. It is the member's responsibility to know his/her compensatory time balance.
- (b) A member with accrued compensatory time must notify the Director of Public Works in writing, providing proposed use dates, by May 31st of each fiscal year if he or she intends to use the time prior to June 30th of that fiscal year. If the member does not so notify his/her Division Superintendent, the Town will process a buy out of the compensatory time at or prior to the end of the fiscal year. Compensatory time hours will not carry over to the next fiscal year.
- (c) All overtime worked between June 1st and June 30th will be paid as overtime.

Section 8. Coffee Breaks

- (a) All shifts shall have a ten (10) minute coffee break in the middle of each half shift.
- (b) Coffee may be purchased in each school cafeteria between the hours of 10:00 a.m.- 3:00 p.m. All purchases must be in cash. At the High School and Newman, a vending machine is available in the Faculty Dining Room.
- (c) It should be understood that no employee will leave his building or work area without specific authorization from the Shift Supervisor to "pick up" coffee for him or herself or his or her co-workers. It should also be understood that employees in transit between jobs shall not stop at commercial establishments for their coffee break.

Section 9. Assignments/Location/Use of Vehicles Employees assigned to a particular building shall report directly to that building and be ready to start work at the designated time. Employees assigned to the Daley Building shall report directly to that building in the morning. They shall leave for assigned jobs at the time designated. Employees who choose to leave their work areas during their lunch break may do so; but it shall be understood that all tools and equipment shall be made secure and properly safeguarded. In the alternative, the Director of Public Works or his or her designee may designate where employees are to report in the morning and such employees will use their own cars to report there. Any such employees who thereafter, pursuant to authorization, use their cars on Town business during work hours will be compensated at the Town rate per mile for such use. No Town owned vehicle shall be used for private transportation unless express permission is given by the Director of Public Works, or his or her designee. The time of returning to the Daley Building at the end of the day shall be designated by the Director of Public Works. Such provisions shall take into consideration the final time of the employee's shift.

Section 10. Emergency Release

- (a) In the event that appropriate Public Safety officials declare an emergency release and dismiss occupants of the building and all other town personnel during regular working hours, employees must report to the Director of Public Works for reassignment.
- (b) In the event that students and other town personnel are dismissed during regular hours because of inclement weather, employees are required to report to their designated worksites. Employees may not leave the worksite unless so directed by the Director of Public Works.

Section 11. Snow Emergency Standby Program It is understood that as a condition of employment each employee will conform to the overtime requirements in the standby emergency program as designated by the Director of Public Works. The parties agree to discuss the application of the Snow Emergency Standby Program at the end of the snow season.

- (a) Participating employees will be entitled to snow program pay as outlined below. Snow program pay is subject to pro-ration in the event of situations such as, but not limited to, vacation during the snow program period, failure to report, leave of absence, etc.
- (b) Effective FY 2018, members of the bargaining unit involved in the Snow Emergency Standby Program will receive \$400 payable on or about December 15th of the respective Fiscal Year and \$600 payable on or about March 31st of the respective Fiscal Year. The date of commencement and conclusion of the snow program shall be established by the Director of Public Works.

**ARTICLE 9
HOLIDAYS**

Section 1.

- (a) All regular full-time employees shall receive time off without loss of pay on the following holidays. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day/Indigenous Peoples Day (Schools)
Presidents' Day	Veterans Day
Patriots' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Day
Independence Day	

Section 2. Work on Holidays Employees required to work on such holidays shall be paid at the rate of time and one-half their regular hourly rate of pay for such work, in addition to their holiday pay.

Section 3. Denial of Holiday Pay Holiday pay may be denied an employee who, without excuse satisfactory to the administration, does not work both his regularly scheduled working days before, and after the holiday.

ARTICLE 10 VACATION

Section 1. Eligibility Full-time and part-time employees who have successfully completed the six (6) month probationary period shall be eligible for vacation leave under the provisions of sections 11 through 14 below:

Section 2. Use and Accumulation

- (a) Employees will be credited with their earned vacation leave on the last day of each full calendar month of service, up to their maximum vacation accrual cap
- (b) Employees who are on unpaid leave for more than five (5) days during a calendar month shall not receive credit for that month for the purposes of vacation accrual.
- (c) Vacation leave will be granted as follows:

Length of Continuous Service	Monthly Accrual Rate	Maximum Equivalent to be Accrued	Maximum Carry Over Hours
Less than 5 years	6.67 hours	10 days 80 hours	160 hours
5 through 9 years	10.00 hours	15 days 120 hours	200 hours
10 through 19 years	13.34 hours	20 days 160 hours	240 hours
20 years plus	16.67 hours	25 days 200 hours	280 hours

- (d) Employees may not accrue paid vacation time in excess of their annual accumulation plus ten (10) days (the maximum vacation accrual cap). Once an employee has reached his or her maximum vacation accrual cap, the employee shall cease to accrue vacation time. An employee will resume accrual of vacation under the schedule set forth above when, and to the extent that, his or her total accumulated vacation leave falls below his or her maximum vacation accrual cap.

- (e) Vacation leave accrual rates will be adjusted on the first day of the month in which an employee will be eligible for additional vacation leave. Employees are eligible for additional vacation leave on the 5th, 10th, or 20st anniversary of hire, subject to adjustment in accordance with sub-section (b) above.
- (f) Vacation leave will be available for use on the first day of the month following the month that the vacation was earned and credited to the vacation bank.
- (g) Upon the recommendation of the Director of Public Works, the Town Manager may approve a temporary increase in the maximum vacation accrual cap in extenuating circumstances, when it would be impractical for the employee to take his or her vacation. Such situation shall include, but not be limited to, employee illness, staff turnover, or department workload. Any such increase is subject to a review in six (6) month increments) and may not exceed 80 hours.
- (h) Vacation may be taken at any time during the fiscal year, subject to the approval of the Director of Public Works, provided that departmental vacation schedules obviate the need for temporary increase in staffing.
- (i) Employees will not be charged for a vacation day for a holiday which falls within an approved vacation period.

Section 3. Other Uses of Vacation Leave At the discretion of the Director of Public Works, an employee, whose absence from work due to illness is in excess of the amount of time available in the employee's non-occupational sick leave bank, may be permitted to charge such absence to unused vacation leave allowance earned in the prior year.

Section 4. Vacation leave Credit Allowance for New Employees Upon receipt of written request from the Director of Public Works, the Town Manager, at its sole discretion, may permit vacation eligibility credit of up to three (3) weeks to new employees, based on length of service in previous employment.

Section 5. Employee Termination When an employee leaves Town service for any reason, he or she will be paid an amount equal to the vacation allowance accrued but unused prior to the termination in lieu of vacation leave. The lump sum payment requirement may be waived by the Director of Human Resources in extenuating circumstances.

ARTICLE 11 PERSONAL LEAVE

Effective July 1, 2010, two (2) days of personal leave per year may be used for imperative personal business which could not effectively be conducted outside of normal working hours. Except in cases of emergencies, application for this personal leave will be made to the Director of Public Works 24 hours before the time off is to be taken. In no instance shall this leave be requested in the first or last week of school or to extend a holiday or vacation period. Employees who are hired between July 1 and December 31 shall be granted two (2) personal days for the fiscal year in which they are hired. Employees who are hired between January 1 and March 31 shall be granted one (1) personal day for

the fiscal year in which they are hired. Employees hired between April 1 and June 30 shall not be granted any personal leave for the fiscal year. Personal leave is not cumulative and must be used in the fiscal year in which it is granted.

ARTICLE 12

NON-OCCUPATIONAL SICK LEAVE

Section 1. Eligibility and Amount Employees shall accrue 9.33 hours per month not to exceed 112 hours per year of non-occupational sick leave and regular part-time employees shall accrue a proportionate part thereof in the ratio that their part-time employment bears to full-time employment, for each full calendar month of continuous employment per fiscal year. Members of the bargaining unit on July 1, 2016 will be credited with 14 days of sick leave and will begin accruing sick leave on a monthly basis beginning in July, 2016.

Section 2 - Usage

(a) Sick leave may be used under the following circumstances:

1. When an employee cannot perform his/her duties because of incapacitation caused by personal illness or injury;
2. When the spouse, child, or parent of either the employee or his/her spouse, is ill. In this case, the employee may utilize sick leave up to a maximum of ten (10) days per fiscal year. Sick leave used for qualified and approved family and medical leave in accordance with FMLA is not subject to the ten (10) day limit;
3. When, through exposure to contagious disease, the presence of the employee would jeopardize the health of others;
4. When the employee must undergo treatment or diagnosis of existing medical conditions, such as pregnancy, dialysis treatment, hypertension or radiation/chemical therapy, if such appointments cannot reasonably be scheduled outside normal working hours.

(b) Except as provided in Section 7 below, employees may not use non-occupational sick leave for previously scheduled medical or dental appointments, unless such appointments are made as part of on-going treatment for existing medical conditions. Employees who make appointments for routine medical or dental work must use personal, vacation, or compensatory time if they are absent from work.

Section 3. Notification Non-occupational sick leave shall commence on the date that notification of the employee's sickness, injury or quarantining is given to the Shift Supervisor and the Public Works Administration Office staff by the employee him/herself, or by the employee's family or physician in the case of an emergency. This notification shall be made each day the employee is absent for short-term absences (less than five days). For long-term illnesses (five or more days) the employee will keep the Director of Public Works informed as to his or her expected date of return.

Section 4. Certification of Illness, Injury or Quarantine If the Director of Public Works has reason to believe that an employee may be abusing sick leave, he or she shall investigate and ascertain the validity of any request for non-occupational sick leave made by an employee, and shall approve the same if satisfied as to the validity of the request. A physician's certificate may be required by the Director of Public Works in any case of non-occupational sick leave. If the cause of the sick leave is not substantiated to the satisfaction of the Director of Public Works, the absence will not be paid as non-occupational sick leave.

Section 5 - Sick Leave Bank

(a) Contribution Employees will deposit two (2) days of sick leave per year each July 1 to the Sick Leave Bank which is established for use by qualified members of the bargaining unit who have exhausted their own sick leave and who have a serious illness. If, on July 1st, an employee does not have two (2) days of sick leave to deposit to the Sick Leave Bank, no deposit will be made and the employee will be ineligible for Sick Leave Bank use for that year.

(b) Sick Leave Bank Committee

1. The Sick Leave Bank shall be administered by a Sick Leave Bank Committee consisting of four (4) members: two (2) members shall be designated by the Town Manager to serve at his or her sole discretion and two (2) members shall be designated by the Union. The Sick Leave Bank Committee shall determine the eligibility for use of the Sick Leave Bank and the amount of leave to be granted.
2. The criteria to be used by the Committee in administering the Bank and in determining eligibility and the amount of leave to be granted include:
 - i. adequate medical evidence of personal, serious illness;
 - ii. prior utilization of all eligible sick leave; and
 - iii. length of service in the Town of Needham.
3. The Sick Leave Bank Committee shall review each request for use of sick bank days. The initial grant of sick leave shall not exceed ten (10) days. Upon completion of the ten (10) day period, additional entitlement may be extended by the Sick Leave Bank Committee upon demonstration of need by the applicant. Employees shall be eligible for a maximum of thirty shifts per fiscal year.

