

BOARD OF SELECTMEN

March 27, 2012

Needham Town Hall

Agenda

	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Proclamation – National Health Week
2.	7:00	Recognition of Needham High School Dance Team
3.	7:00	Public Hearings Verizon and NSTAR • 597-607 Central Avenue • Thorpe Road
4.	7:00	Public Hearings NSTAR • 47 Wayne Road • 84 Glendale Road
5.	7:10	Babson Scholarships • Melissa Shaak, Babson College
6.	7:20	DPW-Rick Merson, Director of Public Works • DPW Projects Update • Street Permit Procedures & Regulations Amendment
7.	7:40	Town Manager • Determination of Unique Status/59 Lincoln Street and 89 School Street • Conveyance of Land to Algonquin Gas Transmission, LLC • Accept and Refer Zoning Amendment • Open Special Town Meeting Warrant • Annual Town Meeting Warrant Articles
8.	7:50	Board Discussion • Town Manager Performance Evaluation • Committee Reports

APPOINTMENTS

1.	Council of Economic Advisors	Walter Collins – NBA representative
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CONSENT AGENDA *=Backup attached

1.*	Approve application for calendar year 2012 Sale of Second-Hand Articles from Above and Beyond Consignment, located at 1016 Great Plain Avenue.
2.*	Water & Sewer Abatement Order #1139

3.*	Special Sewer Assessment Order #588
4.	Approve a donation of a used stand up freezer made to the Needham Park and Recreation Commission for the Rosemary Pool Complex from the Needham Community Council.
5.*	Approve a revision of the Procedure for Designer Selection by Town Agencies to reflect current State procedures.

PROCLAMATION
National Public Health Week
Week of April 2 – 8, 2012

- WHEREAS:** Nearly one million Americans die from preventable causes each year; and
- WHEREAS:** Even small preventative changes and community initiatives can make a big difference in saving lives and improving overall health; and
- WHEREAS:** The Center for Disease Control (CDC), the American Public Health Association (APHA), and hundreds of partner organizations encourage Americans to prepare effectively for public health threats by participating in the annual National Public Health Week; and
- WHEREAS:** The 2012 National Public Health Week, themed “A Healthier America Begins Today: Join the Movement!” will build upon the National Prevention Strategy to assist our community in promoting healthy behaviors by bringing attention to the following areas: active living and healthy eating; alcohol, tobacco and other drugs; communicable diseases; teen dating safety; and mental and emotional well-being.

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen of the Town of Needham does hereby proclaim April 2-8, 2012 as National Public Health Week to raise awareness and create a healthier Needham by promoting healthy behaviors in our homes and in our community.

Signed this 27th day of March 2012

Maurice P. Handel, Chairman

Jerry Wasserman, Vice Chairman

Daniel P. Matthews

John A. Bulian

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Recognition of Needham High School Dance Team

Presenter(s): Dan Gutekanst, Superintendent of Schools
Micah Hauben, Director of Athletics

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Board will offer its congratulations to the Needham High School Dance Team, Head Coach Paula Callanan, and Assistant Coach Trish Masi.

Dance Team members who will be attending the meeting include: Jayme Agranat (Captain), Jacqueline Agranat, Angela Bello, Olivia Bollinger, Lauren Breen, Karissa Chao, Alison Cohan, Isabella Hayes, Claire Keltie, Brianna Koljonen, Juliet Leary, Carly Levinson, Jade Marson, Kelly McEvoy, Lindsey McEvoy, Amanda Michienzi, Anya Olsen, Margaret Olsen, Hannah Star, Kelsey Walsh, Carly Weinstein, and Sara Windhorst.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

NONE

3. BACK UP INFORMATION ATTACHED:

NONE

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS on: _____

Board of Selectmen

AGENDA FACT SHEET for March 27, 2012

Agenda Item: Public Hearing: Verizon and NSTAR Petition for Central Avenue
Presenter(s): Ellen Joy, Verizon
Maureen Carroll, NSTAR

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Verizon and NSTAR request permission to install an anchor and guy at existing Pole #8/76 on Central Avenue. This work is necessary to hold the pole safe.

The Department of Public Works has approved this petition, based on Verizon and NSTAR's commitment to adhere to regulation that **all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.**

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from Verizon and NSTAR to install an anchor and guy at existing Pole #8/76 on Central Avenue. This work is necessary to hold the pole safe.

3. BACK UP INFORMATION ATTACHED:

- a. Letter of Application
- b. Petition
- c. Order
- d. Petition Plan
- e. Notice Sent to Abutters
- f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



125 High Street/Oliver Tower, Floor 5
Boston, MA 02110



C. DPW 1/11/2012

December 20, 2011

Chairman
Board of Selectmen
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Between 597-607 Central Ave.

Enclosed please find one joint petition (12/11-01) from Verizon New England Inc. and Nstar Electric Company to install an anchor and guy at existing Pole #8/76 on Central Avenue in order to hold the pole safe.

Notice to abutters is required as well as a public hearing.

Sincerely,

Ellen M. Joy
Verizon Right of Way Manager

enc.

*on to provide
TM - Engr.
3/9/12
OK R.P. Merson
DPW
3/16/12*

PETITION FOR NEW JOINT POLE LOCATIONS

December 20, 2011

To the Board of Selectmen
of Needham, Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way:

CENTRAL AVENUE

ONE (1) New Anchor and Guy

The petition proposes to place one new jointly owned anchor and guy on the sidewalk at Pole 8/76 on the westerly side of Central. This petition is necessary in order to hold the pole safe.

Wherefore they ask that they be granted a joint location for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON No. 12/11-01 dated 12/06/2011.

Also for permission to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By Ellen M. Jay
Manager Rights of Way

Dated this 20th day of December, 2011.

NSTAR ELECTRIC

By William D. Jones Jr.
Supervisor Rights and Permits

Dated this 11 day of January, 2012

ORDER FOR NEW JOINT POLE LOCATION

In Board of Selectmen of the Town of Needham, Massachusetts

Notice having been given and a public hearing held, as provided by law,
ORDERED: That the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY be and they are hereby granted a joint location for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Company may deem necessary, in the public way hereinafter referred to, as requested in petition of said Company dated the **20th day of December, 2011.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON No. 12/11-01 dated 12/06/2011 - filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC wires and cables not to exceed the necessary amount of wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles which may be erected thereon under this order:

Central Avenue

ONE (1) Guy and Anchor

The petition proposes to place one joint owned guy and anchor on the sidewalk at existing Pole #8/76 on the easterly side of Central Avenue in order to stabilize the pole.

Also that permission be and hereby is granted to said Company to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Needham, Massachusetts, held on the _____ day of _____ 2011.

Clerk of Selectmen

We hereby certify that on _____ 2011, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Selectmen of the Town of Needham, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Needham, Massachusetts, on the _____ day of _____ 2011, and recorded with the records of location orders of said Town, Book _____, Page _____. this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

PETITION PLAN **VERIZON NEW ENGLAND INC**

Municipality: NEEDHAM, Massachusetts

No. 9AD4AZ

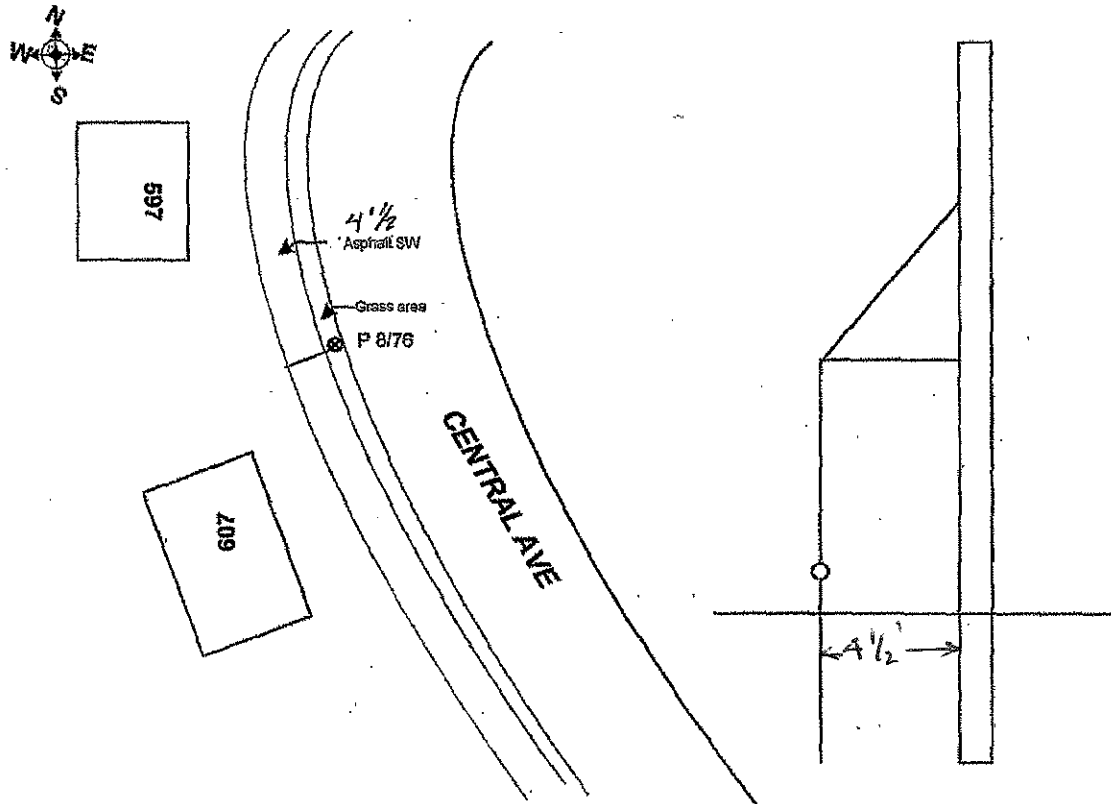
Electric-Power Co.: NSTAR

Date: 12/06/2011

Showing: PROPOSED NEW SWG AT POLE 8/76 CENTRAL AVE

Proposed: Proposed new sidewalk anchor and guy

Purpose: to hold pole safe.



Drawing Not To Scale
All Distances Are Approximate

Prepared By: Philippe Desroses 781 849-6313

LEGEND

Checked By: _____

	- Existing J.O. Pole to Remain*		- Proposed J.O. Pole Location*
	- Existing Verizon N.E. Inc. S.O. Pole to Remain**		- Proposed Verizon N.E. Inc. S.O. Pole Location**
	- Existing Verizon N.E. Inc. Location to be Held Jointly		- Existing Power Co. Location to be Held Jointly
	- Existing Verizon N.E. Inc. Pole Location to be Abandoned		- Existing Power Co. Pole Location to be Abandoned
	- Existing Verizon N.E. Inc. Manhole		- Existing J.O. Pole Location to be Abandoned*
	- Existing Verizon N.E. Inc. Manhole		- Proposed Verizon N.E. Inc. Manhole Location
	- Existing Verizon N.E. Inc. Buried Cable		- Proposed Verizon N.E. Inc. Conduit Location
	- Existing Verizon N.E. Inc. Conduit		- Proposed Verizon N.E. Inc. Buried Cable Location

*J.O. indicates Poles Jointly-Owned by Verizon N.E., Inc. & Power Co.
**S.O. indicates Poles Solely Owned by Verizon N.E., Inc. or Power Co.

Y:\ROW\General\Templates\Pol.Plan 8.5" x 11"



NOTICE

To the Record

You are hereby notified that a joint public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on March 27, 2012** upon petition of Verizon and NSTAR dated December 20, 2011 to install an anchor and guy at existing Pole #8/76 on Central Avenue, Needham. This work is necessary to hold the pole safe. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian

BOARD OF SELECTMEN

Dated: March 16, 2012

597-603 CENTRAL AVE

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
					<u>OWNER</u>	<u>CITY</u>	<u>State</u>
199/104.0-0002-0000.0	586	CENTRAL AVE	THE 586-588 CENTRAL AVENUE CONDOMIN MASTER DEED	20 PICKERING ST	NEEDHAM	NEEDHAM	MA
199/104.0-0002-0001.0	586	CENTRAL AVE	LYNES, PHILIP T & LYNES, CAROLYN D.	586 CENTRAL AVE	NEEDHAM	NEEDHAM	MA
199/104.0-0002-0002.0	588	CENTRAL AVE	YOUNG, ROSEMARY S. W. C/O GHIZZONI, TAMMY A	588 CENTRAL AVE	NEEDHAM	NEEDHAM	MA
199/104.0-0003-0000.0	604	CENTRAL AVE	GIUNTA, GEORGE N. & ANN MARIE, TRS. G & A GIUNTA REALTY TRUST	76 NEHOIDEN ST	NEEDHAM	NEEDHAM	MA
199/104.0-0004-0000.0	612	CENTRAL AVE	CHO, JOHN & CHO, AMY Y.	612 CENTRAL AVENUE	NEEDHAM	NEEDHAM	MA
199/104.0-0051-0000.0	596	CENTRAL AVE	SKIPITARIS, DEMOSTHENES & SKIPITARIS, SANGITA D.	596 CENTRAL AVE	NEEDHAM	NEEDHAM	MA
199/108.0-0009-0000.0	597	CENTRAL AVE	OWEN, RAYMOND H., TR., R & D REALTY TR C/O OWEN, DOUGLAS	585 CENTRAL AVE	NEEDHAM HTS	NEEDHAM HTS	MA
199/108.0-0010-0000.0	603	CENTRAL AVE	OWEN, DOUGLAS C., TR PEACOCK REALTY TRUST	585 CENTRAL AVE	NEEDHAM	NEEDHAM	MA
199/108.0-0011-0000.0	609	CENTRAL AVE	FORTECCHIO, LINO & ROSALIE, TRS. 609 CENTRAL AVENUE NOMINEE TRUST	115 CANTON TERRACE	WESTWOOD	WESTWOOD	MA
199/310.0-0003-0000.0	585	CENTRAL AVE	OWEN, RAYMOND H.; OWEN, RAYMOND H. R & D REALTY TRUST + OWEN, DONALD R.&	585 CENTRAL AVE	NEEDHAM HTS	NEEDHAM HTS	MA

Certified as list of parties in interest under Mass General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors.....