(c) Exhausted Sick Bank

If the Sick Bank shall become exhausted, it shall be renewed by the contribution of one (1) additional day of sick leave by each member of the staff covered by this agreement from his or her sick leave credit.

(d) In order to be eligible for sick leave bank grants, employees must utilize all accumulated leave prior to requesting sick bank leave

(e) Prolonged/Personal Illness

No days may be granted from the Sick Leave Bank for use for any illness other than prolonged illness. Days may not be withdrawn to permit the individual to stay at home to care for a member of his or her family, or to supplement workers compensation payments.

(f) Appeals

The decision of the Sick Leave Bank Committee with respect to eligibility and entitlement shall be final and binding and not subject to appeal.

(g) Sick Bank Balance

If, on July 1st of any year, the Sick Leave Bank maintains a balance of 300 days, no employee contribution will be required for that year except as required under Section (c) above.

Section 6. Non-occupational Sick Leave Buy Back An employee who terminates employment with the Town by retirement or disability shall be entitled to a cash payment upon termination at the employee's current rate of pay for twenty-five (25) percent of the non-occupational sick leave credit outstanding at the time of termination. The spouse, duly-designated beneficiary or legal representative of the estate of an employee whose employment with the Town is terminated by death shall be entitled to a cash payment at the employee's rate at the time of termination for twenty-five (25) percent of the non-occupational sick leave credit outstanding at the time of termination. There shall be a 960 hour cap on the number of sick days to be used in calculating the 25% sick leave buy back at retirement. Employees hired on or after January 1, 2009 are ineligible for participation in the non-occupational sick leave buy back program provisions contained in this section.

Section 7. Preventive Leave Each member of the bargaining unit shall be entitled to use from his or her accumulated sick leave a total of eight (8) hours of non-occupational sick leave per fiscal year for previously scheduled preventive care visits to health care providers or dentists.

Section 8. Sick Leave Incentive Program Effective January 1, 2010, each member of the bargaining unit shall be eligible to participate in the Sick Leave Incentive Program. Employees will be provided with a cash payment in accordance with the following table:

January 1 through June 30 of each year		
Sick used (hours)	Sick used (days)	Amount
0-8	Less than or equal to 1	\$200
8.1-23.99	Greater than 1, less than 3	\$100
24	Greater than or equal to 3	\$0

July 1 through December 31 of each year		
Sick used (hours)	Sick used (days)	Amount
0-8	Less than or equal to 1	\$200
8.1-23.99	Greater than 1, less than 3	\$100
24	Greater than or equal to 3	\$0

ARTICLE 13 JURY PAY

The Town agrees to make up the difference in an employee's wages between the employee's regular week's wages and compensation received for jury duty, provided he or she reports for work on each working day when he or she is excused from such duty before noon. Any employee assigned to the night shift who is released from jury duty before noon will work one half (1/2) of his or her regularly scheduled shift in order to be eligible for compensation under this Article. A certificate setting forth the amount received by such employee for jury pay shall be delivered to the Town by the employee.

ARTICLE 14 BEREAVEMENT LEAVE

- (a) Employees are entitled up to five (5) business days of bereavement leave, per occurrence, for the death of an immediate family member. Immediate family as used herein shall consist of employee's spouse, child, mother, father, sister, brother, grandparent, grandchild, mother-in-law, father-in-law or legal guardian.
- (b) Employees are entitled up to three (3) business days of bereavement leave, per occurrence, when there is a death in the employee's family other than those listed in subsection (a). Examples include; brother-in-law, sister-in-law, aunt, uncle, niece or nephew. Bereavement leave for non-immediate family members may be granted at the recommendation of the Director of Public Works and the approval of the Town Manager/designee.

ARTICLE 15 MILITARY LEAVE

Section 1. Reserve Service A full-time or part-time employee who is a member of a state or federal military reserve unit shall be entitled to leave of absence from a permanent position for compulsory military service under orders for a period not to exceed forty (40) days per calendar year; such leave to be with full regular straight-time pay for normally scheduled working hours.

Section 2. Draft Board Appearances and Physicals Military leave of absence with full regular straight-time pay for normally scheduled work hours shall be granted to full-time or regular part-time employees on occasion of their required appearance under orders before armed forces draft board or for physical examinations required by such boards.

Section 3. Active Duty Military leave of absence without pay shall be granted to full-time and regular part-time employees called under orders for active duty with the state or federal armed forces for compulsory service other than the annual reserve routine tour of duty.

Section 4. Notification and Approval Requirements Every employee desiring military leave as provided hereunder shall request it in writing in advance from the Director of Public Works, and such request shall provide written proof from military or selective service officials indicating the date of departure and length of service required.

ARTICLE 16 LEAVE OF ABSENCE

Section 1. At the discretion of the Director of Public Works, members of the bargaining unit who have successfully completed the probationary period may be permitted an unpaid leave of absence of up to two weeks' duration, upon submission of a written request therefore stating the reasons and length of the requested leave.

Section 2. Requests for leaves of absence of longer than two weeks' duration must be submitted in writing and approved in advance by the Town Manager, as well as the Director of Public Works. The written request must state the reasons and length of the requested leave.

Section 3. Employees who are granted unpaid leaves of absence of more than five days in a calendar month shall not be entitled to vacation or sick leave credits for that month. Employees who are granted unpaid leaves of absence of ten (10) or more days shall have their longevity and eligibility dates adjusted by the number of days spent on unpaid leave of absence. Continued employment in Town service will not be guaranteed to an employee after more than thirty (30) days of authorized unpaid leave of absence, except for military leave that is granted in accordance with state and federal law.

ARTICLE 17 GROUP INSURANCE

Employees covered by this Agreement shall be provided an opportunity to join the Town of Needham Group Insurance Plan, which provides for group life insurance, group accidental death and dismemberment insurance, group hospitalization and surgical benefits, and extended care benefits for employees and retired employees, and their eligible dependents, with the employee making the same contribution as all other town employees. Admission to the membership in said plan shall be in accordance with the terms and conditions of the contract between the Town and the insurance carrier.

ARTICLE 18 WORKERS' COMPENSATION

Section 1. When a member of the bargaining unit suffers an illness or injury causally related to his/her employment with the Town, he/she shall be provided workers' compensation benefits in accordance with MGL Chapter 152, and pursuant to the following provisions.

Section 2. The Town reserves the right to require the employee to seek initial medical treatment at a medical facility designated by the Town.

Section 3. The Town reserves the right to establish a list of medical providers which employees may use for work-related injuries.

Section 4. Leave and Benefit Accrual

(a) Employees who receive workers' compensation payments for a complete calendar month shall not be entitled to accrue sick leave credits for that month.

- (b) Employees who are on workers' compensation for an entire year will not be eligible for the personal days for that fiscal year.

ARTICLE 19 SAFETY

Section 1. The Town may, from time to time, make reasonable regulation for the safety and health of the employee during their hours of employment. If the Town provides protective clothing and equipment, such clothing and equipment is and at all times shall remain the property of the Town of Needham and employees on termination of employment shall return all such items or make payment in lieu thereof.

Section 2. Protective Clothing

- (a) The Town will provide masks, goggles, gloves, and coveralls for boiler cleaning and the Town will reimburse not more than \$400 toward prescription safety glasses for the employees classified on the BT schedule once every two years, or as needed at the discretion of the Director of Public Works.
- (b) The Town will provide one like-model cold weather coat, in safety color, to each member of the Union who has completed the probationary period. Cold weather coats will be replaced on either 'line of duty' damage or 'fair wear and tear' with the approval of the Director of Public Works. Final approval of the jacket selection will be made by the Director of Public Works after consultation with the Safety and Efficiency Committee.

Section 3. Clothing

- (a) Employees are required to conform to a standard uniform at all times. The uniform shall consist of the following:

Shoes During regular maintenance periods, custodians must wear sneakers, work boots, safety shoes or non-slip sole shoes. During summer vacation while working with floor stripper, custodians must wear work boots as a safety precaution. All maintenance personnel and warehouse personnel must wear work boots at all times unless other footwear is approved in advance by the Director.

Shirts Employees will be provided with five (5) short-sleeved T-shirts or short or long sleeved polo style shirts with the Town of Needham logo annually. The Director shall consult the Union Officers prior to selecting a color for new shirts. Town issued shirts must be worn at all times. Employees may wear long sleeved shirts under approved short sleeved shirts. Shirts shall not have holes, be altered, cut, or frayed.

Sweatshirts The Town will provide one (1) hooded pullover, zippered or crew neck pullover sweatshirt with the Town of Needham logo annually. Sweatshirts shall not have holes, be altered, cut, or frayed.

Shorts From April 1st through October 31st, members of the Union may wear shorts under the conditions set forth below. Failure of employees to adhere to these conditions may result in disciplinary action. The Director of Public Works may require that an employee adhere to the

traditional dress code (as outlined in this Section) if, in his or her sole discretion, an employee's safety may be compromised or his or her professional appearance is diminished.

- i. It is the responsibility of each employee to have appropriate attire available at any given time to execute all duties associated with his or her position.
- ii. All shorts must fit loosely and shall not be of the athletic variety.
- iii. Shorts must not be frayed, have holes, or manufactured rips.
- iv. No cut-offs are permissible.
- v. Navy blue jean shorts or khaki shorts are permissible.
- vi. Shorts may not be more than one inch above the knee.

Outerwear: The shirts, sweatshirts, and/or jackets provided by the Town must be worn and visible at all time.

Section 4. Safety & Efficiency Committee The Town and the Union shall establish a Safety & Efficiency Committee to discuss and recommend safety rules to the Director of Public Works. The committee shall consist of three members appointed by the Director of Public Works, one of whom will be the Assistant Town Manager/Director of Operations or his/her designee, and three members appointed by the Union.

Section 5. ID Badges All members of the bargaining unit will wear identification badges at all times during their work shift. These badges will be provided by the Town at no cost to the employees.

ARTICLE 20 SENIORITY

Section 1. Continuous Service/Probationary Period For the purpose of this Article, seniority shall be considered as the length of an employee's continuous service in the bargaining unit. Continuous service means the most recent period of unbroken service in the bargaining unit, provided that authorized leave of absence, military service or layoff as hereinafter defined shall not be considered a break in continuous service for the purposes of establishing a seniority rating. The first six (6) months of employment, exclusive of any approved leave or absence due to work-related injury exceeding two weeks shall be considered a probationary period during which the employee serves at the sole discretion of the Town. With the agreement of the Union, the Director of Public Works may extend the probationary period for a maximum of six additional months.

Section 2. Job Vacancies When a position covered by this agreement becomes vacant, the Town will post the vacancy for at least five (5) working days, and will make its selection from among the qualified candidates. Seniority will be the determining factor in the selection, when, in the judgment of the Director, all other relevant factors, including, but not limited to, skill, ability, efficiency, training, potential, and the impact on the overall efficiency of the department, are equal. If there are no qualified candidates from within the bargaining unit, the Town may fill the vacancy from outside the bargaining unit. In making the determination that bargaining unit members are not qualified, the Town will not act in an arbitrary or capricious manner.