Board of Selectmen

AGENDA FACT SHEET for March 27, 2012

Agenda Item: Public Hearing: Verizon and NSTAR Petition for Thorpe Road

Presenter(s): Ellen Joy, Verizon
Maureen Carroll, NSTAR

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Verizon and NSTAR request permission to install an anchor and guy at existing Pole #145/5 on Thorpe Road. This work is necessary to remove a guy wire from a tree that is being taken down.

The Department of Public Works has approved this petition, based on Verizon and NSTAR's commitment to adhere to regulation that **all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.**

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from Verizon and NSTAR to install an anchor and guy at existing Pole #145/5 on Thorpe Road. This work is necessary to remove a guy wire from a tree that is being taken down.

3. BACK UP INFORMATION ATTACHED:

- a. Letter of Application
- b. Petition
- c. Order
- d. Petition Plan
- e. Notice Sent to Abutters
- f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



125 High Street/Oliver Tower, Floor 6
Boston, MA 02110

C: DPW 2/23/2012

February 10, 2012

Chairman
Board of Selectmen
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Thorpe Rd.

Enclosed please find one joint petition (02/12-02) from Verizon New England Inc. and Nstar Electric Company to install an anchor and guy at existing Pole #145/5 on Thorpe Road in order to remove a guy wire from a tree that is being taken down.

Notice to abutters is required as well as a public hearing.

Sincerely,

Ellen M. Joy

Ellen M. Joy
Verizon Right of Way Manager

enc.

OK to proceed
Tm, Engr.
3/16/12
OK R.P. Kersan
DPW Dis. 3/16/12

PETITION FOR NEW JOINT POLE LOCATIONS

February 6, 2012

To the Board of Selectmen

of Needham, Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way:

Thorpe Road

ONE (1) New Anchor and Guy

The petition proposes to place one new jointly owned anchor and guy on the sidewalk at Pole 145/5 on the westerly side of Thorpe Road. This petition is necessary in order to remove an existing tree guy.

Wherefore they ask that they be granted a joint location for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON No. 02/12-02 dated 2/06/2012.

Also for permission to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By Ellen M. Jay
Manager Rights of Way

Dated this 6th day of February, 2012.

NSTAR ELECTRIC

By William D. Linn
Supervisor Rights and Permits

Dated this 23 day of February, 2012.

ORDER FOR NEW JOINT POLE LOCATION

In Board of Selectmen of the Town of Needham, Massachusetts

Notice having been given and a public hearing held, as provided by law,
ORDERED: That VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY be and they are hereby granted a joint location for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Company may deem necessary, in the public way hereinafter referred to, as requested in petition of said Company dated the 6th day of February, 2012.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON No. 02/12-02 dated 2/06/2012 - filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC wires and cables not to exceed the necessary amount of wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles which may be erected thereon under this order:

Thorpe Road

ONE (1) Guy and Anchor

The petition proposes to place one joint owned guy and anchor on the sidewalk at existing Pole #145/5 on the westerly side of Thorpe Road in order to remove existing tree guy.

Also that permission be and hereby is granted to said Company to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Needham, Massachusetts, held on the _____ day of _____ 2012.

Clerk of Selectmen

We hereby certify that on _____ 2012, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Selectmen of the Town of Needham, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Needham, Massachusetts, on the _____ day of _____ 2012, and recorded with the records of location orders of said Town, Book _____, Page _____, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

PETITION PLAN **VERIZON NEW ENGLAND INC**

Municipality: NEEDHAM, Massachusetts

No. 02/12-02

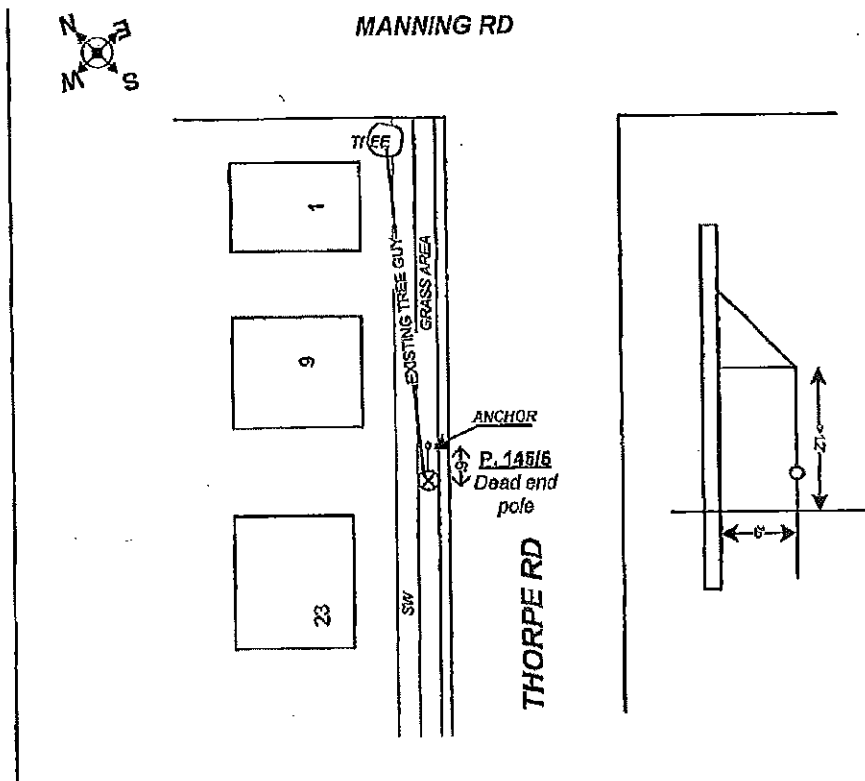
Electric-Power Co.: NSTAR

Date: 2/6/2012

Showing: PROPOSED INSTALLATION OF ANCHOR AND SIDEWALK GUY

Proposed: Install anchor and sidewalk guy at pole 145/5.

Purpose: To remove tree guy.



Drawing Not To Scale
All Distances Are Approximate

Prepared By: Phillippe Desroses 781 849-6313

LEGEND

Checked By: _____



- Existing J.O. Pole to Remain*



- Existing Verizon N.E. Inc. S.O. Pole to Remain**



- Existing Verizon N.E. Inc. Location to be Held Jointly



- Existing Verizon N.E. Inc. Pole Location to be Abandoned



- Existing Verizon N.E. Inc. Manhole



- Proposed J.O. Pole Location*



- Proposed Verizon N.E. Inc. S.O. Pole Location**



- Existing Power Co. Location to be Held Jointly



- Existing Power Co. Pole Location to be Abandoned



- Existing J.O. Pole Location to be Abandoned*



- Proposed Verizon N.E. Inc. Manhole Location

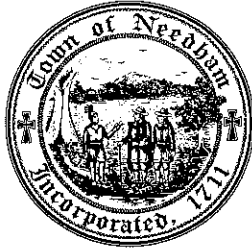
..... VZ Existing Verizon N.E. Inc. Buried Cable

—— VZ —— Existing Verizon N.E. Inc. Conduit

..... VZ Proposed Verizon N.E. Inc. Conduit Location

..... VZ Proposed Verizon N.E. Inc. Buried Cable Location

*J.O. indicates Poles Jointly-Owned by Verizon N.E., Inc. & Power Co.
 **S.O. indicates Poles Solely-Owned by Verizon N.E., Inc. or Power Co.



NOTICE

To the Record

You are hereby notified that a joint public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on March 27, 2012** upon petition of Verizon and NSTAR dated February 10, 2012 to install an anchor and guy at existing Pole #145/5 on Thorpe Road, Needham. This work is necessary to remove a guy wire from a tree that is being taken down. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian

BOARD OF SELECTMEN

Dated: March 16, 2012

9 & 23 THORPE RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
199/064.0-0020-0000.0	28	THORPE RD	IRVING, BARBARA L. C/O MANNING, ANDREW T & DARCIE B	32 THORPE RD	<u>OWNER CITY</u> NEEDHAM HTS	<u>State</u> MA	<u>OWNER ZIP</u> 02494
199/064.0-0021-0000.0	14	THORPE RD	DESMOND, ELIZABETH L.	14 THORPE RD	NEEDHAM HTS	MA	02494
199/064.0-0022-0000.0	53	MANNING ST	ZOMMERS, TARAS A. & SWAINE, JACKI L.	53 MANNING ST	NEEDHAM HTS	MA	02494
199/064.0-0069-0000.0	3	THORPE RD	MONTALTO, MARC & MONTALTO, GWEN M.	3 THORPE RD	NEEDHAM	MA	02494
199/064.0-0070-0000.0	9	THORPE RD	FLAHERTY, MICHAEL G.	129 PARKER RD	NEEDHAM HTS	MA	02494
199/064.0-0071-0000.0	23	THORPE RD	PEIRCE, BRUCE H. & PEIRCE, KAREN F.	23 THORPE RD	NEEDHAM HTS	MA	02494
199/064.0-0072-0000.0	29	THORPE RD	WADE, JEFFREY T. & WADE, SALLY H.	29 THORPE RD	NEEDHAM HTS	MA	02494

Certified as list of parties in interest under Mass General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors.....



Board of Selectmen

AGENDA FACT SHEET for March 27, 2012

Agenda Item: Public Hearing: NSTAR Petition for Wayne Road

Presenter(s): Maureen Carroll, NSTAR

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

NSTAR requests permission to install approximately 4 feet of conduit at Pole 343/10 on Wayne Road, Needham. This work is necessary to provide underground electric service for a new home at 47 Wayne Road.

The Department of Public Works has approved this petition, based on NSTAR's commitment to adhere to regulation that **all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.**

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from NSTAR to install approximately 4 feet of conduit at Pole 343/10 on Wayne Road, Needham. This work is necessary to provide underground electric service for a new home at 47 Wayne Road.

3. BACK UP INFORMATION ATTACHED:

- a. Letter of Application
- b. Petition
- c. Order
- d. Petition Plan
- e. Notice Sent to Abutters
- f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



200 Calvary Street
Waltham, Massachusetts 02453

February 23, 2012

C: DPW 2/23/2012

Board of Selectmen
Town Hall
1471 Highland Ave
Needham, MA 02192

RE: ^{#47} Wayne Road
Needham, MA
W.O. #1871235

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install approximately 4'± feet of conduit at pole 343/10 on Wayne Road, Needham.

This work is necessary to provide underground electric service for new home @ #47 Wayne Road.

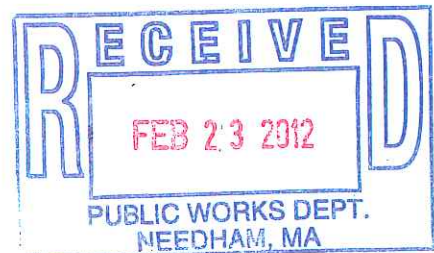
Your prompt attention to this matter is appreciated. If you have any questions please contact Maureen Carroll at (617) 369-6421.

Sincerely,

William D. Lemos-Supervisor
Rights & Permits

WDL/aw
Attachments

Ok to proceed
Tmz
3/16/12
OK R.P. Mershen
DPW Dir.
3/16/12



**PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR
CONDUITS
AND MANHOLES**

To the **Board of Selectmen** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated February 10, 2012**, and filed herewith, under the following public way or ways of said Town:

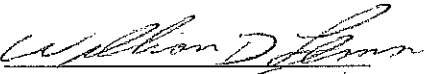
Wayne Road --

Northerly @ pole 343/10 approximately 456'± feet northwest of Sunnyside Road a distance of about 4'± feet - conduit

(WO. 1871235)

NSTAR ELECTRIC COMPANY

BY


William D. Lemos

Rights & Permits, Supervisor

Dated this 23rd day of February 2012

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2012

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC COMPANY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Wayne Road - Northerly @ pole 343/10 approximately 456'± feet northwest of Sunnyside Road a distance of about 4'± feet - conduit

(WO. 1871235)

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A. Debenedictis, Dated February 10, 2012** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2012 at _____ in said Town.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2012 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

S:\SHARED\CIMAGE\BASLINS\WEE\WAYNEAB.dwg

53

#47

#35

APPROX. PT.
OF PICKUP

JO-TEL
343/9

CUSTOMER TO INSTALL
1-3" PVC PIPE
SCHEDULE 40 NO CONCRETE

45±

JO
343/10

456.9'± TO
SUNNYSIDE RD

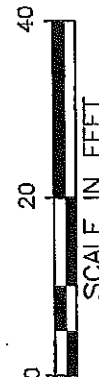
JO-TEL
343/11

WAYNE RD

#52

#44

#36



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC & GAS CORPORATION NOR ITS AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD NSTAR ELECTRIC & GAS CORPORATION HARMLESS FROM ANY SUCH LOSS OR INJURY. THIS REPRESENTS A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233



GIS SERVICES
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02128

Plan of WAYNE RD

NEEDHAM

Showing PROPOSED CUSTOMER TO INSTALL CONDUIT

Scale 1"=20'

Date FEBRUARY 10, 2012

SHEET 1 of 1

P#

Approved A. DERBENEDICTIS

Plotted by LM

Structures by TO

Surveyed by NSTAR

Work Order # 1871235

Ward #

C#



NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on March 27, 2012** upon petition of NSTAR dated February 23, 2012 to install approximately 4 feet conduit at pole 343/10 on Wayne Road, Needham. This work is necessary to provide new underground electric service for a new home, 47 Wayne Road. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian

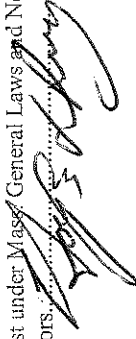
BOARD OF SELECTMEN

Dated: March 16, 2012

47 WAYNE RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
					<u>OWNER</u>	<u>CITY</u>	<u>State</u>
199/093.0-0063-0000.0	23	WAYNE RD	BERKOWITZ, MARVIN M. + SERINSKY, SHARON P.	23 WAYNE RD	NEEDHAM	HTS	MA
199/096.0-0060-0000.0	52	WAYNE RD	ALLAN, JEFFREY H., TR & ALLAN, KARLA E., TR	52 WAYNE RD	NEEDHAM	HTS	MA
199/096.0-0061-0000.0	44	WAYNE RD	TACCIOLI, GUILLERMO E. & BAJARDI-TACCIOLI, ADRIANA C.	44 WAYNE RD	NEEDHAM	HTS	MA
199/096.0-0062-0000.0	36	WAYNE RD	CHARNY, YELENA	36 WAYNE RD	NEEDHAM	HTS	MA
199/096.0-0063-0000.0	30	WAYNE RD	SHANAYDA, OLENA & AGRANOVICH, GENNADY	30 WAYNE RD	NEEDHAM	HTS	MA
199/096.0-0064-0000.0	35	WAYNE RD	MCQUIVEY, JAMES L. & MCQUIVEY, MEGAN K.	35 WAYNE RD	NEEDHAM		MA
199/096.0-0065-0000.0	47	WAYNE RD	BOWERS, ALBERT K. JR.	47 WAYNE ROAD	NEEDHAM		MA
199/096.0-0066-0000.0	53	WAYNE RD	LUSKIN, BEVERLY C/O BALASUBRAMANIAM, KARTHIK & RAO	53 WAYNE RD	NEEDHAM	HTS	MA

Certified as list of parties in interest under Mass General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors.



Board of Selectmen

AGENDA FACT SHEET for March 27, 2012

Agenda Item: Public Hearing: NSTAR Petition for Glendale Road

Presenter(s): Maureen Carroll, NSTAR

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

NSTAR requests permission to install approximately 4 feet of conduit at Pole 211/11 on Glendale Road, Needham. This work is necessary to provide underground electric service for a new home at 84 Glendale Road.

The Department of Public Works has approved this petition, based on NSTAR's commitment to adhere to regulation that **all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.**

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from NSTAR to install approximately 4 feet of conduit at Pole 211/11 on Glendale Road, Needham. This work is necessary to provide underground electric service for a new home at 84 Glendale Road.

3. BACK UP INFORMATION ATTACHED:

- a. Letter of Application
- b. Petition
- c. Order
- d. Petition Plan
- e. Notice Sent to Abutters
- f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



200 Calvary Street
Waltham, Massachusetts 02453

February 23, 2012

C: DPW 2/23/2012

Board of Selectmen
Town Hall
1471 Highland Ave
Needham, MA 02192

84
RE: Glendale Road
Needham, MA
W.O. #1866662

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install approximately $\pm$ feet of conduit at pole 211/11 on Glendale Road, Needham.

This work is necessary to provide new underground electric service for new house @ #84 Glendale Road.

Your prompt attention to this matter is appreciated. If you have any questions please contact Maureen Carroll at (617) 369-6421.

Sincerely,

William D. Lemos-Supervisor
Rights & Permits

WDL/aw
Attachments

ok to
proceed Eng
3/16/12
OK R.P. Dawson
dpw directed
3/16/12



**PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR
CONDUITS
AND MANHOLES**

To the **Board of Selectmen** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

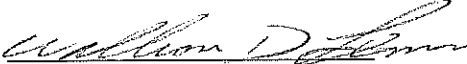
WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated February 10, 2012**, and filed herewith, under the following public way or ways of said Town:

Glendale Road -

Southerly @ pole 211/11 approximately 304'± feet northwest of Clark Road a distance of about 4'± feet - conduit

(WO. 1866662)

NSTAR ELECTRIC COMPANY

BY 
William D. Lemos
Rights & Permits, Supervisor

Dated this 23rd day of February 2012

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2012

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC COMPANY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Glendale Road - Southerly @ pole 211/11 approximately 304'± feet northwest of Clark Road a distance of about 4'± feet - conduit

(WO. 1866662)

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A.Debenedictis, Dated February 10, 2012** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2012 at _____ in said Town.

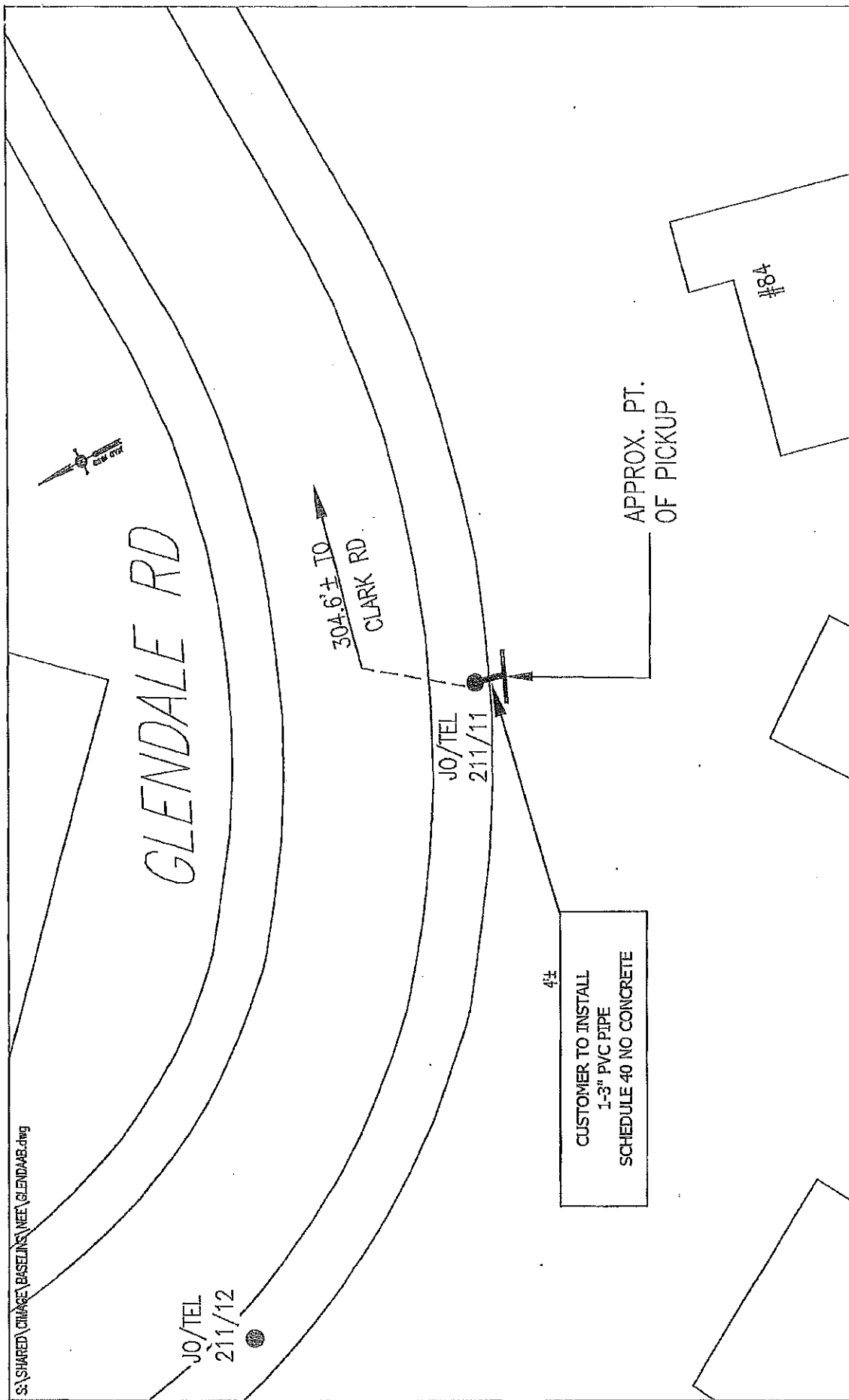
1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

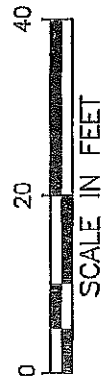
I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Masssachusetts, duly adopted on the _____ day of _____, 2012 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

S:\SHARED\CHANCE\BASELINES\NEE\GLENDAAB.dwg



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC & GAS CORPORATION NOR ITS OFFICES, DIRECTORS, EMPLOYEES, AGENTS, OR REPRESENTATIVES SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD NSTAR ELECTRIC & GAS CORPORATION HARMLESS FROM ANY SUCH LOSS OR INJURY. THE INFORMATION DOES NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED. MASS. LAW REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233		NSTAR ELECTRIC GIS SERVICES 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
C#	Ward #	Work Order #	Surveyed by
		1866662	NSTAR
Structures by		TQ	
Plotted by		LM	
Approved	A. DEBENEDICTIS	Scale	1"=20'
P#		SHEET	1 of 1
		Date	FEBRUARY 10, 2012
		Showing PROPOSED CUSTOMER TO INSTALL CONDUIT	
		Plan of GLENDALE RD	
		NEEDHAM	





NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on March 27, 2012** upon petition of NSTAR dated February 23, 2012 to install approximately 4 feet conduit at pole 211/11 on Glendale Road, Needham. This work is necessary to provide new underground electric service for a new home, 84 Glendale Road. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian

BOARD OF SELECTMEN

Dated: March 16, 2012

84 GLENDALE RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
					<u>OWNER CITY</u>	<u>State</u>	<u>OWNER ZIP</u>
199/112.0-0036-0000.0	134	CLARKE RD	PROCK, ALFRED & PEGGY B., TRS. 134 CLARKE ROAD REALTY TRUST	134 CLARKE RD	NEEDHAM	MA	02492
199/112.0-0037-0000.0	51	GLENDALE RD	RUSSELL, JAMES A. & RUSSELL, LORRAINE	51 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0038-0000.0	43	GLENDALE RD	GRIMES, KEVIN T. C/O PAGLIA, PAUL F & ROBERTA A.	43 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0039-0000.0	31	GLENDALE RD	SILETTO, JOSEPH M. & SILETTO, GRETCHEN R.	31 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0040-0000.0	89	GLENDALE RD	MOYNIHAN, JOHN R., TRUSTEE ANNE G. MOYNIHAN FAMILY REVOCABLE	89 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0041-0000.0	84	GLENDALE RD	FALING, L. JACK & JUDITH R., TRS. C/O DEPIETRI, WILLIAM A., TR	84 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0043-0000.0	90	GLENDALE RD	MURPHY, JOHN A., TR& C/O LEIBERMAN, AARON F & KERRY A.	90 GLENDALE RD	NEEDHAM	MA	02492
199/112.0-0045-0000.0	96	GLENDALE RD	96 GLENDALE LLC C/O SOLOMON, ORIEL & DIANE	96 GLENDALE RD	NEEDHAM	MA	02492

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors...

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Babson College Scholarships

Presenter(s): Melissa Shaak, Director of Financial Aid, Babson College

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Board of Selectmen awards scholarships to local residents from a fund made available to the Town from Babson College. The number of scholarships and their size is determined by the Board of Selectmen and the Financial Aid Office of Babson College. Melissa Shaak and Jerry Wasserman met recently and reviewed all the applications.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board of Selectmen votes to award the Town of Needham Babson Scholarships to the following applicants:

Kelsey Bronski	Current sophomore
Lauren Confort	Current sophomore
Anthony Elian	Current sophomore
Susanna Kroll	Current sophomore
Flynn Lincoln	Current junior
Julia Salamone	Current first-year student (on leave Spring 2012)
Nicholas Wong	Current first-year student
Matthew Leskanic	Enrolling at Babson Fall 2012

3. BACK UP INFORMATION ATTACHED:

a. Listing of Awards (confidential)

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

Board of Selectmen

AGENDA FACT SHEET for 03/27/12

Agenda Item: 1. DPW Projects Update

Presenter(s): Richard P. Merson, DPW Director

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The DPW Director will provide a status on recently completed work, on-going activities, and upcoming work for the 2012 Construction Season, and projects currently in development.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES ☒ NO (circle one)

NONE

3. BACK UP INFORMATION ATTACHED:

1. DPW Project Report dated March 27, 2012

4. SIGN OFF/APPROVAL REQUIRED: (circle one)

a. Town Manager	Yes	☒ No	NA	_____
b. Town Counsel	Yes	☒ No	NA	_____
c. Finance Director	Yes	☒ No	NA	_____
d. Town Accountant	Yes	☒ No	NA	_____

Staff use: Disposition by BOS:

Action taken: _____

Present on future Agenda: _____

Refer to/Inform: _____

Report back to BOS by: _____

DPW PROJECT REPORT

SELECTMAN MEETING – MARCH 27, 2012

RECENTLY COMPLETED

- Kendrick Street Bridge Repair (over Charles River)
- Chapel Street Streetscape Improvements

ONGOING WORK

- Booth Street Reconstruction
- Sewer System Rehabilitation – Areas 16 & 22 Phase 3
- Charles River Street Water Treatment Facility – Recovery Tank Modifications
- Carol Road/Brewster Road - Property restoration
- Street Sign Replacement Program
- DPW Equipment Replacement

NEW WORK UNDERWAY

- Reservoir B Sewer Pumping Station Replacement
- Charles River Well Field – Well No. 1 Replacement
- CY 2012 Roadway Paving Program
- CY 2012 Sidewalk Repair & Paving Program
 - Dedham Ave – South Street to Webster Street
 - Linden Street – Sylvan Road to High Rock Street
 - High Street – Webster Street to Greendale Ave

DESIGN IN PROGRESS

- De Fazio Perking Lot - Interim Surface Improvements
- Walker-Gordon Field - Playing Field Improvements
- Webster Street Rehabilitation Phase 3 - West Street/High Street to Greendale Avenue/Highland Avenue
- Highland Ave Water main Replacement – Webster Street to Hunting Road/Gould Street
- Bradford Street/Manning Street Storm Drain Capacity Improvements
- Mary Chilton Road/Great Plain Ave Storm Drain Relocation
- Sportsman's Pond Stormwater Quality Discharge Improvements
- DPW Facility Stormwater Discharge Improvements
- Salt Shed Replacement (PPBC)

MassDOT PROJECTS

- Route 128/I-95 Add-a-Lane
Contract #4 Bridge & Contract #4 Road Construction
Contract #5 Road & Bridge Design
- Highland Ave/Needham, Street Turnback

MISCELLANEOUS

- PSAB Close-out
- PPBC Support – Newman School/Newman @ Pollard School/Senior Center
- Lincoln Street Parking Lot Expansion
- Eaton Square parking lot Expansion
- Nstar Gas – System Expansion/System Replacement Program
- Request for Qualifications (RFQ)
 - Water/Wastewater/Stormwater Related - Engineering & Design Services
 - Roadway Rehabilitation, Repair & Related - Engineering & design Services

Board of Selectmen

AGENDA FACT SHEET for 3/27/12

Agenda Item: 2. Amendment of Street Permit Procedures & Regulations

Presenter(s): Richard Merson Director of Public Works
Anthony Del Gaizo, Town Engineer