Section 3. Out of Classification Pay In any case when an employee is qualified for and is temporarily required to serve in and accept the responsibility for work in higher class of position, such

employee shall receive the entrance rate of the class or one step above his/her present rate, whichever is higher, while so assigned after the third day. The higher rate will be paid retroactive to the first day in the temporary assignment. An employee may be temporarily assigned to work in any position of the same or lower class grade without loss of pay.

Section 4. Loss of Seniority An employee shall lose his or her seniority for the following reasons:

- (a) He or she quits Town employment.
- (b) He or she is discharged and the discharge is not reversed through the grievance procedure set forth in this Agreement.
- (c) He or she is absent for two consecutive working days without notifying the Town. Exceptions may be made only with the consent of the Town. After such absence, the Town will send written notification to the employee at his or her last known address that he/she has lost his/her seniority, and that his/her employment has been terminated. If the disposition made of a complaint or a grievance arising out of such termination of employment is not settled satisfactorily to the employee, the matter may be referred to arbitration as provided in the grievance procedure.
- (d) If he or she does not return to work when recalled from layoff, as set forth in the recall procedure, exceptions shall be made only with the consent of the Town.
- (e) Failure to return from sick leave and leave of absence will be treated the same as (c) above.
- (f) He or she retires.

Section 5. Seniority List The Town shall furnish the Union with an up-to-date seniority list for each classification within sixty (60) days after the completion of negotiations. Unless the Town is advised by the Union to the contrary within thirty (30) calendar days, this list will be presumed to be correct for purposes of the Agreement.

Section 6. Pre-employment/Other Physicals Before any individual is hired by the Town, he or she shall satisfactorily pass a pre-employment physical examination, to be administered without charge to the individual by a physician designated by the Town. This requirement is applicable to individuals employed for, or transferred to, full-time jobs. During the term of this Agreement, such other physical examination as may be required by the Town in connection with the continued employment of any employee shall be administered without charge to the employee.

Section 7. Public Health The Town will offer adult occupational immunizations recommended for Massachusetts Teachers by the Massachusetts Department of Public Health at no charge to the employee.

Section 8. Seniority/Lay-Off In the event that it becomes necessary to layoff employees, the principle of seniority shall control within classifications. The least senior employee in the job classification affected by the layoff shall be the first laid off. Senior custodians and general

maintenance staff due to be laid off shall have the right to bump custodians having less seniority. In the event of multiple layoffs, the actual assignment of bumping employees shall be determined by negotiations. Until such negotiations are completed, the actual assignment of bumping employees shall be determined on the basis of the criteria outlined in Section 2. of this Article. The Town will give thirty-days (30) notice prior to implementing the layoffs in order to allow for negotiations. An employee who chooses to invoke his or her "bumping rights" must notify the Town Manager in writing within five (5) calendar days of notice of contemplated layoff.

ARTICLE 21 UNION BUSINESS

Section 1. Union Notices Union notices may be posted on bulletin boards designated for this purpose in each building if such notice is signed by an authorized representative of the Union. Copies of all such notices shall be limited to presenting factual data and in no event shall contain inflammatory language.

Section 2. Grievance Processing Union business, including the processing of grievances, shall take place on the non-working time of the employees involved. However, if grievances are processed during the employees' working hours by the request of the Town, the employee or representative shall suffer no loss of pay.

Section 3. Town Premises The representative of the Union shall be permitted to enter the premises of the Town at reasonable hours, when necessary to investigate existing grievances after obtaining approval of the Director of Public Works and Director of Human Resources, and such approval shall not be unreasonably denied. The Union agrees that care will be exercised by such union representative.

Section 4. Union Officers The Union shall provide a written list of its officers, and of its union representatives, and their alternates, immediately following their designation; the Union shall notify the Town of any change in such list during the term thereof. There shall be no requirement on the part of the Town to recognize any such offer, representative, or alternate representative, until notice of official designation has been delivered to the Town.

Section 5. Union Conventions Up to two (2) elected delegates of the Needham Building Custodian and Tradesman Independent Association Local 1116, upon written request, may be granted not more than five (5) days' leave to attend official conventions of the Massachusetts Laborers' Public Employees' Council Local 1116 of the Laborers' International Union of North America, without loss of pay and all costs associated with this Section shall be paid by the employee and not the Town.

ARTICLE 22 PERSONNEL RECORDS

Section 1. A copy of any official statement concerning an employee made by a member of management or designated supervisor which is to be retained by the Town in the employee's personnel file, shall be shown to the employee who shall certify that she/he has read it. This notation may be made on the same form or on a separate document.

Section 2. If the employee refuses to sign a statement, the supervisor or other person in whose presence the employee reads the statement or report shall certify that the report was read by the employee and that the employee refused to sign the statement acknowledging this fact.

Section 3. If the employee is not available (due to illness or other absence) at the time the statement or report is prepared, a member of the management or supervisor shall file the statement or report to the employee at the time of the filing, but the employee shall be given the opportunity to read the report as soon as s/he is available thereafter.

Section 4. The employee shall be permitted to make a written comment or explanation to any such report and the employee's written statement shall be filed with the related record. The employee's comment shall not be filed if it contains remarks about any other individual or individuals.

ARTICLE 23 SEPARABILITY AND SAVINGS

Section 1. If any article or section of this Agreement, or any riders thereto should be held invalid by operation of law, or by any tribunal of competent jurisdiction, or if the compliance with, or enforcement of, any article or section should be restrained by such tribunal pending a final determination as to its validity, the remainder of this Agreement and of any rider thereto, or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, or as to which compliance with, or enforcement of, has been restrained, shall not be affected thereby.

Section 2. In the event that any article or section is held invalid, or enforcement of, or compliance with which has been restrained, as set forth above, the parties affected thereby shall enter into the immediate collective bargaining negotiations upon the request of either party for the purpose of arriving at a mutually satisfactory replacement for such article or section during the period of the invalidity or restraint.

ARTICLE 24 CLASSIFICATION PLAN AND PAY RATES

Section 1. Overtime Rates The hourly rate of pay for overtime work shall be one and one-half (1/2) times the hourly rate set forth herein.

Section 2. Night Shift Differential All custodians and trades personnel regularly assigned to the night shift (any shift beginning at 2:00 p.m. or later and/or ending at 6:00 a.m. or earlier) will receive a differential of \$1.25 per hour (\$1.50 effective July 1, 2024) over and above their regular rate of pay for all hours worked on that shift. The differential will apply to vacation, holiday and sick pay and will be paid for any period when a regularly scheduled night shift employee is assigned to another shift.

Section 3. Longevity

- (a) Full-time employees are eligible for longevity pay at the rate of \$200 per year for every five (5) years of continuous service in the Town of Needham. This will be paid in a lump sum on or about the anniversary of the employee's date of hire.
- (b) Transition Years- Employees shall be eligible for longevity pay on the July 1st of the fiscal year in which the 5th, 10th, etc. anniversary occurs, subject to pro-ration based on the number of months of continuous service as of July 1st. The employee will be paid the balance between the full amount and the pro-rated amount on the applicable anniversary date.

Section 4. Compensation Plan Employees shall be classified and compensated in accordance with the terms of this Agreement. Incorporated into this Agreement and attached thereto as Appendix C is the Compensation Plan.

Section 5. Satisfactory Performance Step Increases

- (a) Performance step increases occur when an employee meets all the criteria established through the annual performance evaluation as evidenced by a satisfactory performance review.
- (b) Satisfactory performance step increases shall be granted on the anniversary of the date of hire or the adjusted step date. Members of the bargaining unit on July 1, 1997 will continue to receive step increases on July 1, as applicable.
- (c) Progression through the rate ranges are neither mandatory nor automatic, but shall be subject to the approval of the Director of Public Works who will not act in an arbitrary and capricious manner in making his or her decision. Such decision shall be subject to the grievance and arbitration provisions of this Agreement.
- (d) The date that satisfactory performance step raises are granted may be adjusted by events such as promotion, reclassification, and unpaid leave as indicated in this agreement.
- (e) Should an employee be denied a step rate increase upon the review of his performance by the Director of Public Works, the employee shall be informed by the Director of Public Works in writing of the reason, and reasons, for such denial.

Section 6. Promotion Employees who are promoted to a position of higher grade shall enter the new position at the minimum rate of the higher position's compensation range or the step rate in the higher position's compensation range immediately above their rate prior to promotion, whichever is higher. The effective date of the promotion becomes the employee's new anniversary date for the purpose of future satisfactory performance step increases. Upon the request of the Director of Public Works, the Town Manager may approve an additional increase of one or more steps at the time of promotion if warranted by the employee's qualifications and performance.

Section 7. Transfer An employee who transfers to a position of equal grade shall enter the new position at the same step as his/her prior position, and shall retain the same step date for the purposes

of future satisfactory performance step increases. Upon the request of the Director of Public Works, the Town Manager may approve an additional increase of one or more steps at the time of the transfer if warranted by the employee's qualifications and past performance. If one or more steps are granted by the Town Manager, the date of transfer shall become the employee's step date for the purposes of future satisfactory performance step increases.

Section 8. Reclassification For the purposes of this section, a reclassification shall be defined as a change in the title or compensation level resulting from the change in duties of the incumbent. When any position is reclassified within the Compensation Schedules, the incumbent in that position at the time of reclassification shall be paid at the minimum rate of the higher position's compensation range or the step rate in the higher position's compensation immediately above their rate prior to reclassification, whichever is higher. The effective date of the reclassification becomes the employee's new anniversary date for the purposes of future satisfactory performance step increases. Upon the request of the Director of Public Works, the Town Manager may approve an additional increase of one or more steps at the time of reclassification if warranted by the employee's qualifications and performance.

Section 9. Entrance Rate Newly hired employees will begin employment at Step 1 unless otherwise recommended by the Director of Public Works and approved by the Town Manager, whose decision shall not be grievable.

Section 10. Merit

(a) Merit Step Increase

At the written request of the Director of Public Works, the Town Manager may grant an additional step or steps at the conclusion of the probationary period or at the time of the annual performance review if the employee has demonstrated exceptional performance in accordance with regulations promulgated by the Human Resources Department. The date of the additional step or steps shall become the employee's anniversary date for the purposes of future satisfactory performance step increases.

(b) Merit Bonus

At the written request of the Director of Public Works, the Town Manager may grant a one-time Merit Bonus in an amount not to exceed \$1,800 per fiscal year if the employee has demonstrated exceptional performance in accordance with regulations promulgated by the Human Resources Department.

(c) Merit Raise

At the written request of the Director of Public Works, the Town Manager may grant a merit increase in an amount not to exceed 3 percent in any one year or ten percent over the duration of employment, if the employee has demonstrated exceptional performance in accordance with regulations promulgated by the Human Resources Department. Approved merit raises shall only be granted to employees who have been at maximum for at least one year. The most recent merit raise may be rescinded by the Director of Public Works if, for at least two (2) consecutive years, the employee receives a rating of satisfactory or unsatisfactory on 25% of the evaluation criteria on the Custodial Evaluation Form or Trades Group Evaluation Form. If this form is

subsequently revised, the Town and the Union agree to negotiate a new standard regarding the continuation of a Merit Raise. Merit raises in place for more than five (5) years may not be rescinded.