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Department of Public Works proposes revisions to the April 1, 2010 Street Permit Procedures & Regulations in order to address some of the program's administration issues. The key points of the changes to the document are as follows:

- Institutes a 3-year license renewal fee of \$300 (The April 1, 2010 document "reserved" a fee schedule for the 3-year license period).
- Provides a reduction of permit fees for property owners who propose improvements of sidewalks along the frontage of their property. Such improvements must meet the town's standards.
- Clarifies the applicant's responsibility in notifying utilities of proposed work.
- Removes the hoisting licensing requirements for applicants who are not proposing excavation work under their permit.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES NO (circle one)

Suggested Motion:

"That the Board vote to approve Street Permit Procedures & Regulations effective April 1, 2012"

3. BACK UP INFORMATION ATTACHED:

1. *Proposed Street Permit Procedure and Regulations document dated 4/1/12*

4. SIGN OFF/APPROVAL REQUIRED: (circle one)

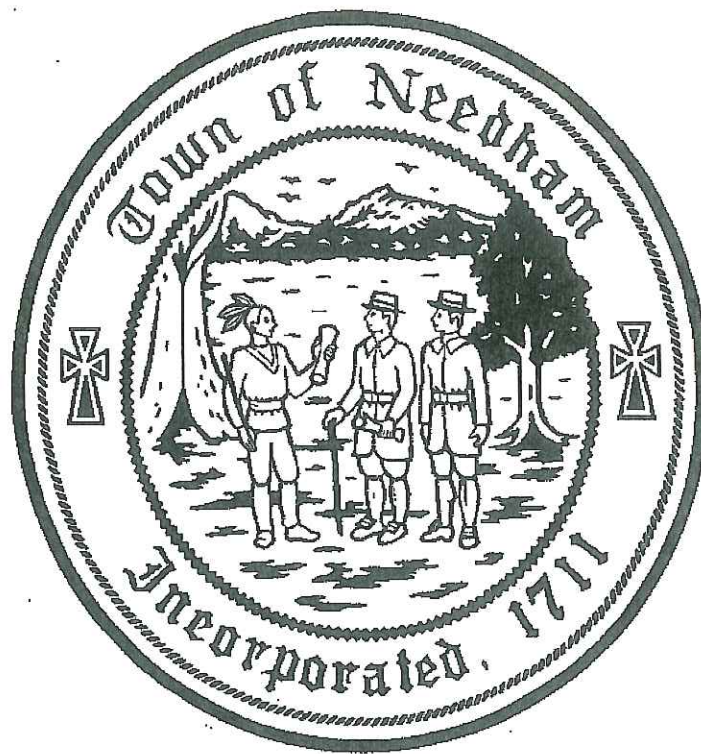
a. Town Manager.	Yes	☒ No	NA	_____
b. Town Counsel	Yes	☒ No	NA	_____
c. Finance Director	Yes	☒ No	NA	_____
d. Accountant	Yes	☒ No	NA	_____

Staff use: Disposition by BOS:

Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS by: _____

TOWN OF NEEDHAM, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
500 Dedham Ave., Needham, MA 02492
(781) 455-7550



Street Permit Procedures & Regulations
Promulgated By The Board of Selectmen
Effective April 1, 2012

Questions? – Call: Joe Hobbs Street Permit Inspector @ (781) 455-7550
Tom Ryder, Asst. Town Engr. @ (781) 455-7550
www.needhamma.gov/dpw
www.muted.fhwa.dot.gov

SECTION 1 GENERAL PROVISIONS

Street permit procedures are promulgated by the Department of Public Works pursuant to the authority granted under Sections 23 and 31 of the Town Charter and Section 2.2.5.1.4 of the General By-Laws.

Excavation and Trench Safety procedures are promulgated by the Department of Public Safety and the Division of Occupational Safety pursuant to authority granted by M.G.L. c. 82A. Requirements established in 520 CMR 14.00 and pursuant to section 2.2.5.4 of the General By-Laws are hereby included in this document.

The purpose of these procedures is to establish reasonable standards to protect the safety of the general public, to avoid interference with other road construction projects and to provide a uniform standard of construction for work within public ways or lands under the control of the Town.

These procedures may be revised from time to time in order to remain consistent with other State, Federal, or local Laws, regulation, or policy.

SECTION 2 DEFINITIONS

Applicant – the person who is applying for a permit or license under these procedures and the person to whom the permit or license is issued.

Competent Person - a person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Excavator – Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local government body or public agency which performs excavation operations including the excavation of trenches.

Grades Card – An index card issued by the building department that requires a signature from DPW staff confirming that all town specifications have been met in order to obtain a certificate of occupancy.

License- Written permission issued by The Needham Department of Public Works to an applicant who has been approved to do work in accordance with the Town's Street Permit procedures.

Person – any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town by-laws, administrative agency, public or quasipublic corporation or body, and any other legal entity, its legal representatives, agents or assigns.

Street – Entire width between the boundaries of every town owned public way or easement.

Street Permit – A permit issued by the Needham Department of Public Works to an Applicant for occupying, obstructing, or excavating within a street, easement, or public or private property.

Trench – An excavation which is narrow in relation to its length, made below the ground surface in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

Trench Permit – A street permit issued to perform trench excavation work.

Work – Opening, occupying, obstructing or excavating in a public way or excavating a trench on public or private property.

Work day – a period of time between 7:00 a.m. and 5:00 p.m. occurring on a day of the week, except Saturdays, Sundays and holidays observed by the Town of Needham Department of Public Works. The hours may be modified as indicated on the permit.

SECTION 3 APPLICATION FOR LICENSES AND PERMITS

SECTION 3.1 License Requirements

No person may occupy, obstruct, excavate within a street or excavate a trench on public or private property prior to becoming licensed by the Town of Needham. Licenses may be issued by the Department of Public Works in 3-year cycles. All existing licenses will expire on December 1, 2012, and thereafter applicants must seek a renewal of their license if they intend to continue to perform work in the Town. A license renewal fee of \$300 will be required for renewal. Persons seeking to renew their license shall provide a copy of their Massachusetts Hoisting License for licenses that allow for excavation in a public way or any trench on a private or public way, a completed license application form, a check in the amount of \$300 payable to the Town of Needham and shall have had no outstanding violations in the previous licensing period. Examples of violations include but are not limited to, working without a street permit or trench permit, working in violation of the restrictions of street permits such as after 5 PM or on weekends, or work that does not meet town specifications. Such person upon receipt of a license commits to having a competent person on site in accordance with 520 CMR 14.00

Needham Department of Public Works shall require a signature committing the applicant to compliance with the requirements; **a valid e-mail address and 24 hour phone number**. A list of licensed contractors will be made available to the public via the Town of Needham website and shall be updated **on an annual basis**.

SECTION 3.2 Street Permit Requirements

Bond and Insurance Requirements

The holder of the permit shall be insured by an insurance carrier licensed to operate in the Commonwealth of Massachusetts. The minimum acceptable insurance amounts are as follows:

Public/General Liability

Bodily Injury	\$100,000/person	\$500,000 single limit
Property Damage	\$300,000/accident	\$500,000 single limit

Depending on the amount, complexity and length of time that a proposed construction work is expected, the Director of Public Works may require an increase of the above minimum insurance limits prior to issuing a permit to the licensed person.

Prior to the issuance of a permit, the Applicant shall deposit, with the Town, a Surety Bond in an amount and form as shall be determined by the Director of Public Works. The amount of the Surety Bond may also be established separately for each permit so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit.

The amount of bond for Street Permits shall be computed on the basis of cost required to make proper restoration or repairs. Immediately upon approval of an application for a permit, the Director of Public Works or his designee shall advise the Applicant as to the amount of bond required. An annual blanket Surety Bond, acceptable to the Director of Public Works, may be deposited to avoid the inconvenience and expenses of obtaining individual bonds for each permit requested. The minimum annual bond amount shall be \$5000.

The bond shall be released to the permit holder upon the expiration of the guarantee period. The guarantee period shall be for a period of one year following the placement of the permanent patch (except in cases of work in a road under a moratorium see Section 13). During the guarantee period, the Applicant shall be responsible for the repair and restoration of the surface.

An application for permit must be filed by a licensed person with the Town of Needham prior to any work on, in, within, under or over any Town-owned right of way, easement or land. Standard application forms for this permit may be obtained from the Department of Public Works.

An application for a Street Permit must be filed with the **Department of Public Works or Board of Health** prior to starting excavation of any Trench. The Applicant shall comply with the Federal Occupational Safety and Health Act, and any and all regulations promulgated by the Massachusetts Department of Public Safety pursuant to MGL c.82A and 520 CMR 14.00 (as amended) and the Town of Needham Bylaws, regulations, policies, and procedures.

Each application form shall be completely filled out and signed by the licensed person and shall be accompanied by the appropriate plans and permit fees. The completed application shall be submitted to the Department of Public Works. **Applications for sub surface sewage works disposal permits are licensed under the permit issued by the Board of Health for that work under each permit issued by the Board of Health.**

When applications are made for permits, complete plans and specifications must be submitted at the time of application. The plans shall be drawn at a scale of 1"=40' or greater scale, shall be drawn on the Form provided and shall contain the following **minimum** information.

General Information:

Address(es) of the area where work is proposed
Name, address and telephone number of the person preparing the plan
Name, address and telephone number of the Applicant
Street name(s) of the roadway(s) being affected
North arrow
Scale of the plan

Within 100 Feet of All Proposed Work:

All property lines, all utility poles and numbers, mailboxes, signs, trees and above ground utilities
All underground utilities
All driveways, intersections and limits of pavement
All fences, walls, guard rails, curbing, berms and rock outcrops
All ditches, swales and streams
All wetland and flood plain areas
All pavement markings

The plans shall show the approximate location and extent of the proposed work. For work requiring a Street Permit application, a traffic control plan or procedure shall also be submitted indicating how the public will be protected and public access continued through the work areas. Details shall include the number of uniformed police officers required by the Chief of Police, the location of barriers or barricades, lights, and warning signs. All safety devices shall comply with and be installed in accordance with the Manual on Uniform Traffic Control Devices, current edition and with the Division of Occupational Safety Requirements.

No Permit and/or license will be issued to an Applicant and work will not be allowed to commence unless the Applicant and property owner of the site are current with all town fees.

Notification requirements

The Applicant shall in accordance with the General Laws of the Commonwealth of Massachusetts give notice to public utility companies before excavation. A valid "Dig Safe" number shall be obtained for each application. The Applicant is also required to notify the Water and Sewer Division for dig safe markings of water, sewer, drain, and Highway Division for traffic signal loops/conduit.

A twenty-four (24) hour notice to the Town Engineer or his designee prior to the start of work in the street or of a trench is required. The Street Permit may also have additional inspection notification requirements listed as part of the conditions of the permit.

Permit Completion

Upon completion of construction work related to the Street Permit, the Applicant shall **notify** the Department of Public Works that the work has been completed in conformance with the permit. The site **will be** inspected and if it is **determined** that all aspects of the project are **properly** complete, the permit will be closed out. If the construction does not meet all criteria specified in the permit regarding the completeness of the project, a notice will be issued to the Applicant outlining the incomplete items.

In the event that a Street Permit cannot be closed out during the period **between April 1st and November 30th**, the applicant may **submit a letter requesting approval of the work contingent upon its completion in order** to obtain an occupancy certificate from the Building Department. Such written request shall include at a minimum: The date which work is expected to be completed, licensed persons that will be completing the work and a current Street Permit must be obtained by the licensed person. The Department of Public Works **may** provide guidance in the form of a standard letter that **may** be submitted for this request. **If the request is not approved, the applicant will receive written notification of the reasons why the request was not accepted.**

SECTION 4 PERMIT AND LICENSE FEES

At the time of filing an application, all fees for the permit **shall** be paid by the Applicant. The fees are based on cost intended to cover the Town's administrative, technical, and inspectional review cost. The fee schedule is as follows:

Street Occupancy Permit Fee -	\$100
Street Excavation Permit Fee -	\$325 First 50 linear feet in Right of Way
	Plus \$1 per foot additional charge in excess of 50 Feet
License Fee	\$300
Trench Excavation Fee	\$50

***Street Permit including
Proposed Sidewalk Improvements \$100**

***The town recognizes a property owners desire to improve the sidewalk areas in front of their property. Street permits that include the re-construction of a sidewalk which improves the town's infrastructure along the frontage of the homeowner's property shall have the permit fee reduced to \$100. The sidewalk requirements for construction shall conform to the minimum standards required by the Town.**

SECTION 5 ISSUANCE OF PERMIT

A permit may be issued after proper completion of all aspects of the application for permit, a validly held street permit license, receipt of a surety bond and certificates of insurance showing insurance coverage in the required amounts; receipt of a DIG SAFE confirmation number; confirmation of notification of Water and Sewer, identification of the competent person responsible for work conducted under the permit, and payment of fees as required in these procedures.

A permit must be signed by the Director of Public Works or his designee before it becomes valid and will include an expiration date and a list of conditions. Permits will be issued within 2 working days after the complete application has been received including any bond amounts and fees, and approval by the Director. No work may commence until the Applicant has received a signed permit.

Permits issued under these procedures are valid for a period of 30 calendar days unless stated otherwise on the permit. Work may only be performed on work days between the dates of April 1st and November 30th inclusive and between the hours of 7:00 a.m. and 5:00 p.m. Except as permitted under the Emergency Permits Section of these procedures, no work shall be conducted on other than the above specified dates and times. Permits may be extended through November 30 of the current year. In the event of the Permit holder's failure to strictly comply with these procedures or permit conditions, the permit issued shall be revoked effective immediately upon making written notification of the violation to the Applicant by hand delivery or by ordinary mail, postage prepaid, addressed to the Applicant's address as shown on the permit.

A permit holder whose permit has been revoked will be subject to a license review which may result in the revocation of his/her license.

SECTION 6 EMERGENCY PERMITS

Oral permission may be granted by the Director of Public Works or his designee to perform emergency work, such as repair of broken gas or water mains, sewer mains or drain lines, telecommunication lines, or electric service conduits. On the first working day following oral permission, the person receiving such permission shall file for a permit in the manner prescribed for non-emergency work.

SECTION 7 INDEMNIFICATION

The Applicant shall agree as a condition governing the issuance of a permit that the Applicant will indemnify and hold harmless the Town of Needham, the Director of Public Works and its agents and employees from any and all claims and action whatsoever arising from the exercises of said permit. The Applicant's signature on the permit application shall be deemed to be an acknowledgment and agreement with the above condition.

The Applicant shall agree as a condition governing the issuance of a permit that if it becomes necessary for the Town to incur legal fees or expenses to defend or enforce any of the terms or conditions of the permit, the Applicant shall reimburse the Town for any such fees and expenses reasonably incurred by the Town.

SECTION 8 PROTECTIVE MEASURES & TRAFFIC CONTROL

It shall be the responsibility of the Applicant to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. The Applicant shall place around openings, excavations, encumbrances or obstructions, such barriers, barricades, lights, warning flags, danger signs and traffic control personnel as are required by the Department of Public Works and the Police Department to protect the safety of the general public. Adequate artificial lighting devices are required to call attention to and indicate the actual location of obstructions and hazards. All barricades, warning signs, lights, temporary signals and other protective devices shall conform with the current edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and with the Division of Occupational Safety Requirements. Traffic control devices shall be set up prior to the start of construction or maintenance operations and shall remain in place only as long as needed or required by the Department of Public Works. Advertisements, notices and signs other than for traffic control shall not be displayed on or attached to any barricade or fence in any right of way.

When the work area encroaches upon a sidewalk, walkway or crosswalk area, protective barriers, together with appropriate warning and guidance devices and signs, must be utilized so that the passageway for pedestrians is safe and well defined.

If any work requires a detour of a section of road, the Applicant **shall** submit at least 5-days in advance a traffic management plan to the DPW, Police, and Fire Department for review.

SECTION 9 STREET PERMIT CONSTRUCTION REQUIREMENTS

All construction shall comply with the "Standards To Be Employed by Public Utility Operators When Restoring Any of the Streets, Lanes and Highways in Municipalities" (see Attached) as promulgated by the Massachusetts Department of Telecommunications and Energy (MDTE) 98-22, **and shall also comply with the following requirements:**

GENERAL CONSTRUCTION

Workmanship

As the work progresses, all streets shall be kept cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All material excavated from trenches, and piles adjacent to the excavated trench in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street from adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, the boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the Applicant haul the excavated material to a storage site and then re-haul it to the trench site at the time of backfilling.

It shall be the Applicant's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

Dust control shall be provided as necessary to prevent a nuisance to abutters and surrounding areas. Dust control shall be by wetting or use of calcium chloride or other approved methods.

Protection of Adjoining Properties and Facilities

The Applicant shall not interfere with any existing facility without the written consent of the Town and/or the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to

accommodate the Applicant, unless the cost of such work will be borne entirely by the Applicant. The cost of moving privately owned facilities shall be similarly borne by the Applicant unless it makes other arrangements with the person owning the facility. The Applicant shall support and protect, by the use of timbers, all piles, conduits, poles, wires or other apparatus which may in any way be necessary to support, sustain and protect them under, over, along or across said excavation works. The Applicant shall secure approval of the method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires, or apparatus shall be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a structure, the Applicant shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the Applicant. It is the intent of this paragraph that the Applicant shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damage is exclusively due to the negligence of the owning company. The Town shall not be made a party to any action because of this paragraph. The Applicant shall inform himself as to the existence and location of all underground facilities and protect the same against damages.

The Applicant shall at all times, and at his own expense, preserve and protect from injury any adjoining property by providing proper foundations and lateral support, and by taking such other precautions as may be necessary for that purpose. The Applicant shall, at his own expense, shore up and protect buildings*, trees, walls, fences or other property likely to be damaged during the progress of excavation work and shall be responsible for all damage to public or private property or roadways resulting from his failure to properly protect and carry out said work. The Applicant shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas, without first obtaining the consent of the Director of Public Works or his designee. (See Massachusetts General Laws, Chapter 87, Section 5 – Cutting Trees)

All unattended trenches shall be plated with steel plates or shall be completely enclosed by a chain link fence at least 6 feet in height in accordance with M.G.L c 82A and 520 CMR 14.00.

The applicant is informed that any work associated with buildings may require approval by the building inspector.

Shade Trees

Shade trees shall not be cut down, trimmed or otherwise injured. Where it is necessary to cut and remove pavement, curb, sidewalk and/or other surface improvement, the material shall be cut and removed by means of equipment suitable to the type of material to be removed and in a manner which results in a minimum amount of damage to adjacent improvements.

The following policy will be adhered to in case a tree is destroyed by the Applicant or a

tree is authorized for removal by the Director:

All tree stumps and debris resulting from the work shall be removed from the location.

A replacement shall be made by the Applicant for each tree removed or destroyed with a minimum caliper of 2 inches or greater; the species and place of relocation to be designated by the Tree Warden. It must be planted in place and it must be balled and burlapped.

The Applicant shall deliver to the Director of Public Works, a bonafide order, placed with a recognized established nursery before installing the authorized trees. The Order shall include in it a statement that the size and species required will be in accordance with "USA Standard for Nursery Stock" and that planting will be done in accordance with the applicable provisions of the Massachusetts Department of Public Works Standard Specifications.

For roadside planting, the following type trees will be acceptable, subject to approval by the Director of Public Works as to which specific species is best for the location where the tree is to be planted: Norway Maple, Sugar Maple, Crimson King Maple, European Linden or approved equal.

In certain areas of the Town, ornamental trees, such as Flowering Crab, European Mountain Ash, Japanese Flowering Cherry, Moraine Ash and Washington Hawthorne, are acceptable as replacement trees. These trees are purchased by height and not by caliper and must be balled and burlapped. They must conform to the following minimum heights: 5' to 6', Flowering Crabs and Flowering Cherries; and 6' to 8' Moraine Ash, European Mountain Ash and Washington Hawthorne.

Drainage

Provisions shall be made to provide for proper drainage during construction and the Applicant shall be responsible for all claims for damage or injury that may arise from or in connection with the work conducted under the permit. The permit holder shall exercise every reasonable precaution to prevent or minimize silting of rivers, streams, ponds, or wetland areas. This shall include the use of berms, dikes, dams, sediment basins, screened or crushed stone, gravel, mulches, grasses, waterways and other erosion control methods.

Monuments

Property or street line monuments, survey reference points and permanent survey benchmarks, shall not be removed or disturbed, unless specifically permitted in writing by the Department of Public Works.

Excavations, Backfilling, and Paving

Excavations shall be backfilled in layers not to exceed 12 inches and shall be compacted to not less than 95% maximum dry density at optimum moisture content using pneumatic

tampers, vibratory compactors or other approved means. Puddling will not be allowed. The material compaction shall be determined by the Standard Proctor Method in accordance with Standard Specifications.

If unsuitable for backfill, excavated material shall be replaced with granular backfill gravel as specified in the Massachusetts Department of Public Works Standard Construction Specifications for Streets and Highways. Within the paved roadway areas, 8 inches of gravel borrow sub base conforming to Massachusetts Standard Specification M1.03.0 Type C shall be placed followed by 4 inches of crushed gravel conforming to M2.01.7 and finally the 2 ½" binder course and 1 ½" wearing course. In sidewalk and driveway areas, six (6) inches of crushed gravel base shall be placed and compacted to achieve 95% density. Any asphalt or concrete sidewalk surface shall be restored to a depth equal to existing with three (3) inches of concrete or pavement minimum. In case of longitudinal trenches in a sidewalk area, full width restoration may be required.

In other areas, the excavation shall be restored to the condition that existed before the excavation or as directed by Department of Public Works inspectors. Any existing grassland shall be restored with four (4) inches of sifted loam which shall be fertilized and seeded.

Driveways

One or a combination of driveway locations may be allowed for a residential lot for a maximum width of 24 feet in total. Such driveway location(s) shall be at least 30' from an intersecting road. (see attachment for typical drawing detail) **Water box covers shall be installed where the water service shut off is located within paved areas.**

Sidewalks

Sidewalks shall meet AAB requirements and restored to a safe passable condition that meets additional specifications in this section. Sidewalk widths **shall** be 4'6" unless otherwise required to be wider per other permit condition, or regulation. Sidewalk widths of less than 4'-6" require approval from the DPW Director. All sidewalk surface repairs/replacements shall consist of the same materials that currently exist, unless the DPW Director approves such other material. Work on or in sidewalk areas may trigger a requirement for handicap ramp construction on corner lots. **Property owners who choose to re-construct the sidewalk in front of their home may be required to construct a handicap ramp on corner lots. Water box covers shall be installed where the water service shut off is located within paved areas.**

Compliance Testing

In general, where compliance to the requirements of these Regulations and their intent is in question, the Applicant, at his expense shall provide any and all proof of compliance to the Department of Public Works. Acceptable proof shall be by, but not limited to, approved independent laboratory tests, approved independent field tests, shop drawings and certificates of compliance from manufacturers. Specific tests as required by regulations and specifications shall be performed.

Other Requirements

The permit shall be kept with the foreman at the place where the work is being performed and shall be produced for examination upon request of any member or officer of the Department of Public Works or any police officer of the Town of Needham.

After an excavation is commenced, the work shall proceed in a continuous manner with diligence and expedition and shall be completed and the street restored, as nearly as possible to its original condition, so as not to obstruct the public places or travel thereon more than is reasonably necessary. The surface of the street shall be permanently restored within a period of time not to exceed five (5) days from the date of completion of the project. In any event, the Applicant shall place and maintain temporary pavement immediately upon backfilling which shall be maintained on a daily basis. Department of Public Works inspectors will require temporary "hot-patch" or "cold-patch" dependent upon the location of the opening. Upon completion of the pavement restoration, the Department of Public Works shall be immediately notified as to the location and time of completion. Permanent pavement surface shall be smooth with less than ¼" dip or bump within a 10' length.

Traffic loops at all signalized intersections must be undisturbed or replaced to original condition prior to completing construction.

Restoration

Cuts in pavement shall be parallel or perpendicular to the line of the trench. In the case of transverse or diagonal trenching, the pavement shall be sawn to provide a flat diamond shaped patch with a two (2) foot minimum overlap on undisturbed material that will permit only one wheel of a vehicle at a time to strike the patch area. Within the sawn limits of the final patch, the existing pavement and any temporary material shall be removed and replaced to an equal depth with a minimum of four (4) inches (two and a half (2 ½) inches of base and 1 ½ inches of top) of bituminous pavement laid and compacted to meet the existing pavement edge exactly. The face of all joints shall be sealed with asphalt emulsion and sanded.

In cases where multiple excavations are made in a street which would result in the edge of patches being closer than 20 feet to one another, the Department of Public Works Inspectors may require one continuous patch. (see attached typical drawing detail)

All permanent pavement markings (crosswalks, traffic center lines, etc.), shall be repainted or replaced by or under the direction of the Department of Public Works of the Town of Needham, at the expense of the Applicant.

The Director of Public Works, as a condition of the permit, reserves the right to restore the highway or cause the same to be restored under his directions and the Applicant shall reimburse the Town for any or all liability and expense suffered by reason of such work. If the final restoration is not completed in a prompt manner, Department forces will, after notice has been given to the Applicant, make final restoration which may be done after their normal working hours (overtime rate). The Applicant shall reimburse the Town for any liability and expense suffered by reason of such work.

UTILITY CONNECTIONS

All utility connections to existing water mains, sewer mains and drain lines shall conform to the following standards and specifications. Sewer, water and drain connections require separate permits and fees from the Water and Sewer Division.

Water Mains and Service Laterals

All extensions to water mains shall be made using a tapping sleeve and valve unless otherwise approved by the Water and Sewer Superintendent. The water main shall be Class 52 CLDI and shall meet Town of Needham Standard Construction Specifications.

All fittings and valves shall also meet Town of Needham Standard Construction Specifications. Poured concrete thrust blocks shall be installed at all tees, plugs and bends in the pipe. The concrete shall meet MDPW Specifications M4-02 for Cement Concrete Class C. The thrust blocks shall be poured against undisturbed original ground and shall be so placed that pipe joints will be accessible for any possible future repairs. Yokes and tie rods may be used where it is not possible to install thrust blocks or at the discretion of the Water and Sewer Superintendent. Pipe anchors shall be used when and as directed.

The pipe shall be properly bedded with clean gravel fill meeting MDPW Specification M1.03.0 Type C. The bedding material shall be placed and compacted by hand to the top of the pipe making sure that no cavities in the bedding exist around the pipe. The pipe bedding shall then continue to one (1 ft.) foot above the pipe.

Service laterals shall be made of 1-inch copper using a 1-inch corporation meeting Town of Needham Standard Construction Specifications. The tap shall be made at either the 2 o'clock or 10 o'clock positions on the pipe and the lateral shall be bent into a gooseneck of at least 6 inches. Service laterals exceeding 1 inch in diameter shall be accompanied by a saddle attached to the water main unless otherwise instructed by the Water and Sewer Superintendent. The service lateral shall be bedded within a 1 ft. layer of sand meeting MDPW specifications M1.04.0 Type a. The curb stop shall be located within the street right of way as indicated in the Specifications.

Sewer Mains

All sewer main extensions from existing sewer mains shall be made at a sewer manhole. The manhole structure shall be pre-cast reinforced concrete meeting ASTM C478 specifications. All joints shall be properly sealed with Butyl Rubber or Neoprene Rings and Type II Portland Cement Concrete. The manholes shall have pre-cut holes with rubberized boots for all pipe connections. The manhole shall be set on a minimum 8 inch leveled and compacted base or $\frac{3}{4}$ "-1 $\frac{1}{2}$ " crushed stone. Doghouse style manholes are not permitted. See Town of Needham Standard Construction Specifications for further information.

The sewer main pipe shall be installed from the low end to the high end with the bell end of the pipe at the high end. The pipe shall be SDR 35 PVC and shall meet Town of Needham Standard Specifications. The pipe shall be set in a bed of $\frac{3}{4}$ "-1 $\frac{1}{2}$ " crushed stone and shall be completely surrounded by the stone to a depth of at least 8 inches.

The pipe shall be laid true to line and grade. The minimum pipe diameter used for main extensions shall be 8 inches. Larger diameters may be required as determined by the Director of Public Works. The minimum acceptable slope is 0.004 ft. /ft. Consideration shall be given to surrounding areas during the design process. The sewer main extension shall be designed to accommodate the maximum area that can be reasonably serviced as determined by the Director. Wyes and/or partials shall be installed where, in the opinion of the Director, such installation would service an unsewered potential lot.