- (d) All of the provisions listed above shall be subject to sufficient appropriation. If the Town Manager approves a request in accordance with this article, the he/she will endeavor to secure funding if funding is not available in the appropriate departmental budget.
- (e) The provisions of this section are not subject to the grievance or arbitration procedures contained in this Agreement.
- (f) At the request of the Union, the Human Resources Department will provide the Union with a report of Merit awards granted under this section.

Section 11. Critical Title Retention and Recruitment Payment

- (a) The Town Manager may declare certain positions as critical recruitment and retention titles for a given year.
- (b) A one-time payment may be paid out to employees in critical recruitment and retention titles for that year.
- (c) The determination as to whether to declare a title as a critical recruitment or retention title is the sole prerogative of the Town Manager and shall not be grievable.

Section 12. License Stipend Employees who maintain any of the below licensure will receive an annual stipend, paid weekly, in the corresponding amount below. Employees may only be permitted to receive a stipend for one license at any time.

Construction Supervisor's License:	\$3,500
Journeyman Plumber's License:	\$3,500
Master Plumber's License:	\$3,500 (\$4,500 effective July 1, 2024)
Journeyman Electrician's License:	\$3,500
Master Electrician's License:	\$3,500 (\$4,500 effective July 1, 2024)
Refrigerant Technician License <u>or</u>	
Boiler Operator's license <u>or</u>	
Oil Burner's License <u>or</u>	
Sheet Metal License:	\$3,500

Section 13. Special Senior Custodian Stipend Employees classified as "Senior Custodian 2" as of the signing of this Agreement and night senior custodians working in large facilities with contract cleaning services and/or as determined by the Director of Public Works will receive an annual stipend in the amount of \$1,000, paid weekly (\$1,500 effective July 1, 2024).

ARTICLE 25 PERFORMANCE EVALUATION

Section 1. A performance evaluation procedure shall be established which is reasonably related to the employee's job duties and performance.

Section 2. For employees hired before July 1, 1997, the evaluation period shall be from July 1 to June 30, and all efforts will be made to complete the evaluation prior to July 1st.

Section 3. The evaluator for custodians, maintenance personnel and the Warehouse Person will be the Director of Public Works or his or her designee. When developing the performance evaluation for custodians, the Director of Public Works or his or her designee will consult with the appropriate Senior Custodian prior to completing the evaluation. The evaluator for the Trades Group will be the Director of Public Works.

Section 4. The employee will receive a copy of each evaluation for his or her signature. The employee shall be allowed to submit written comment to the evaluation within ten (10) days of receipt of the evaluation.

Section 5. Should the employee fail to meet the required standard of performance; disciplinary action may occur.

ARTICLE 26 EDUCATIONAL REIMBURSEMENT

The Town of Needham Education Reimbursement Policy (Benefit Administration #501) dated July 1, 2018 and as from time to time amended is hereby incorporated by reference.

ARTICLE 27 MISCELLANEOUS PROVISIONS

Section 1. Town Vehicle Use Incorporated herein by reference and considered an integral part thereof is the Town of Needham Municipal Vehicle Use Policy dated March 11, 1997 and any revisions thereto. It is agreed that any disciplinary action taken by the Town in accordance with the Town Vehicle Use Policy will be for just cause. The Town may conduct periodic motor vehicle license checks for all members to verify that each member of the bargaining unit that is required to operate or may operate a town owed motor vehicle has an active drivers' license in good standing. It shall be the responsibility of the employee to notify the Town if anytime the employee license is suspended, revoke or otherwise prevents the employee from driving without an active license. The Town will work with employees whose license becomes inactive to find work that does not require driving. If no such work is available the employee will be either charged his/her available vacation or personal time and/or be placed on leave of absence without pay.

All members of the Union who are authorized to operate a Town vehicle acknowledge that the vehicle they operate may be equipped with a GPS tracking device. The GPS tracking device will allow the Town to monitor the vehicle for geographic location, speed, hours of operation and other related data relevant to the vehicle's utilization for the purpose of maintaining the orderly and efficient operations of the Town. This information shall not be used for disciplinary purposes against members of the Union, absent a violation of federal, state or local law. Tampering with any GPS tracking equipment is expressly prohibited by this policy and may subject an employee to disciplinary action by the Town.

Section 2. Cafeteria Plan The Town shall institute a so called “cafeteria plan” in compliance with state law and the Internal Revenue Code. The parties agree that any reasonably incurred administrative expenses will be paid by those employees participating in said plan. The Town, at its sole option, may terminate said cafeteria plan on a Town-wide basis, with 60 days' notice.

Section 3. Trades Group Committee The Union may form a committee consisting of members of the Trades Group (Carpenter, Plumber, Electrician, HVAC Technician and Craftsman), the Union President and Union Representative for the purpose of addressing any Trades Group issues. The parties agree that the creation of this committee does not create any bargaining obligation which does not already exist.

Section 4. Workplace Violence Incorporated herein by reference and considered an integral part thereof is the Town of Needham Workplace Violence Policy dated March 19, 2003.

Section 5. Drug and Alcohol Testing Incorporated herein by reference and considered an integral part thereof is the Town of Needham Public Works Department “General Policy Regarding Drugs and Alcohol in the Workplace.” The random drug testing requirements set forth in Section 2.3 of the General Policy Regarding Drugs and Alcohol in the Workplace in Appendix D shall apply only to members of the bargaining unit hired after July 1, 2005. Members of the bargaining unit hired prior to July 1, 2005 shall be subject to all other provisions of the policy including pre-employment, reasonable suspicion, post incident and follow-up testing. Said random drug testing requirements will apply to all members of the bargaining unit whose responsibilities include driving municipal vehicles regardless of date of hire, when and if the Town adopts a similar random drug testing requirement for non-represented drivers.

Section 6. Incorporated herein by reference and considered an integral part thereof is the Town of Needham Sexual Harassment Policy dated June 2018 and the Town of Needham Harassment of Individuals in Protected Classes Policy dated June 2018, or any revision thereto.

Section 7. Light Duty

- (a) An employee who is unable to return to full duty status after a work-related or non-work-related injury may return to work on a light duty status consistent with any restrictions provided by a physician and in accordance with the provisions set forth below.
- (b) Each physician who administers an examination under this procedure shall be provided by the Town with a detailed analysis of the physical requirements of the light duty tasks proposed, and shall be asked to make a determination of the fitness of the examined employee to perform the specific physical requirements of each light duty task. Each physician shall be asked to specify which, if any, light duty tasks the examined employee is not capable of performing.
- (c) In the event that an employee is assigned to light duty, such light duty shall not interfere with ongoing medical treatment.

(d) Light duty assignments shall be limited to two (2) month increments unless an extension is otherwise approved in advance by the Director of Public Works.

(e) Light duty tasks shall be determined by the Director of Public Works.

(f) Employees on light duty status shall be ineligible for overtime assignments.

Section 8. Mandatory Direct Deposit The Town is authorized to require all members of the Union to sign up for direct deposit effective June 1, 2016. The only exception to this requirement is current employees who are not already on direct deposit as of May 1, 2016. Current employees who are on direct deposit as of May 1, 2016 may not change from direct deposit status. All employees hired after June 1, 2016 shall be subject to the mandatory direct deposit requirement. Nothing in this section shall limit the rights of the Town to make changes to the direct deposit program in accordance with legislation adopted by the Commonwealth.

Section 9. Electronic Time Keeping System The Town agrees to consult with the Union prior to implementing an electronic time keeping system.

Section 10. Background Checks The Town and the Union agree to comply with Chapter 77 of the Acts of 2013 (Senate 1839) wherein, effective July 1, 2013, employees who may have direct and unmonitored contact with children must be fingerprinted and the fingerprints must be submitted for a national criminal background check. The cost of fingerprinting will be borne by the employee.

Section 11. Needham Police Department Building Security Policy The Town and the Union agree to comply with the Needham Police Department Building Security Policy dated July 1, 2014, as amended, which requires custodians and maintenance workers who are permanently assigned to the police department be subjected to a background investigation which includes a fingerprint based CORI check.

ARTICLE 28 DURATION OF AGREEMENT

Section 1. Subject to the rights of reopen described below, this Agreement shall continue in full force and effect until midnight June 30, 2026 and shall terminate automatically upon that date. Should either, or both, parties desire to negotiate a new collective agreement for the succeeding year, such party or parties, shall, between January 1, 2026 and February 1, 2026, give notice in writing to the other party.

Section 2. Upon receipt of such notice, the parties shall make mutually satisfactory agreements to engage in negotiations leading to a settlement of issues raised by such notice. Nothing in this Article shall preclude either the Town or the Union from modifying any proposals made during the course of the negotiations.

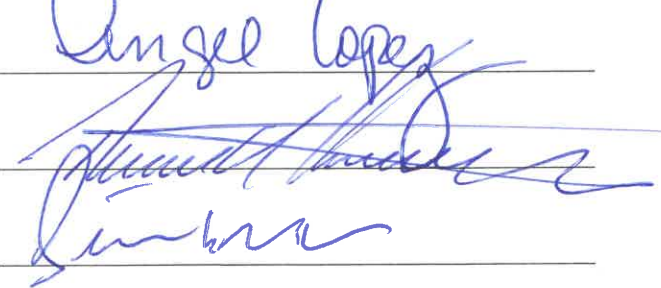
Section 3. This is a complete agreement between the parties covering the period from July 1, 2022, to June 30, 2026.

IN WITNESS WHEREOF the parties have caused these present to be signed and delivered by their duly authorized representative as of the day and year first below written.

TOWN MANAGER

TOWN OF NEEDHAM

**LOCAL #1116, Laborers' International
Union of North America in behalf of
Building Custodian and Tradesman
Independent Association**


Angel Lopez

Stuart Hines
Lumber

Date:

Approved as to Form:

Town Counsel/Date

Date:

2-6-24

**Appendix A
Classification Plan
(through June 30, 2022)**

<u>Title</u>	<u>Grade</u>
Carpenter	BT-4
Electrician	BT-4
HVAC Technician	BT-4
Plumber	BT-4
Craftsworker	BT-2
Glazer/Craftsperson	BT-2
Warehouse Person	BT-1
Senior Custodian 2	BC-3
Senior Custodian 1	BC-2
Custodian	BC-1

**Classification Plan
(Effective July 1, 2022)**

Such classification changes shall be implemented in accordance with Article 24, Section 8

<u>Title</u>	<u>Grade</u>
Carpenter	B7
Electrician	B7
HVAC Technician	B7
Plumber	B7
Craftsworker (Building Maintenance)	B4
Senior Custodian	B3
Park Ranger	B2
Custodian	B2

Appendix C
Authorization for Payroll Deduction

By _____
Name of Employee

By _____
Name of Employee

Effective _____, I hereby request and authorize you to deduct from my earnings each month, the amount of \$ _____. This amount shall be paid to the Treasurer of Local No. 1116, and represents payment of my Agency (circle one): DUES or FEES

These deductions may be terminated by me by giving you a sixty (60) days written notice in advance or upon termination of my employment.