Provision shall be made by the contractor to ensure that sewage does not surcharge in existing mains during construction. This may be accomplished by pumping with pumps capable of handling existing flows so that surcharging upstream does not occur or by fashioning a bypass pipe section to allow sewage to flow around the work area. In any event, sewage shall not be allowed to flood the excavation.

Lateral connections to the sewer main shall be made with wye connections set 45 degrees above the horizontal plane and angled in the direction of the sewage flow in the main. Wyes shall be SDR-35 PVC and shall meet Town of Needham Standard Construction Specifications. Connections to existing sewer mains other than PVC shall be made with Fernco-style saddle wyes. Such connections shall not be constructed without prior approval from the Director of Public Works.

SECTION 10 INSPECTIONS

The Town shall make such inspections as are reasonably necessary in the enforcement of these procedures. The Town shall have the authority to promulgate and cause to be enforced such procedures as may be reasonably necessary to ensure that the work conforms to the requirements herein. The issued permit may include necessary scheduled inspection requirements during the construction process. The Applicant **shall** contact the DPW to schedule timing of inspections during the construction process.

SECTION 11 ENFORCEMENT AND PENALTIES

Permit Procedures and Regulations. Whoever violates any provision of these procedures may be penalized by a non-criminal complaint in the District Court pursuant to provisions of Massachusetts General Laws, Chapter 40, Section 21D and upon conviction thereof, shall be fined \$100 for Street Permit violations or \$100 for Trench Excavation violations. Each day such violation continues shall constitute a separate offense.

If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof; and, in such cases, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town with an additional amount of 50% to cover indirect costs. The total cost is referred to herein as "recoverable charges". Thereafter, upon completion of the work and the determination of the costs thereof the Town shall issue no further permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any regulation of these procedures shall receive no further permits and is subject to license revocation until such time as the Town is satisfied that the person or utility shall comply with the terms of these Procedures and Regulations. A contractor license may be revoked or deemed non-renewable if the inspector deems their craftsmanship or performance sub standard to Needham DPW standards as determined by the Director of Public Works.

Failure to obtain a valid permit or license prior to the start of construction or activity is subject to a "cease and desist order" and may be grounds for license revocation or rejection.

SECTION 12 MORATORIUMS

Each year, and at the completion of a road construction upgrade or reconstruction project, the DPW will update a list of roads considered to be under a moratorium. The minimum period of the moratorium is for 5-years. Such list will be available at the DPW's Administration office.

Work that results in breaking through pavement, landscaping or curbing within the Right of Way of a road under a moratorium is prohibited except under special circumstances approved by the Town Engineer. In such cases where work is unavoidable the following minimum standards must be met.

1. Construction requirements specified in Section 10;
 2. Curb to curb mill and overlay coverage a minimum distance of 10 feet beyond the edges of disturbance;
 3. The contractor shall guarantee through a surety determined by the Department of Public Works for a period one year beyond the end of the moratorium date for that section of road.
-

SECTION 13 REVISIONS & SEVERABILITY

These procedures may be revised from time to time by vote of the Board of Selectmen. The invalidity of any section of these procedures shall not invalidate any other section or provision thereof, nor shall it invalidate any permit which has been previously issued.

SECTION 14 EFFECTIVE DATE

The effective date of these procedures and Regulations shall apply to all work performed on or after **April 1, 2012**.

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Determination of Unique Status/59 Lincoln Street
and 89 School Street

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Town has identified two parcels for acquisition that are proposed for funding in the May 14, 2012 Special Town Meeting Warrant. In accordance with M.G.L. c. 30B, a public procurement process is not required if the Board of Selectmen determines that advertising will not benefit the Town's interest because of the unique qualities of the parcel.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board vote to determine that in the case of the proposed acquisition of 59 Lincoln Street and 89 School Street, advertising will not benefit the Town's interest because of the unique qualities of the location of the property needed. This determination is made on the basis that the property abuts the Police and Fire Station and will be used for future expansion of Police and Fire operations.

3. BACK UP INFORMATION ATTACHED:

- a. Photographic Map showing the 59 Lincoln Street and 89 School Street
- b. M.G.L. c. 30B Section 16

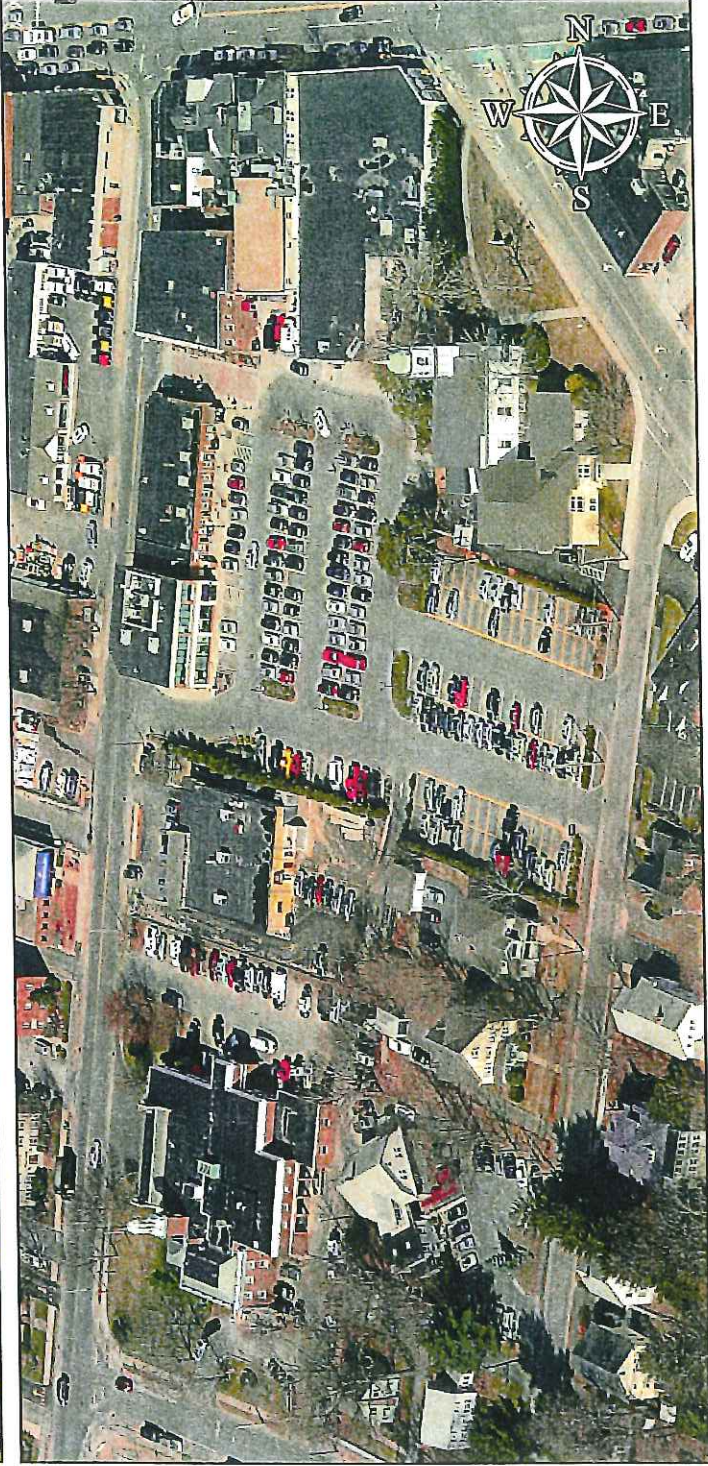
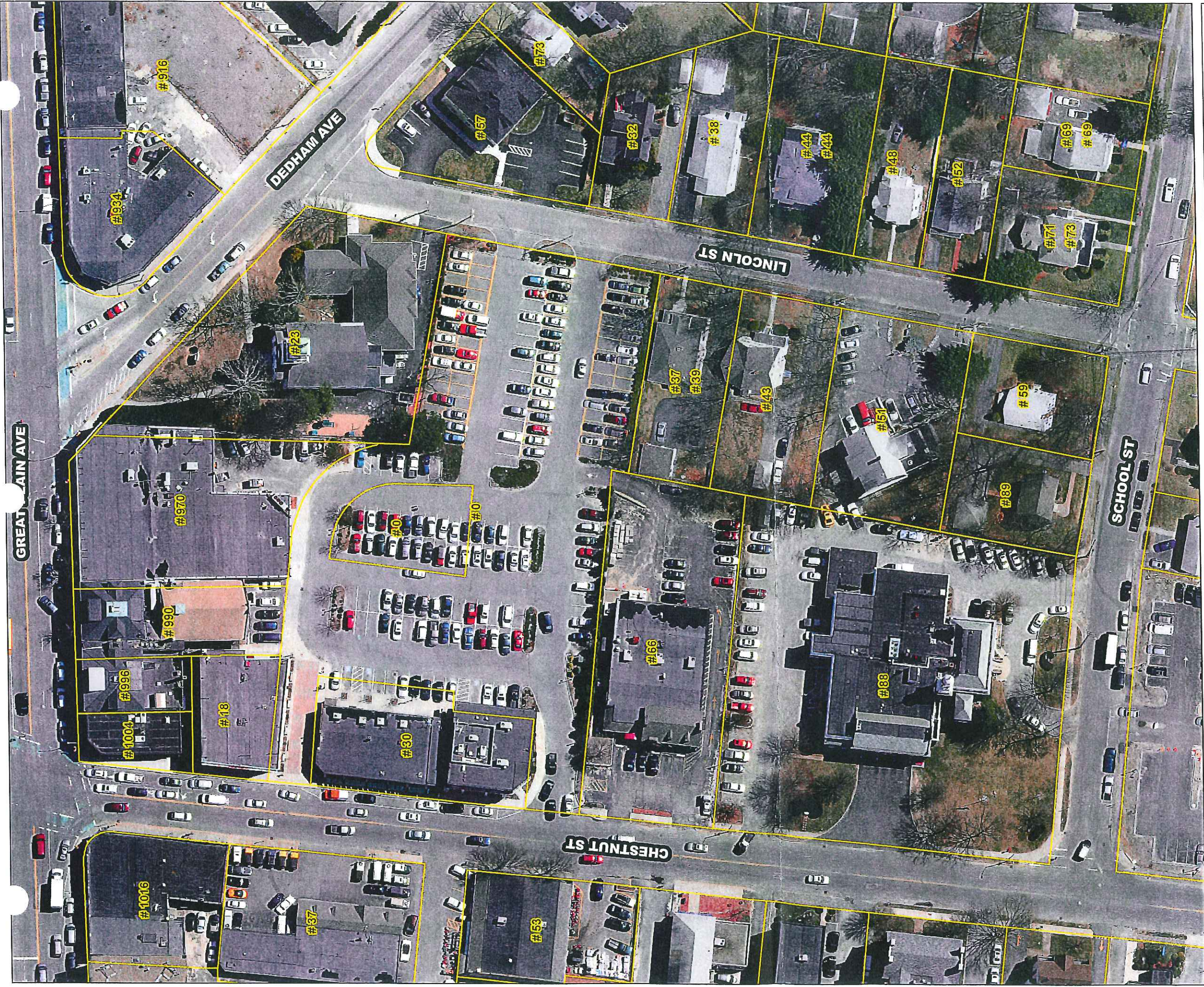
4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

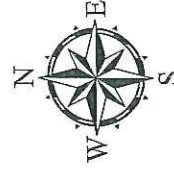
Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS on: _____



Legend

Parcel Lines



Feet

0 50 100 150

All data is for display purposes only & should not be considered accurate or complete. The Town of Needham assumes no liability for misuse or alteration of this data.

All imagery captured April 2009.

Town of Needham GIS
Information Technology Center

ChestnutStreetBusiness.mxd 10/03/2011

**PART I** ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)**TITLE III** LAWS RELATING TO STATE OFFICERS**CHAPTER 30B** UNIFORM PROCUREMENT ACT**Section 16** Real property; disposition or acquisition

Section 16. (a) If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The governmental body shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A governmental body shall solicit proposals prior to:

(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or

(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.

(d) The governmental body shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The governmental body shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the governmental body shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The governmental body may shorten or waive the advertising requirement if:

(1) the governmental body determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, that the governmental body shall state the reasons for declaring

the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The governmental body shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the governmental body decides to dispose of property at a price less than the value as determined pursuant to paragraph (b), the governmental body shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

(h) This section shall not apply to the rental of residential property to qualified tenants by a housing authority or a community development authority.

(i) Acquisitions or dispositions of real property or any interest therein pursuant to this section between governmental bodies and the federal government, the commonwealth or any of its political subdivisions or another state or political subdivision thereof shall be subject to subsections (a), (b) and (g).

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Conveyance of Land to Algonquin Gas Transmission, LLC

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The November 8, 2010 Special Town Meeting voted to change the use of 375 square feet of land at Ridge Hill (near Mary Chilton Road) from conservation to municipal use, and to authorize the sale of the land to Algonquin Gas. This action was taken because it was determined that Algonquin's existing data building (associated with the natural gas pipeline) was built on Town land. The Special Town Meeting also voted to authorize a home rule petition to obtain Legislative approval for the sale of the land. The Legislature approved the sale under Chapter 164 of the Acts of 2011, which also provided for a \$50,000 payment by Algonquin to the Conservation Trust Fund of the Town.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: that the Board of Selectmen execute the necessary deed to convey 375 sq. ft. of land off Mary Chilton Road to Algonquin Gas Transmission, LLC, as authorized by Chapter 164 of the Acts of 2011 of the General Court.

3. BACK UP INFORMATION ATTACHED:

- a. Chapter 164 of the Acts of 2011
- b. Deed

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	[no]	NA	_____
b.	Town Counsel	yes	[no]	NA	_____
c.	Finance Director	yes	[no]	NA	_____
d.	DPW _____	yes	[no]	NA	_____

Disposition by BOS

Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS on: _____

**Acts****2011**

CHAPTER 164 AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO CONVEY A PARCEL OF LAND AND GRANT AN EASEMENT TO SUPPORT NATURAL GAS TRANSMISSION.

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

SECTION 1. The board of selectmen and the conservation commission of the town of Needham may convey a certain parcel of conservation land, containing approximately 375 square feet, located at Ridge Hill Reservation, off Mary Chilton road in the town of Needham, to Algonquin Gas Transmission, LLC to correct an encroachment of a building by Algonquin Gas Transmission and to operate and maintain a gas transmission line utility. The parcel is identified as Tract N-215A on a plan prepared by the town of Needham conservation commission and dated May 27, 2011.

SECTION 2. In consideration for the conveyance authorized in section 1, Algonquin Gas shall make a payment in the amount of \$50,000 to the Conservation Trust Fund of the town of Needham.

SECTION 3. The town of Needham, acting by and through its conservation commission and board of selectmen may transfer to its board of selectmen the care, custody and control of a certain parcel of land acquired for conservation purposes to be used for general municipal use for the purpose of installing and maintaining a cathodic protection system for a gas transmission line for Algonquin Gas. The parcel contains approximately 18,764 square feet of land, is at Ridge Hill Reservation, located 461 Charles River street and is shown on a plan entitled "Ridge Hill Cathodic Protection System Permitting Plan" prepared in 2010 by Vanasse Hangen Brustlin, Inc., of Watertown, MA.

SECTION 4. The town of Needham, acting by and through its board of selectmen, may grant a cathodic protection easement to Algonquin Gas on 19,564 square feet of land within Ridge Hill Reservation described in section 3 containing 18,764 square feet and another parcel of land containing approximately 800 square feet that is held by the town for municipal purposes. Such easement shall be for the installation and maintenance of the cathodic protection system for a gas transmission line for Algonquin Gas.

SECTION 5. In consideration for the grant of the easement set forth in section 4, Algonquin Gas shall make a payment in the amount of \$20,000 to the Conservation Trust Fund of the

town of Needham.

SECTION 6. If the lands conveyed and transferred pursuant to sections 1, 3 and 4 cease to be used for the purposes described in said sections, the lands shall revert to the town of Needham and shall be dedicated to conservation purposes within Ridge Hill Reservation.

Approved, November 8, 2011.

DEED

We, the undersigned Board of Selectmen and Conservation Commission of the Town of Needham, a Massachusetts municipal corporation and body politic having its principal place of business at Town Hall, 1471 Highland Avenue, Needham, Massachusetts, acting pursuant to the authority of votes under Articles 4 and 5 of the Warrant at the Special Town Meeting of the Town of Needham dated November 8, 2010 and Acts of 2011, Chapter 164, sections 1-2 of the Commonwealth of Massachusetts, for consideration of Fifty Thousand and 00/100 (\$50,000.00) Dollars, the adequacy of which for all purposes is hereby acknowledged, do hereby grant to Algonquin Gas Transmission, LLC, a Delaware limited liability company, having a principal business address of 5400 Westheimer Court, Houston, Texas with Quitclaim Covenants, all the right, title and interest that we and our successors and assigns have in real property situated in Needham, Massachusetts, off of Mary Chilton Road, Needham, Massachusetts described as follows:

A CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF NEEDHAM, IN THE COUNTY OF NORFOLK AND THE COMMONWEALTH OF MASSACHUSETTS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT APPROXIMATELY FOUR HUNDRED TWENTY FOUR AND FORTY THREE HUNDREDTHS (424.43') FEET FROM THE NORTH WEST INTERSECTION OF GREAT PLAIN AVE. AND MARY CHILTON ROAD ALONG THE NORTHERLY SIDE OF A FIFTY FOOT WIDE ALGONQUIN GAS TRANSMISSION LLC EASEMENT; THENCE

S 47° 38'04" W A DISTANCE OF FOUR AND SEVENTY FIVE HUNDREDTHS
FEET (4.75') TO A POINT; THENCE

S 43° 13'11" W A DISTANCE OF FIVE AND SIXTY ONE HUNDREDTHS FEET
(5.61') TO A POINT; THENCE

N 54° 44'00" W A DISTANCE OF THIRTY THREE AND SIXTY HUNDREDTHS
FEET (33.60') TO A POINT; THENCE

N 44° 43'27" E A DISTANCE OF TWELVE AND TWENTY NINE
HUNDREDTHS FEET (12.29') TO A POINT; THENCE

S 51° 25'50" E A DISTANCE OF THIRTY THREE AND FORTY THREE
HUNDREDTHS FEET (33.43') TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 375 SQ. FT OF LAND IN THE TOWN OF NEEDHAM, MASSACHUSETTS AND IS SHOWN AS TRACT N-215-A ON AN EXHIBIT

TITLED "NORFOLK COUNTY, MASSACHUSETTS, TOWN OF NEEDHAM, TRACT N-215A" PREPARED FOR SPECTRA ENERGY/ ALGONQUIN GAS TRANSMISSION LLC, PREPARED BY VANASSE HANGEN BRUSTLIN, INC. DATED SEPTEMBER 20, 2010 AT A SCALE OF 1"=20' ATTACHED HERETO.

Being a portion of the premises conveyed by G.R.M. Realty, Inc., a Massachusetts corporation, to the Town of Needham and its Conservation Commission pursuant to a deed recorded in the Norfolk County Registry of Deeds at Book 10634, Page 657. See also Plan No. 217 in Plan Book 421 of said Registry of Deeds.

Witness our hands and seals this ____ day of _____, 2012.

The Town of Needham

By: Its Board of Selectmen

John A. Bulian, Chairperson

Maurice Handel

James G. Healy

Daniel P. Matthews

Gerald A. Wasserman

By: Its Conservation Commission

Lisa Standley

Paul S. Alpert

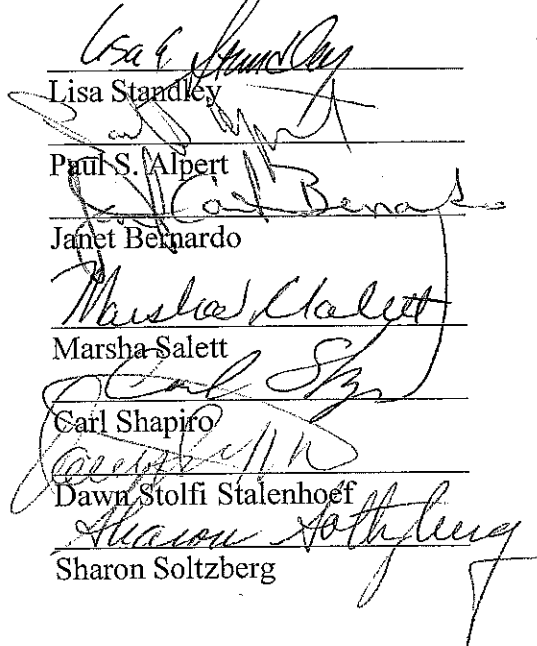
Janet Bernardo

Marsha Salett

Carl Shapiro

Dawn Stolfi Stalenhoef

Sharon Soltzberg



Commonwealth of Massachusetts

County of Norfolk ss.

On this ____ day of _____, 2012 before me, the undersigned notary public, personally appeared the above named members of the Board of Selectmen of the Town of Needham, who are known to me or proved to me through satisfactory evidence of identification, which was _____ to be the person(s) whose names is/are signed on the preceding deed, and acknowledged to be that he or they, as the case may be, signed the deed for its stated purpose.

[Seal]

Notary Public:

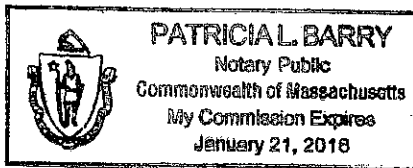
My Commission Expires:

Commonwealth of Massachusetts

County of Norfolk ss.

On this 23rd day of February 2012 before me, the undersigned notary public, personally appeared the above named members of the Conservation Commission of the Town of Needham, who are known to me or proved to me through satisfactory evidence of identification, which was Personally Known to be the person(s) whose name is/are signed on the preceding deed, and acknowledged to be that he or she or they, as the case may be, signed the deed for its stated purpose.

[Seal]



Patricia L. Barry
Notary Public:
My Commission Expires:
January 21, 2016

Return This Recorded Document to:

ALGONQUIN GAS TRANSMISSION, LLC
Legal Department
% SPECTRA ENERGY
890 Winter Street, Suite 300
Waltham, MA 02451

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: **Accept and Refer Zoning Amendment**

Presenter(s): **Kate Fitzpatrick, Town Manager**

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Planning Board has voted to place an article on the warrant for the May 14, 2012 Special Town Meeting Warrant as follows: Amend Zoning By-law: Description of Flood Plain Districts and Flood Plain District Regulations. Under State law, the Board has 14 days to accept the proposed amendment and refer the amendment back to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board vote to accept the proposed zoning amendment and to refer the matter to the Planning Board for review, public hearing, and report.

3. BACK UP INFORMATION ATTACHED:

- a. Letter from Lee Newman, Director of Planning and Community Development
- b. Proposed Warrant Article
- c. Proposed Zoning Language showing proposed Changes
- d. Memo to the Board from FEMA dated January 17, 2012
- e. M.G.L. c. 40A Section 5

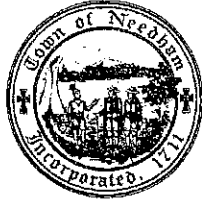
4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	[no]	NA	_____
b.	Town Counsel	yes	[no]	NA	_____
c.	Finance Director	yes	[no]	NA	_____
d.	DPW _____	yes	[no]	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

March 26, 2012

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

Re: Zoning Article for 2012 Special Town Meeting

Dear Kate:

The Planning Board at its meeting of March 24, 2012 voted to place the following article on the warrant for the May 2012 Special Town Meeting: (1) Amend Zoning Bylaw: Description of Flood Plain Districts and Flood Plain District Regulations. Accordingly, please find the above-named article as approved by the Board for inclusion in the warrant of the 2012 Special Town Meeting.

As you know, the Board of Selectmen will need to accept the article and to then forward it to the Planning Board for review, public hearing and report. Please have the Selectmen act on the enclosed article at their next meeting of Tuesday, March 27, 2012, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the article for Monday, April 23, 2012.

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

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW - DESCRIPTION OF FLOOD PLAIN DISTRICTS AND FLOOD PLAIN DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

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

“(b) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvement) of non-residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100-year flood elevation) and the Town of Needham Zoning Map or are flood proofed and watertight to the applicable flood elevation. In the case where watertight flood proofing is permitted, a registered professional engineer or architect

shall certify to the Building Inspector that the methods used are adequate to withstand flood depth pressures and velocities impact and the uplift of forces and other factors associated with the 100-year flood. No new construction or substantial improvement shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.”

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

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

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

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

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

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

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

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

- (j) In Section 3.3, Uses in Flood Plain District, Subsection 3.3.6, National Flood Insurance Program (NFIP) Requirements, by revising the first sentence of subparagraph (c) so that the entire

subparagraph shall read as follows (new language underlined):

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

or take any other action relative thereto.

2. USE DISTRICTS

2.1 Classes of Districts

Residential

RRC	--	Rural Residence – Conservation
SRA	--	Single Residence A
SRB	--	Single Residence B
GR	--	General Residence
A-1	--	Apartment – A-1
A-2	--	Apartment – A-2
A-3	--	Apartment – A-3

Commercial

B	--	Business
CSB	--	Chestnut Street Business
CB	--	Center Business
ASB	--	Avery Square Business
HAB	--	Hillside Avenue Business
NB	--	Neighborhood Business
HC-128	--	Highland Commercial-128
ES	--	Elder Services

Industrial

IND	--	Industrial
IND-1	--	Industrial – 1
IND P	--	Industrial Park
NEBC	--	New England Business Center
MU-128	--	Mixed Use-128

Institutional

I	--	Institutional
---	----	---------------

Overlay

FP	--	Flood Plain
AP	--	Aquifer Protection
M	--	Medical Overlay
AU	--	Adult Uses
WCFT	--	Wireless Communications Facilities Towers Overlay

NC	--	Needham Center Overlay
LC	--	Lower Chestnut Street Overlay
GS	--	Garden Street Overlay
TMT	--	Temporary Meteorological Towers Overlay District

2.2 Location of Districts

Said districts are located and bounded as shown on a map entitled "Zoning Map of the Town of Needham, Mass." dated September, 1924, as revised and amended to date and on file in the Office of the Town Clerk and as further described for Flood Plain Districts in Section 2.3. The Zoning Map with boundaries of the districts and all explanatory matter thereon is hereby made a part of this By-Law.

2.2.1

Where a district boundary is shown as following a street, railroad or utility, the boundary shall be the center line thereof as said line existed at the date of the adoption of the Zoning Map, unless otherwise indicated.

2.2.2

Where a district boundary is indicated as a property or lot line and the exact position of such line is not defined by measurements, the true location thereof shall be taken as the boundary line as said line existed at the date of the establishment of such boundary.

2.2.3

Where a district boundary is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the Zoning Map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line otherwise indicated.

2.2.4

Where a district boundary is shown as following a watercourse, the boundary shall coincide with the center line thereof as said line existed at the date of the establishment of such boundary.

2.2.5

Where a district boundary shall include a numerical figure followed by the letters, M.S.L., it is at that number of feet above mean sea level.

2.2.6

Where the location of a district boundary line is otherwise uncertain, the location thereof shall be determined with the distance in feet from other lines of bounds as given or as measured from the scale of the Zoning Map.