Employee's Signature

Employee's Address

Appendix B Classification Plan

FY2023 - Effective July 1, 2022

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$30.25	\$31.53	\$32.85	\$34.18	\$35.46	\$36.70	\$37.90	\$39.04	\$39.94	\$40.83
B6	\$28.81	\$30.03	\$31.27	\$32.53	\$33.75	\$34.94	\$36.07	\$37.15	\$38.01	\$38.90
B5	\$27.43	\$28.59	\$29.77	\$30.98	\$32.14	\$33.26	\$34.34	\$35.37	\$36.19	\$37.05
B4	\$25.86	\$26.96	\$28.08	\$29.22	\$30.31	\$31.37	\$32.39	\$33.36	\$34.13	\$34.91
B3	\$23.50	\$24.50	\$25.52	\$26.55	\$27.54	\$28.51	\$29.44	\$30.32	\$31.02	\$31.73
B2	\$21.36	\$22.27	\$23.20	\$24.14	\$25.05	\$25.93	\$26.77	\$27.57	\$28.21	\$28.85
B1	No Positions									

FY2023 -(Second Shift) Effective July 1, 2022

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$31.50	\$32.78	\$34.10	\$35.43	\$36.71	\$37.95	\$39.15	\$40.29	\$41.19	\$42.08
B6	\$30.06	\$31.28	\$32.52	\$33.78	\$35.00	\$36.19	\$37.32	\$38.40	\$39.26	\$40.15
B5	\$28.68	\$29.84	\$31.02	\$32.23	\$33.39	\$34.51	\$35.59	\$36.62	\$37.44	\$38.30
B4	\$27.11	\$28.21	\$29.33	\$30.47	\$31.56	\$32.62	\$33.64	\$34.61	\$35.38	\$36.16
B3	\$24.75	\$25.75	\$26.77	\$27.80	\$28.79	\$29.76	\$30.69	\$31.57	\$32.27	\$32.98
B2	\$22.61	\$23.52	\$24.45	\$25.39	\$26.30	\$27.18	\$28.02	\$28.82	\$29.46	\$30.10
B1	No Positions									

FY2024 - Effective July 1, 2023

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$31.01	\$32.32	\$33.67	\$35.03	\$36.35	\$37.62	\$38.85	\$40.02	\$40.94	\$41.85
B6	\$29.53	\$30.78	\$32.05	\$33.34	\$34.59	\$35.81	\$36.97	\$38.08	\$38.96	\$39.87
B5	\$28.12	\$29.30	\$30.51	\$31.75	\$32.94	\$34.09	\$35.20	\$36.25	\$37.09	\$37.98
B4	\$26.51	\$27.63	\$28.78	\$29.95	\$31.07	\$32.15	\$33.20	\$34.19	\$34.98	\$35.78
B3	\$24.09	\$25.11	\$26.16	\$27.21	\$28.23	\$29.22	\$30.18	\$31.08	\$31.80	\$32.52
B2	\$21.89	\$22.83	\$23.78	\$24.74	\$25.68	\$26.58	\$27.44	\$28.26	\$28.92	\$29.57
B1	No Positions									

FY2024 -(Second Shift) Effective July 1, 2023

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$32.26	\$33.57	\$34.92	\$36.28	\$37.60	\$38.87	\$40.10	\$41.27	\$42.19	\$43.10
B6	\$30.78	\$32.03	\$33.30	\$34.59	\$35.84	\$37.06	\$38.22	\$39.33	\$40.21	\$41.12
B5	\$29.37	\$30.55	\$31.76	\$33.00	\$34.19	\$35.34	\$36.45	\$37.50	\$38.34	\$39.23
B4	\$27.76	\$28.88	\$30.03	\$31.20	\$32.32	\$33.40	\$34.45	\$35.44	\$36.23	\$37.03
B3	\$25.34	\$26.36	\$27.41	\$28.46	\$29.48	\$30.47	\$31.43	\$32.33	\$33.05	\$33.77
B2	\$23.14	\$24.08	\$25.03	\$25.99	\$26.93	\$27.83	\$28.69	\$29.51	\$30.17	\$30.82
B1	No Positions									

FY2025 - Effective July 1, 2024

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$31.94	\$33.29	\$34.68	\$36.08	\$37.44	\$38.75	\$40.02	\$41.22	\$42.17	\$43.11
B6	\$30.42	\$31.70	\$33.01	\$34.34	\$35.63	\$36.88	\$38.08	\$39.22	\$40.13	\$41.07
B5	\$28.96	\$30.18	\$31.43	\$32.70	\$33.93	\$35.11	\$36.26	\$37.34	\$38.20	\$39.12
B4	\$27.31	\$28.46	\$29.64	\$30.85	\$32.00	\$33.11	\$34.20	\$35.22	\$36.03	\$36.85
B3	\$24.81	\$25.86	\$26.94	\$28.03	\$29.08	\$30.10	\$31.09	\$32.01	\$32.75	\$33.50
B2	\$22.55	\$23.51	\$24.49	\$25.48	\$26.45	\$27.38	\$28.26	\$29.11	\$29.79	\$30.46
B1	No Positions									

FY2025 -(Second Shift) Effective July 1, 2024

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$33.44	\$34.79	\$36.18	\$37.58	\$38.94	\$40.25	\$41.52	\$42.72	\$43.67	\$44.61
B6	\$31.92	\$33.20	\$34.51	\$35.84	\$37.13	\$38.38	\$39.58	\$40.72	\$41.63	\$42.57
B5	\$30.46	\$31.68	\$32.93	\$34.20	\$35.43	\$36.61	\$37.76	\$38.84	\$39.70	\$40.62
B4	\$28.81	\$29.96	\$31.14	\$32.35	\$33.50	\$34.61	\$35.70	\$36.72	\$37.53	\$38.35
B3	\$26.31	\$27.36	\$28.44	\$29.53	\$30.58	\$31.60	\$32.59	\$33.51	\$34.25	\$35.00
B2	\$24.05	\$25.01	\$25.99	\$26.98	\$27.95	\$28.88	\$29.76	\$30.61	\$31.29	\$31.96
B1	No Positions									

FY2026 - Effective July 1, 2025

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$33.06	\$34.46	\$35.89	\$37.34	\$38.75	\$40.11	\$41.42	\$42.66	\$43.65	\$44.62
B6	\$31.48	\$32.81	\$34.17	\$35.54	\$36.88	\$38.17	\$39.41	\$40.59	\$41.53	\$42.51
B5	\$29.97	\$31.24	\$32.53	\$33.84	\$35.12	\$36.34	\$37.53	\$38.65	\$39.54	\$40.49
B4	\$28.27	\$29.46	\$30.68	\$31.93	\$33.12	\$34.27	\$35.40	\$36.45	\$37.29	\$38.14
B3	\$25.68	\$26.77	\$27.88	\$29.01	\$30.10	\$31.15	\$32.18	\$33.13	\$33.90	\$34.67
B2	\$23.34	\$24.33	\$25.35	\$26.37	\$27.38	\$28.34	\$29.25	\$30.13	\$30.83	\$31.53
B1	No Positions									

FY2026 -(Second Shift) Effective July 1, 2025

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
B7	\$34.56	\$35.96	\$37.39	\$38.84	\$40.25	\$41.61	\$42.92	\$44.16	\$45.15	\$46.12
B6	\$32.98	\$34.31	\$35.67	\$37.04	\$38.38	\$39.67	\$40.91	\$42.09	\$43.03	\$44.01
B5	\$31.47	\$32.74	\$34.03	\$35.34	\$36.62	\$37.84	\$39.03	\$40.15	\$41.04	\$41.99
B4	\$29.77	\$30.96	\$32.18	\$33.43	\$34.62	\$35.77	\$36.90	\$37.95	\$38.79	\$39.64
B3	\$27.18	\$28.27	\$29.38	\$30.51	\$31.60	\$32.65	\$33.68	\$34.63	\$35.40	\$36.17
B2	\$24.84	\$25.83	\$26.85	\$27.87	\$28.88	\$29.84	\$30.75	\$31.63	\$32.33	\$33.03
B1	No Positions									

Appendix D
GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE
Public Works Operations Department/LIUNA Local 1116
July 1, 2005

1.0. Policy Statement

- 1.1. The Town of Needham firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Needham discourages users of illegal drugs and mis-users of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.
- 1.2. Employees of the Town of Needham are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Needham has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on our ability to accomplish our goal of providing an alcohol and drug-free environment.
- 1.3. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.
- 1.4. Employees who are under the influence of drugs or alcohol, either on the job or when reporting for work, or who possess, consume, or otherwise use alcohol or drugs during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practice, such conditions will be proper cause for disciplinary action up to and including termination of employment. For the purposes of this policy, "under the influence of alcohol or drugs" shall mean the presence of a .04 blood alcohol content or a verified positive drug test, at levels specified by the National Institute of Drug Abuse (NIDA).
- 1.5. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
- 1.6. Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, appropriate action may include discipline, up to and including termination as deemed necessary.

- 1.7. The Town of Needham is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
- 1.8. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

2.0 Types of Tests

2.0.1. Pre-employment

All applicants for employment in the bargaining unit are subject to screening for improper use of alcohol or controlled substances.

2.0.4. Reasonable Suspicion

Reasonable suspicion tests will be conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug misuse. If an employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test will be conducted. Reasonable suspicion testing may only be conducted after consultation with the Director of Public Works or his/her designee. Examples of reasonable suspicion include:

2.0.2.1. Observable phenomena, such as direct observation of on-duty alcohol use or possession and/or direct observation of on-duty use or possession of illegal drugs, and/or the on-duty display of behaviors which appear to be indicative of the use of any illegal drug or alcohol, and are not attributable to other factors;

2.0.2.2. A pattern of abnormal conduct, erratic behavior or deteriorating work performance, including but not limited to, frequent absenteeism, excessive tardiness, or frequent accidents, not attributable to other factors and which appear to be related to drug and/or alcohol abuse; and/or

2.0.2.2. Arrest, indictment, or conviction for a drug-related offense.

2.0.3. Random Testing

Fifty percent (50%) of the bargaining unit will be subject to random, unannounced testing for illegal drugs and twenty-five percent (25%) of the bargaining unit will be subject to random, unannounced testing for alcohol on an annual basis. The Town will disclose to the Union the random testing mechanism used by its contracted vendor. Any test which it is determined not to have been conducted on a random basis will be deemed to be a negative result.

2.0.4. Return to Duty and Follow-up Return to Duty tests will be conducted when an individual who has violated the prohibited alcohol or drug standards returns to work. Follow-up tests are unannounced, and at least three (3) tests will be conducted in the first 12 months after an employee returns to duty.

3.0 Conducting Tests

3.1 Alcohol Testing

Alcohol testing will be conducted in accordance with the Department of Transportation Regulations (49 CFR part 40).

3.2 Drug Screening

Drug tests will consist of screening for five drugs, classes of drugs, or their metabolites: marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine (PCP), and amphetamines. Drug screening using urinalysis will be conducted in accordance with the Department of Transportation Regulations (49 CFR part 40).

4.0 Refusal to Participate

Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

5.0 Consequences of Alcohol/Drug Misuse

5.1 Members of the bargaining unit who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) will not be allowed to return to the workplace. Probationary employees will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with Section 5.2 and 5.3. Non-probationary employees who choose not to avail themselves of this rehabilitation opportunity will be terminated immediately.

5.2 Employees who wish to continue employment with the Town of Needham must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate.

5.3. Employees who have been evaluated by a substance abuse professional who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests, may return to work.

5.4. Employees who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

5.5. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

6.0. Information/Training

- 6.1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign a Confirmation of Receipt.
- 6.2. All supervisory and management personnel in the Public Works Operations Department will receive at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy.
- 6.3. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
- 6.4. All recruitment advertising will include the statement "drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- 6.5. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

**Town of Needham
Select Board
Minutes for Tuesday, January 9, 2024
Select Board's Chamber and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

- 6:01 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.
- 6:02 p.m. Public Comment Period:
No hands raised for public comment.
- 6:03 p.m. Public Hearing: Eversource Grant of Location – 14 Winslow Road:
Presenter: Joanne Callender, Eversource Representative
- Joanne Callender presented that Eversource is seeking a permit to provide temporary service to the new home at 14 Winslow Road. Ms. Fitzpatrick confirmed that all information is in order. Ms. Frail asked whether work will be conducted on private property only or on a public roadway as well. Ms. Fitzpatrick will confirm. No public comments heard.
- Motion by Ms. Dowd that the Select Board approve and sign a petition from Eversource Energy to install approximately 44 feet of conduit in 14 Winslow Road.**
Second: Mr. Keane. Unanimously approved 5-0.
- 6:10 p.m. Public Hearing: Eversource Grant of Location – 503 High Rock Street:
Presenter: Joanne Callender, Eversource Representative
- Joanne Callender presented that Eversource is seeking a permit to provide service to the new home at 503 High Rock Street. Ms. Fitzpatrick confirmed that all information is in order. No questions from the Board or public comment.
- Motion by Ms. Frail that the Select Board approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in 503 High Rock Street.**
Second: Mr. Nelson. Unanimously approved 5-0.
- 6:11 p.m. Public Hearing: Climate Action Roadmap:

Presenters: Stephen Frail, Climate Action Plan Committee, Chair; Nick Hill, Climate Action Plan Committee, Vice Chair; and Gabby Queenan, Sustainability Manager

Stephen Frail presented an overview of the Climate Action Roadmap, including a review of the formation of the Committee in early 2022 and the development of the Climate Action Roadmap over the past year. The Committee anticipates finalizing the Climate Action Roadmap in February 2024.

Mr. Frail presented that 92% of Needham survey respondents agree that climate change is happening, and 82% of respondents think that the Town should do more to reduce its impact on the environment. Mr. Frail also presented a breakdown of the current emissions pathways in the Town, with the source of most carbon emissions being residential buildings (37.27%), private transportation (32.39%), and commercial buildings (27.24%). Mr. Frail outlined the high impact strategies below for reducing Needham's greenhouse gas emissions, with the goal of net zero emissions by 2050:

- Electrify transportation
- Electrify buildings & pursue efficiency
- Eliminate natural gas leaks
- Reduce solid waste
- Shift to public transit & low carbon fuels

To contextualize these strategies, Mr. Frail noted that the goals, strategies, and action in the Climate Action Roadmap are organized into six key focus areas:

1. Clean energy
2. Governance
3. Natural resources & waste
4. Net zero buildings
5. Resilience & public health
6. Transportation

Mr. Frail emphasized the Climate Action Plan is a set of recommended actions, prioritized by impact relative to cost. Town leaders will determine which actions to implement on an annual basis, weighing these actions against other Town priorities. Each action follows the standard Town decision-making processes. Ms. Cooley added for the consideration of the Climate Action Plan Committee that the Board received a comment about food and agriculture as it relates to climate change, noting that food and agriculture constitutes approximately 30% of global greenhouse emissions.

Jane Bolden, 133 Brookside Road, asked if there is any item in the document that compels homeowners that currently use propane to switch over to electric. Ms. Cooley noted that there is nothing in the Plan that compels homeowners to take an action.

Ross Donald, 25H Chambers Street, commented that this is a comprehensive document and congratulated the Climate Action Plan Committee. He commented specifically on the terms “solar energy” and “net zero,” highlighting the nuances of their application in the document. He emphasized the need to reduce the consumption of imported non-renewable energy in buildings in Town.

Marvin Berkowitz, 23 Wayne Road, thanked the Committee for the work they have done to develop this plan for the Town. He commented on the potential for local incentives to encourage adoption of electric vehicles.

Kamryn Doerr, 151 Woodbine Circle, contributed that it is important to set expectations for a regular review period, for example every five years, in order to set quantifiable goals. She also added that identifying what “feasibility” means for the roadmap itself, especially around procurement, will be important to hold vendors and the Committee accountable to its goals.

Ms. Cooley added that the next Climate Action Plan Committee meeting will be held on Thursday, January 11, during which the Committee will be reviewing comments and determining any changes to current recommendations.

6:35 p.m. Asbestos and Lead: Nuisance Dust Requirements for Demolition Projects:
Presenter: Timothy McDonald, Director of Health & Human Services

Mr. McDonald presented on the mitigation and removal requirements for asbestos, lead paint, and pests during demolitions in the Town, outlining that there are three Town Departments involved: the Building Department, which issues the Demolition Permit, the Public Health Division, and the Fire Department. The Massachusetts Department of Environmental Protection issues its own regulations involving required notification, containment and mitigation, and licensing standards for individuals conducting demolition work. Mr. McDonald noted that a Select Board Policy from 2003 requires a Fire Department detail to be present at demolitions to control dust by spraying the site of demolition.

Discussion ensued with questions from Select Board members about the process for removing lead from buildings before demolition, dust warning, and how much of the offending substance is removed before demolition. Mr. McDonald emphasized that electronic permitting has allowed for greater collaboration, and the improved process has reduced concern about these substances. If any resident has a concern, they should call the Health Department who track demolition permits and builder information.

6:53 p.m. Town Manager:

RTS Policy Review

Town Manager Kate Fitzpatrick and Director of Public Works Carys Lustig reported a new RTS service for low-income households and residents impacted by

locally declared emergencies. Under the proposal, the Town Manager would be authorized to waive over-the-scale or other bulky item fees for residents with residential stickers who are impacted by locally declared emergencies; and Department of Public Works/RTS staff may be assigned to pick-up household debris related to a locally declared emergency. There will be no fee for this service. Select Board members expressed their appreciation for this policy.

ARPA Update

Ms. Fitzpatrick provided an update on ARPA funding, recommending that the Select Board vote to decrease the funding amount request for the Rosemary Sluice Gate by \$280,000 and create a new line to fund the first phase of the Stormwater Plan with regard to water capacity.

Motion by Mr. Keane that the Select Board vote to approve the revision of the ARPA Proposed Budget.

Second: Ms. Frail. Unanimously approved 5-0.

Parking Meter Policy Review

Myles Tucker presented a draft policy to govern street parking fee waivers, buy-outs, and displays on parking meters. Mr. Tucker reviewed that the Select Board has historically granted permission from Town or third parties to waive or buy-out parking meter fees absent a formal policy. Town staff recommended that the Select Board adopt a policy to govern this practice and to provide clear regulation of decoration of parking meters.

Select Board members discussed the implications of implementing this policy or not given that parking meters are a venue for government speech. Select Board members expressed heightened caution against potential inappropriate speech that could occur through a buy-out and referred the policy back to staff for study. Further discussion will take place regarding holiday parking in Town.

Fire Department Civil Service Ballot Question

The Town and the Fire Union reached agreement on a plan to remove the Town from the Civil Service hiring system. Because the Town of Needham elected to participate in the Civil Service program by way of the vote of the residents at the ballot, the Town may exit the Civil Service system in the same way. Ms. Fitzpatrick recommended that the Board seek approval of this initiative by the voters. Discussion ensued about the phrasing of the question on the ballot and will continue at a future Select Board meeting.

Tree Summit Proposal

Following the Select Board's vote to sponsor a tree summit as a first step toward addressing numerous concerns about tree removal, tree planting, and tree policies, a Summit has been scheduled for Wednesday, February 7 at 7:00 p.m. in Powers Hall¹. The format for the summit is still being developed.

¹ The Tree Summit has since been postponed.

By-Law and Charter Review Committee

Ms. Fitzpatrick recommended that the Board appoint a working group to develop the specific proposal and warrant article language for this purpose. The Composition and Charge includes two meeting dates (if necessary) in February in order to meet warrant deadlines.

Motion by Mr. Keane that the Select Board vote to approve the Charge and Composition of the Town By-Law and Charter Review Working Group.

Second: Ms. Dowd. Unanimously approved 5-0.

7:29 p.m.

Consent Agenda:

Motion by Ms. Frail that the Select Board vote to approve the Consent Agenda as presented.

Second: Mr. Keane Unanimously approved 5-0.

CONSENT AGENDA

1.	Accept the following donation to the Needham Health Division: • \$60 in honor of Alison Phillips to the Substance Use Prevention program
2.	Accept the following donation to the Needham Free Public Library: • From Porchlight Book Company, <u>Know What Matters</u> by Ron Shaich, estimated value \$30; • From Peng Shen, \$20; • From Sandra Swartz, \$200; and • From the Friends of the Needham Free Public Library, \$3,050 for programming expenses in calendar year 2024.
3.*	Approve revisions to SB-FIN-002 (Capital Improvement Policies) & SB-FIN-003 Revisions (Debt Management Policies)
4.	Accept the following donation to Needham Youth & Family Services: • \$50 from Erin Doyle towards the YFS Crisis Donation Fund
5.*	Approve Special Joint Meeting minutes of December 5, Open Session meeting minutes of December 5, and Open Session Meeting minutes of December 19.

7:30 p.m.

Town Manager (continued):

Open Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed that the Board is scheduled to open the warrant for the 2024 Annual Town Meeting. The Warrant is scheduled to be closed on February 13.

Motion by Mr. Nelson that the Select Board vote to open the warrant for the 2024 Annual Town Meeting.

Second: Ms. Frail. Unanimously approved 5-0.

Town Manager Report

Ms. Fitzpatrick reported that Governor Maura Healey implemented mid-year cuts, halving the funds available to the Town for the design of a new Town Seal and Town Branding.

7:33 p.m. Board Discussion:

Open Meeting Law Complaint

Ms. Cooley provided an updated on an Open Meeting Law Complaint filed by Margaret Abruzese that the Board received on June 8, 2023. The Board discussed the Complaint in open session on June 27 and voted to authorize Town Counsel to prepare and submit a response, which was sent on June 29. On July 10, Margaret Abruzese filed a copy of the Complaint and the Town's response with the Office of the Attorney General's Division of Open Government, with a request that it review the matter further. Town Counsel provided a response on August 14. By letter of December 28, the Office of the Attorney General notified the Board of their finding that the Board did not violate the Open Meeting Law as alleged.

NHA Zoning

Ms. Cooley reviewed the work of the Planning Board to consider a change to the Town's Zoning By-law that would enable the redevelopment of the NHA's Linden-Chambers property. The NHA has requested that the Planning Board not include any age or ability restrictions. The NHA is also seeking a warrant article to authorize the Select Board to remove existing age-based restrictions in the Authority's property deeds. Discussion ensued about the implications of potential resident restrictions, including eligibility for federal and state housing funding and the regulations that will govern if we remove restrictions.

Motion by Ms. Dowd that the Select Board vote to authorize the Town Manager to submit a letter to the Planning Board in support of the Needham Housing Authority's Request.

Second: Mr. Nelson. Unanimously approved 5-0.

Committee Reports

Ms. Frail updated on Housing Needham Advisory Group (HONE), which will be hosting a public forum on January 18 at 7:00 p.m. in Powers Hall. There will be a presentation from consultants with a number of different representations of configurations in map format with a survey so that residents can give feedback online and in-person following the meeting. There will be an opportunity for public comment.

Ms. Frail added that she, Ms. Dowd, and Mr. Tucker accompanied DPW staff on a snowplow ride-a-long to learn about the Town's response to snow weather events.

Ms. Dowd noted that she hosted office hours and met with six residents and discussed a range of issues.

7:48 p.m. **Motion by Mr. Keane that the Select Board enter into executive session pursuant to Exception 3: to discuss strategy with respect to collective bargaining with the ITWA, NIPEA, Police Union, and Police Superior Officers Association, where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares and not to return to Open Session prior to adjournment.**
Second: Mr. Nelson. Unanimously approved 5-0.

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, January 23, 2024, at 6:00 p.m.

**Town of Needham
Select Board
Minutes for Tuesday, January 23, 2024
Select Board's Chamber and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.
- 6:01 p.m. Public Comment Period:

Joe Abruzese, 30 Bridle Trail Road, asked about the status of a Citizen Petition he submitted for the upcoming Annual Town Meeting. Ms. Fitzpatrick reported that it appears to be properly filed and that the Select Board has already included the same article and will touch base with the Citizens' Petitioners closer to Town Meeting.
- 6:02 p.m. Public Hearing: Outdoor Dining License – Ceed Corp d/b/a/ Cook Needham
Presenters: Edison Gutierrez, Owner, Deborah Paula, Manager of Record

Edison Gutierrez presented on the plan for Ceed Corp d/b/a Cook Needham located at 109 Chapel Street, to establish an outdoor dining space on three spaces in the municipal parking lot to the rear of the establishment. The space has been used since 2020 in the context of the COVID-19 pandemic. This license would change the requested arrangement of seating to align with non-emergency regulations and allow seasonal use of the space, in-line with the Zoning By-Law and their Special Permit. Discussion ensued about the demand for outdoor seating and the increased seating capacity allowed for by this license.

Motion by Ms. Dowd that the Select Board vote to approve an Outdoor Dining license for Ceed Corp d/b/a/ Cook Needham.
Second: Mr. Keane. Unanimously approved 5-0.
- 6:08 p.m. Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Ceed Corp d/b/a Cook Needham
Presenters: Edison Gutierrez, Owner, Deborah Paula, Manager of Record

Ceed Corp d/b/a Cook Needham currently holds an All-Alcohol liquor license. Ms. Cooley reviewed that the proposed amendment seeks to expand the premises to include a 1,120 square foot outdoor patio area with 52 additional seats. Ms. Fitzpatrick confirmed all documentation is in order.

Motion by Ms. Frail that the Select Board vote to approve the Amendment for Alteration of Premises application received from Ceed Corp d/b/a Cook Needham and vote to forward the Amendment application to the ABCC for review and final approval.

Second: Mr. Nelson. Unanimously approved 5-0.

6:10 p.m.

DPW Update:

Presenter: Carys Lustig, Director of Public Works, Shane Mark, Assistant Director of Public Works

Carys Lustig provided a general update of Public Works Projects completed in the 2023 construction season and other general updates, including the following items:

- Accomplished high volume of work this year
- Staffing levels back up to sustainability level
- Training newer staff as more seasoned staff retires
- Weather is a major factor: wet weather limited number of construction days and types of work; flooding in August redirected the focus on staffing
- Preparing for intense construction season next year with over \$15 million in projects planned and ARPA funds needing to be expended

Ms. Lustig highlighted the work of DPW on stormwater capacity, including 21 neighborhood meetings to understand how water moved through Town during the August 8 storm. They also provided one point of communication for all Town services, helped residents to make decisions on how to best harden their property, and have continued to determine what can be done infrastructure wise, both short- and long-term. Ms. Lustig emphasized the importance of both public and private actions to mitigate flooding. DPW will continue to develop a plan for when major weather events occur, in addition to a landing page on the DPW website specifically related to water capacity issues. Stormwater capacity improvements are included in every year of the five-year capital plan.

Ms. Lustig outlined further projects conducted, including highway surface treatments, paving, sidewalk improvements, and the Needham Heights renovation, as well as work conducted on water, sewer, drains, and parks. Further updates include GPS upgrades and vehicle replacements, and working towards converting the fleet to all-electric vehicles. Ms. Lustig also highlighted the work of DPW in building maintenance, in particular the updated Pollard Locker Room.

Current planning for the 2024 season includes:

- Large projects: 128 Interceptor Project, Walker Pond Phase II, Claxton Field Project, South Street Water Main, Reservoir Dredging and BMPs
- Engineering providing support for all Park & Recreation Projects
- Building Maintenance providing support for all building related projects
- Addition of Stormwater Plan and Quiet Zone Work
- Downtown Renovation Work Planning and Design

Select Board members thanked DPW for their continued commitment to infrastructure improvements and creative solutions. Ms. Cooley raised the potential of coordinating efforts with the Mobility Planning Coordination Committee to discuss some of these initiatives in a public forum in the future.

6:45 p.m. Consent Agenda:
Motion by Mr. Keane that the Select Board vote to approve the Appointments and Consent Agenda as presented.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	Kevin Keane	Stormwater By-Law Working Group Term Exp: 10/31/2024
2.	Thomas Ryder	Stormwater By-Law Working Group Term Exp: 10/31/2024
3.	Deborah Anderson	Stormwater By-Law Working Group Term Exp: 10/31/2024
4.	Joseph Prondak	Stormwater By-Law Working Group Term Exp: 10/31/2024
5.	Maya Dabby	Human Rights Committee Term Exp: 6/30/2024
6.	Gregory Dunn	Human Rights Committee Term Exp: 6/30/2024
7.	Stacey Mulroy	Rail Trail Advisory Committee Term Exp: 6/30/2026
8.	Deborah Anderson	Rail Trail Advisory Committee Term Exp: 6/30/2026
9.	Marianne Cooley	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024
10.	Catherine Dowd	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024
11.	Theodora Eaton	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024
12.	Adam Block	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024
13.	Louise Miller	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024
14.	Connie Barr	Town By-Law and Charter Review Working Group Term Exp: 11/30/2024

CONSENT AGENDA

1.	Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks and festivities on Wednesday July 3, 2024, and a road race, flag raising, and parade on Thursday, July 4, 2024. Coordination of all activities will be made with appropriate Town Departments.
2.	Authorize the placement of “Go Fourth” lawn signs at the Town Hall and Public Services Administration Building from June 20, 2024 through July 4, 2024.
3.	Accept the following donation to Needham’s Aging Services Division: • \$100 from Constance Borab
4.	Accept the following donations to the Needham Fire Department: • \$50 from David McMorran • \$75 from Abdul and Hafeza Asmal
5.	Approve the following donations to the Needham Free Public Library: • From our own Nancy Teich, <i>In the Form of a Question: the Joys and Rewards of a Curious Life</i>, by Amy Schneider (signed by author; estimated value \$28); • <i>Journeys from There to Here</i>, gifted and signed by the author Susan J. Cohen (estimated value \$16); • From Ellen Knizeski, \$200 in honor of Bernie Ford; • From Paula Dunn, \$100 in honor of Anne M. Dunn; • From Fidelity Charitable Donations, \$1,000; and • From the Friends of the Needham Library, \$400 in honor of Sam Stern and Barbara Cusack.
6.	Approve a Common Victualler’s License application for Just Salad 669 Highland Avenue LLC d/b/a Just Salad Store #83.
7.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • \$2,000 from Mr. C. Bruce Johnstone
8.	Designate the Needham Town Hall as the Early Voting location for the Presidential Primary Election and approve the Early Voting Hours as listed: Saturday, February 24, 9am-5pm, Monday, February 26, 9am-5pm, Tuesday, February 27, 9am-5pm, Wednesday, February 28, 9am-5pm, Thursday February 29, 9am-5pm, and Friday, March 1, 9am-1pm.
9.	Approve the assignment of Police Officers to polling places as recommended by the Police Chief.
10.	Sign the Warrant for the 2024 Presidential Primary Election to be held on Tuesday, March 5, 2024.

6:46 p.m. Town Manager:

Accept and Refer Zoning

The Planning Board voted to place two articles on the warrant for the May 2024 Annual Town Meeting related to the Affordable Housing District and the Map Change for Affordable Housing District to enable the Linden Street project. Under State law, the Select Board has 14 days to accept the proposed amendments and refer them to the Planning Board for its review, hearing, and report.

Motion by Ms. Frail that the Select Board vote to accept the proposed zoning articles titled, “Article 1 – Amend Zoning By-Law – Affordable Housing District” and “Article 2: Amend Zoning By-Law – Map Change for Affordable Housing District” for referral to the Planning Board for its review, hearing, and report.

Second: Mr. Nelson. Unanimously approved 5-0.

Fire Ballot Question

The Town and the Fire Union reached an agreement on a plan to remove the Town from the civil service hiring system. Because the Town of Needham elected to participate in the civil service program by way of the vote of the residents at the ballot, the Town may exit the civil service system in the same way.

Motion by Ms. Dowd that the Select Board vote to place the following question on the ballot for the 2024 Annual Town Election: Shall the Town of Needham revoke its acceptance of Chapter 31 of the General Laws relative to the Fire Department, and thereby remove the Fire Department from Civil Service? Yes/No.

Second: Ms. Frail. Unanimously approved 5-0.

RTS Services for Low Income Households and Residents Impacted by Locally Declared Emergencies

This proposed revision to the policy governing RTS services for low-income households would authorize the Town Manager to waive over-the-scale or other bulky item fees for residents with residential stickers who are impacted by locally declared emergencies; and DPW/RTS staff may be assigned to pick-up household debris related to a locally declared emergency at no additional cost to the resident.

Motion by Ms. Frail that the Select Board adopt the proposed update to SB-FIN-004 “RTS Services for Low Income Households and Residents Impacted by Locally Declared Emergencies.”

Second: Mr. Keane. Unanimously approved 5-0.

Amended Community Benefit Agreement – Sira Naturals, Inc.

Ms. Fitzpatrick discussed a proposed amended Community Benefit Agreement (CBA) between the Town and Sira Naturals, Inc. The purpose of this proposal is to bring the CBA Community Impact Fees in conformity with amendments to Massachusetts General Law that have occurred following the signing of the initial CBA.

Motion by Ms. Dowd that the Select Board approve and sign the amended Community Benefit Agreement between the Town of Needham and Sira Naturals, Inc.

Second: Ms. Frail. Unanimously approved 5-0.

American Rescue Plan Act (ARPA) Funding

Ms. Fitzpatrick presented a proposal for reallocation of ARPA funds. She recommended that the Board approve a transfer of funds to provide \$17,500 to the Needham Branding and Town Seal Project under the definition of public art.

Motion by Ms. Frail that the Select Board approve the revision of the ARPA Proposed Budget.

Second: Mr. Nelson. Unanimously approved 5-0.

Place the Position of the Town Clerk on the April 9, 2024 Town Election Ballot

The Town Clerk has indicated that she intends to step down after the April 9, 2024 election. As such, she has requested that the Select Board vote to place the position of Town Clerk on the 2024 Annual Town Election ballot.

Motion by Mr. Nelson that the Select Board vote to place the unexpired term of the Town Clerk ending April 8, 2025 on the 2024 Annual Town Election Ballot.

Second: Ms. Dowd. Unanimously approved 5-0.

FY2025 Budget Presentation

Ms. Fitzpatrick, Mr. Davison, and Ms. King presented on the FY2025 Budget. Ms. Fitzpatrick emphasized that the budget priorities outlined in this presentation aim to align with goals of the Select Board. Mr. Davison presented an overview of revenues and expenditures. He noted that the primary revenue sources are property taxes, state aid, and local receipts and that property taxes comprise an estimated 79.6% of the total general fund revenue for FY2025. He also noted that there is an estimated increase of 3.8% in state aid in FY2025, comprising an estimated 6.7% of the general fund revenue. His current estimate for free cash, which has yet to be certified, is \$15 million compared to \$14.5 million for FY2024, a 3.3% increase.

Ms. Fitzpatrick presented the budget drivers evaluated annually, including employee benefits, school enrollment, and staffing. School enrollment is not currently increasing as quickly as it used to, however school needs continue to increase. School enrollment has not returned to their pre-pandemic levels, having decreased by 3.9% from the 2020 to 2021 school year. In the years since, enrollment has been increasing by less than a percentage point each year.

Ms. King presented on changes to submitted budgets, focusing on the Performance Budget requests. These included changes to submitted budgets for items including employee benefits, Board and Committee software, and public safety software licenses. Mr. Davison outlined several funds and other transfers, including unpaid bills of a prior year due to a COVID-19 related delay, athletic facility improvement funds, contributions to drains and sewer improvements, and an allowance for abatements and exemptions. Ms. Fitzpatrick then presented other financial Warrant Articles, highlighting the consolidated technology services for the Town and Schools.

Discussion ensued regarding the uncertainty of federal funding to states and localities. Additionally, costs still remain high for departments across Town when evaluating maintenance budgets.

**Motion by Mr. Keane that the Select Board vote to recommend approval of the Town Manager's Proposed Annual Budget for FY2025.
Second: Ms. Dowd. Unanimously approved 5-0.**

Town Manager Report

- Ms. Fitzpatrick reported on a story in the New York Times about the Boston Post Cane, which she pointed out in the Select Board Chambers and noted the Town's efforts to preserve it.

8:04 p.m. Board Discussion:

Select Board Goals Update

Ms. Fitzpatrick provided an update on the Select Board Goals. Highlights included the work of the Human Rights Committee to institutionalize community conversations on race; utilization of grant money received for a local equity audit to assess departments' practices and policies; focus groups with BIPOC community members; funding of the Pollard Feasibility Study; Housing Authority redevelopment; improvements to tennis courts; Active Recreation Feasibility Study; an app-based parking solution; and Phase 2 of the redesign of the downtown area.

Ms. Fitzpatrick added that the Police Chief will present his annual report at the Select Board Meeting on February 27. Select Board members emphasized the importance of the Rail Trail development with potential coordination with the Mobility Planning Committee. Discussion ensued about a potential Juneteenth observation.

Committee Reports

Ms. Dowd reported that oversight will begin of the spending that has happened on CPA money by the Needham Housing Authority and the Committee plans to produce a report on its progress around mid-March.

Mr. Keane reported on the Climate Action Planning Committee. Action items include revisions to the Roadmap Report, adding metrics, and discussing transportation and food waste issues when updating priorities and future plans for the Committee after the Charter expires. The most recent Committee meeting also included an update on the Planning Board's Solar By-Laws.

Ms. Frail presented on the progress of HONE and reported on the most recent public forum, which had 300 in-person and online attendees with the majority of the public comments in support of the effort. Comments and survey results will be compiled

into an FAQ, which will be available in future. The next public forum will take place on March 7 in Powers Hall¹. Ms. Frail also reported on a meeting with the Council of Economic Advisors and commercial and residential developers to understand what is required to make redevelopment attractive in Town. Ms. Frail also reported on a meeting with the Current Events Online Group from the Senior Center who would like assistance with surveys.

Ms. Cooley reported on the Quiet Zone Working Group. Outreach is underway to meet with both the MBTA and Keolis. The Committee has viewed maps and potential plans, including the potential for adding quad gates and medians and the potential risk reduction and costs associated with these options. It appears as though the quad gates can make a significant risk reduction compared to the present status. The Committee is working to understand what agreements can be formed for reductions in train noise at the Golf Club.

8:29 p.m.

Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board meeting of Tuesday, January 23, 2024.

Second: Mr. Nelson. Unanimously approved 5-0.

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, February 13, 2024, at 6:00 p.m.

¹ The meeting has since been rescheduled to March 28.

**Town of Needham
Water Sewer Billing System
Abatement Form**

FROM: DEPARTMENT OF PUBLIC WORKS
TO: TOWN TREASURER AND COLLECTOR
CC: TOWN ACCOUNTANT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-\$2,853.81
Water Irrigation:	-\$1,711.63
Water Admin Fees:	\$0.00
Sewer Sales:	-\$9,100.99
Transfer Station Charges:	\$0.00

Total Abatement: -\$13,666.43

Order #: 1323

Read and Approved:

Date

Date

Michael J. DeFuria 02/07/2024
Water, Sewer, and Drains Superintendent, DPW

Date

For the Select Board

[Signature] 2/8/2024
Director of Public Works

Town of Needham
Water Sewer Billing System
Abatement Form

Customer Name	Customer		Street		Domestic		Irrigation		Reason		Prepared By:
	ID #	Location ID #	#	Street Name	Water	Sewer	Water	Total	Code		
Steven & Melissa Gladstone	29855	9024	94	Woodbine Cir	\$0.00	\$0.00	-\$144.63	-\$144.63	EWB	KW	
Daniel Henderson	16505	9172	97	Greendale Ave	-\$90.75	-\$86.19	\$0.00	-\$176.94	ACC	KB	
Jennifer Hopkin	33973	19806	250	Linden St	-\$100.08	-\$95.02	\$0.00	-\$195.10	ACC	KB	
Neil Sacks	10647	3148	98	Falcon St	-\$782.46	-\$5,674.94	\$0.00	-\$6,457.40	ACC	KB	
Roy Angel	22599	15860	42	Robinwood Ave	-\$24.63	-\$23.61	\$0.00	-\$48.24	ACC	KB	
Joseph Fionda	21211	9110	100	Greendale Ave	\$0.00	\$0.00	-\$6.71	-\$6.71	ACC	KB	
Jennifer O'Brien	46423	11660	101	Pine Grove St	-\$8.01	-\$7.47	\$0.00	-\$15.48	ACC	KB	
Marianne Kronenberg	6865	16918	85	Mary Chilton Rd	-\$187.89	-\$283.94	\$0.00	-\$471.83	ACC	KB	
Christopher Yablonski	43285	25060	6	Yurick Rd	-\$74.84	-\$71.54	\$0.00	-\$146.38	ACC	KB	
Elana Amaral	35097	1444	15	Dunbarton Rd	-\$54.12	-\$56.09	\$0.00	-\$110.21	ACC	KB	
Nader & Ronda Sidhom	44005	3058	16	Edwardel Rd	\$0.00	\$0.00	-\$1,110.34	-\$1,110.34	ACC	KB	
Allyson Brierley	11227	2328	165	Hillcrest Rd	-\$40.02	-\$36.34	\$0.00	-\$76.36	ACC	KB	
John Wilcox	13605	180	19	Intervale Rd	-\$182.55	-\$1,473.81	\$0.00	-\$1,656.36	ACC	KB	
Needham Enterprises	38537	15670	191	Maple St	-\$55.60	-\$52.56	\$0.00	-\$108.16	ACC	KB	
Kristin Bold	34935	12562	20	Glen Gary Rd	-\$74.10	-\$70.26	\$0.00	-\$144.36	ACC	KB	
Jeffrey Euse	28905	10802	22	Amelia Rd	-\$38.22	-\$38.22	\$0.00	-\$76.44	ACC	KB	
Mary Waters	1487	17566	22	Redington Rd	\$0.00	\$0.00	-\$175.10	-\$175.10	ACC	KB	
Stephen Meirovitz	10595	3398	23	Colgate Rd	-\$20.45	-\$18.93	\$0.00	-\$39.38	ACC	KB	
Chi Wang	8777	10022	25	Guild Rd	-\$396.87	-\$391.89	\$0.00	-\$788.76	ACC	KB	
Laura Segal	25263	5306	263	Warren St	-\$41.55	-\$40.35	\$0.00	-\$81.90	ACC	KB	
Frank Mok	42341	8524	30	Concord St	-\$63.00	-\$59.64	\$0.00	-\$122.64	ACC	KB	
Matt Borrelli Legal	44489	9874	31	Fremont St	-\$122.17	-\$119.77	\$0.00	-\$241.94	ACC	KB	
Michael McParland	623	5648	32	Emerson Pl	-\$77.27	-\$75.69	\$0.00	-\$152.96	ACC	KB	
Jia Wu	39217	5360	33	Lantern Ln	-\$104.50	-\$105.18	\$0.00	-\$209.68	ACC	KB	
Vivek Garg	39285	11540	354	Hunnewell St	-\$2.31	-\$10.34	\$0.00	-\$12.65	ACC	KB	
Dolphy Fernandes	43859	298	38	Valley Rd	-\$267.34	-\$262.98	\$0.00	-\$530.32	ACC	KB	
John Fitts	6649	13504	40	Pilgrim Rd	-\$13.53	-\$16.68	\$0.00	-\$30.21	ACC	KB	
Hiroshi Saito	42297	12060	47	Crescent Rd	-\$31.55	-\$29.55	\$0.00	-\$61.10	ACC	KB	