2.3 Description of Flood Plain Districts

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

2.3.1

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

2.3.2

All that land along or sloping toward that portion of Rosemary Brook between Rosemary Lake and Central Avenue that is at or below the following elevations:

- (a) Ninety (90) feet above mean sea level upstream of West Street
- (b) Eighty-eight (88) feet above mean sea level between West Street and Central Avenue

2.3.3

All that land along or sloping toward that portion of Rosemary Brook between Central Avenue and the Needham-Wellesley town line that is at or below an elevation of eighty-five (85) feet above mean sea level.

| 2.3.43

All that land along or sloping toward the Fuller Brook that is at or below the following elevations:

- (a) One hundred forty (140) feet above mean sea level upstream of a line described as follows: beginning at the U.S. Geodetic Survey bench mark 28 AK (Massachusetts 1941 Coordinates X = 665044.12, Y = 464912.59), thence northerly along a straight line thirty-seven hundred (3700) feet more or less to a point at the intersection of the center lines of Alden Road and Steward Road.
- (b) One hundred thirty-seven (137) feet above mean sea level westerly of the line described in the preceding paragraph (a) and also including all that land at or below elevation one hundred thirty-seven (137) feet mean sea level between Cartwright Road and the Needham-Wellesley town line and between Central Avenue and the Needham-Wellesley town line.

| 2.3.54

All that land along or sloping toward the Charles River between the most easterly intersection of the Needham-Dover-Wellesley town lines and the Cochrane Dam that is at or below the following elevations:

- (a) One hundred ten (110) feet above mean sea level between the most easterly intersection of the Needham-Dover-Wellesley town lines and a line projected perpendicular to the center line of the Charles River extending westerly from the Metropolitan District Commission sewer manhole, Station #43 + 33.20, seventy-eight hundred (7800) feet more or less downstream.
- (b) One hundred nine (109) feet above mean sea level between a line projected perpendicular to the center line of the Charles River extending westerly from the Metropolitan District Commission sewer manhole, Station #43 + 33.20, and the Central Avenue Bridge.
- (c) One hundred eight (108) feet above mean sea level between the Central Avenue Bridge and the Cochrane Dam located approximately two hundred (200) feet downstream of the South Street Bridge.

| 2.3.65

All that land along or sloping toward the Charles River that is at or below an elevation of one hundred (100) feet above mean sea level between the Cochrane Dam and the Chestnut Street Bridge.

2.3.76

All that land along or sloping toward the Charles River between the Chestnut Street Bridge and the Greendale Avenue Bridge that is at or below the following elevations:

- (a) Ninety-eight (98) feet above mean sea level between the Chestnut Street Bridge and the Dedham Avenue Bridge.
- (b) Ninety-six (96) feet above mean sea level between the Dedham Avenue Bridge and the Greendale Avenue Bridge.

2.3.87

All that land along or sloping toward the Charles River between the Greendale Avenue Bridge easterly and northerly along the Charles River in Needham to the Needham-Wellesley town line that is at or below the following elevations:

- (a) Ninety-five (95) feet above mean sea level between the Greendale Avenue Bridge and the intersection of the Needham-Dedham town lines approximately twenty-four hundred (2400) feet downstream of the Greendale Avenue Bridge.
- (b) Ninety-two (92) feet above mean sea level between the intersection of the Needham-Dedham town lines approximately twenty-four hundred (2400) feet downstream of the Greendale Avenue Bridge and the Kendrick Street Bridge.
- (c) Ninety-one (91) feet above mean sea level between the Kendrick Street Bridge and the Sudbury Aqueduct.
- (d) Seventy-five (75) feet above mean sea level between the Sudbury Aqueduct and the Needham-Wellesley town line. (Note: Add 105.64 feet to mean sea level elevations to determine elevations on Needham Sewer base datum.)

3.3 Uses in Flood Plain District

The purpose of the Flood Plain District is to protect the streams, rivers, and other watercourses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the ground water table for water supply purposes; to protect the community against detrimental use and development of lands adjoining such water courses; to conserve the watershed areas of the Town for the health, safety, welfare of the public; and to preserve the balance of the components of the ecosystem of the watercourses and adjoining land.

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131.

3.3.1 Prohibited Uses

The following uses are prohibited, regardless of other requirements:

- (a) Manufacture, use, transport, storage or disposal of toxic or hazardous materials.
- (b) Sanitary landfill; junkyard; salvage yard; and other solid waste disposal.
- (c) Encroachments including fill, replacement of soil with impervious material, new construction, substantial improvements (the cost of which exceeds 50 percent of the market value of the structure), or other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels in the Town during the occurrence of a 100-year flood.
- (d) Swimming pools.

3.3.2 Permitted Uses

- (a) Uses directly related to the conservation of water, plants, and wildlife.
- (b) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted which do not require removal or transfer of earth.
- (c) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any watercourse.
- (d) Grazing and farming, including truck gardening and harvesting of crops.

- (e) Forestry and nurseries.
- (f) Removal from a watercourse of silt and other accumulated debris which tends to interfere with the natural flow patterns of the watercourse.
- (g) Dwellings for sustained human habitation lawfully existing which shall not hereafter be enlarged or extended to increase ground coverage.

3.3.3 Uses Requiring a Special Permit

The Board of Appeals may grant a Special Permit for the following:

- (a) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvements) of residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps ~~Town of Needham Zoning Map~~ (the 100-year flood plain elevation) and the Town of Needham Zoning Map. No new construction or substantial improvement shall be permitted unless it can be demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.
- (b) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvement) of non-residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps ~~Town of Needham Zoning Map~~ (the 100-year flood elevation) and the Town of Needham Zoning Map or are flood proofed and watertight to the applicable flood elevation. In the case where watertight flood proofing is permitted, a registered professional engineer or architect shall certify to the Building Inspector that the methods used are adequate to withstand flood depth pressures and velocities impact and the uplift of forces and other factors associated with the 100-year flood. No new construction or substantial improvement shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.
- (c) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage, or sale of crops raised on the premises.
- (d) Any driveway and walkway ancillary to uses otherwise permitted by this section.
- (e) Tennis courts or other uses requiring a similarly prepared surface.
- (f) Water and sewer pumping stations.

- (g) Any use not expressly permitted or prohibited.
- (h) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

3.3.4 Special Permit Criteria

In granting a special permit, the Board of Appeals shall consider, among other factors, the following:

- (a) Geographic location of proposed building and security of driveway or walkway access during flooding.
- (b) Foundation elevations of proposed building and security of foundation during flooding, including assurance that foundations would not be undermined and that the proposed building would not be floated off, swept away, or battered during flooding.
- (c) Disposal of sewage from the proposed building and containment of sewage during flooding.
- (d) Safety of water, sewage, gas, electric and fuel utilities from breaking, igniting, electrocution or other dangers during flooding.
- (e) Soil structure and the general character of development in the neighborhood.
- (f) The preservation of the natural water channel passage of flood flows.
- (g) The retention of existing flood water storage capacity.

3.3.5 General Provisions Relating to Flood Plain District

- (a) All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR); ~~3107.0, "Flood-Resistant Construction";~~ (ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); (iii) Inland Wetlands Restriction, DEP (currently 31002 CMR 136.00); and (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). Any variances

from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

- (b) All subdivision proposals in the Flood Plain District shall be reviewed to assure that: (i) such proposals minimize flood damage; (ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided to reduce exposure to flood hazards.

(c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 17, 2012, ~~p (FIRM) dated June 5, 1989.~~

(e)

- (d) Within areas designated Zone A, ~~AH-30~~, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood e-Federal Rate Insurance Rate Map (FIRM), ~~Floodway Map~~, ~~and Flood Insurance Study dated June 5, 1989,~~ and Flood Insurance Study dated July 17, 2012, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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3.3.6 National Flood Insurance Program (NFIP) Requirements

Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 17, 2012 ~~dated June 5, 1989~~ - both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special permits authorized above under Subsections 3.3.3 and 3.3.4, the Board of Appeals shall, as appropriate, require the following as conditions of approval:

- (a) Require that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into said systems, as well as discharges from said systems into flood waters;
- (b) Require that new adequate drainage is provided to reduce exposure to flood hazards in flood-prone areas, and more specifically, require adequate drainage around proposed structures on slopes to guide flood waters around and away from such structures; and
- (c) Require that adjacent communities, ~~and the site coordination office and the NFIP State Coordinatore~~ at the Massachusetts Department of Conservation and Recreation be notified prior to any alteration or relocation of a water course, and that a copy of such notification be submitted to the Federal Emergency Management Agency (FEMA) Administrator.

3.4 Aquifer Protection District



Federal Emergency Management Agency

Washington, D.C. 20472

2012 JAN 23 P 2:37

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

January 17, 2012

Maurice P. Handel
Chairperson, Board of Selectmen
Town of Needham
Town Hall
1471 Highland Avenue
Needham, Massachusetts 02492

Community: Town of Needham,
Norfolk County, Massachusetts
Community No.: 255215
Map Panels Affected: See FIRM Index

Dear Mr. Handel:

This is to formally notify you of the final flood elevation determination for the Town of Needham, Norfolk County, Massachusetts (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On June 5, 1989, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On June 12, 2009, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Needham Times* on or about August 5, 2010, and August 12, 2010; and in the *Federal Register*, at Part 67, Volume 75, Page 43481 and 43482, on July 26, 2010.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on July 17, 2012. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to July 17, 2012, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(c) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(c) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(c);
2. Adopting all the standards of Paragraph 60.3(c) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(c).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

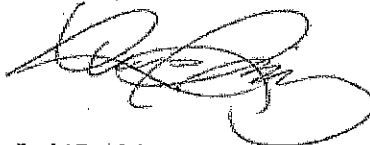
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Acting Director, Federal Insurance and Mitigation Division of FEMA, Region I, in Boston, Massachusetts, at (617) 956-7571 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our (FMIX).

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Anthony Del Gaizo, P.E., Town Engineer, Town of Needham

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on July 17, 2012.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR	96-01-043P	07/12/1996	ROSEMARY BROOK - CEFALO PROPERTY ON SUNSET ROAD	2552150002C	25021C0036E 25021C0037E

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	00-01-1006A	11/30/2000	554 CENTRAL AVENUE	2552150002C	25021C0036E
LOMA	09-01-1318A	09/22/2009	TAX MAP 74, LOT 9 - 13 HIGHLAND CIRCLE	2552150002C	25021C0037E

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

**PART I** ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)**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.

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Open Special Town Meeting Warrant

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Attached is a draft Special Town Meeting Warrant for the May 14, 2012 Special Town Meeting. The Board is scheduled to close the warrant at its April 11, 2012 meeting.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board vote to call for a Special Town Meeting and open the warrant for the meeting to be held on May 14, 2012 at the Needham Town Hall.

3. BACK UP INFORMATION ATTACHED:

- a. Draft Warrant for the May 14, 2012 Special Town Meeting

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

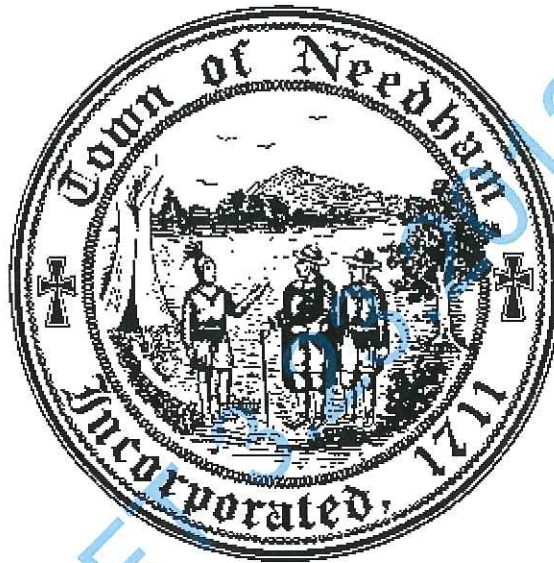
Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, MAY 14, 2012

7:30 P. M.

POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

NEEDHAM

DRAFT 3.23.2012

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

May 14, 2012 Special Town Meeting Warrant
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DRAFT 3.23.2012

COMMONWEALTH OF MASSACHUSETTS

MONDAY, THE FOURTEENTH DAY OF MAY, 2012

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

ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – POLICE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

PERSONNEL BOARD RECOMMENDS THAT:

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

ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Superior Officers Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

PERSONNEL BOARD RECOMMENDS THAT:

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

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

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

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

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

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

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

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

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

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

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

"(b) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvement) of non-residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100-year flood elevation) and the Town of Needham Zoning Map or are flood proofed and watertight to the applicable flood elevation. In the case where watertight flood proofing is permitted, a registered professional engineer or architect shall certify to the Building Inspector that the methods used are adequate to withstand flood depth pressures and velocities impact and the uplift of forces and other factors associated with the 100-year flood. No new construction or substantial improvement shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood."

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

"(a) All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR); (ii)

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); (iii) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

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

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

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

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

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

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

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

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

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND GENERAL BY-LAW ARTICLE 5/SIGN BY-LAW

1. Amend Section 5.2 (Definitions) by inserting at the end of the section the following:

“Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below.”

2. Amend Subsection 5.3.1 (Administration) by inserting the following words at the beginning of the paragraph:

“Except for street banners governed, reviewed and approved by the Board of Selectmen pursuant to Subsection 5.3.1.5,”

3. Insert a new Sub-Section 5.3.1.5 as follows:

“5.3.1.5 Board of Selectmen. Street Banners which are placed within the Town right-of-way, spanning public streets and/or in locations authorized by the Board of Selectmen providing notice of a public entertainment or advertising a public, charitable, or educational event may be specifically approved by the Board of Selectmen and displayed in locations authorized by the Board of Selectmen for a time period not to exceed fourteen (14) consecutive days before the announced event. No commercial advertising shall be allowed to appear on the street banner. All street banners shall be removed within two business days of the announced event or entertainment. Street Banners shall not be subject to the sign requirements of Subsections 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, and 5.3.7, and Sections 5.4 and 5.5. The Board of Selectmen may promulgate such regulations regarding street banners as it deems appropriate.”

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : CHANGE IN USE AND CONVEYANCE OF REAL PROPERTY

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

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND THE FY 2012 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Operating Budget adopted under Article 25 of the May 2011 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
3	Health Insurance	\$ 9,601,203	\$
4	Retiree Insurance & Insurance Liability Fund	\$3,906,275	\$
6	Debt Service	\$10,843,572	\$
	Minuteman Assessment	\$562,637	\$592,989
10	Reserve Fund	\$ 1,059,763	
28B	Public Facilities Expenses	\$4,666,935	
28C	Public Facilities Capital	\$0	

And that \$ is appropriated from premiums reserved for debt exclusion offsets; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE : APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and/or transfer and appropriate a sum for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, as follows, and that \$248 be transferred from Overlay Surplus; or take any other action relative thereto.

Department	Vendor	Description	Fiscal Year	Amount
			Total	\$

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

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

ARTICLE : APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,175,000 for the acquisition of real property known as 59 Lincoln Street and 89 School Street, and associated improvements thereto, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval

of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : EXTINGUISH SEWER EASEMENT – NEHOIDEB STREET

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

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR WORKERS COMPENSATION RESERVE FUND

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

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Improvement Fund, as provided under M.G.L., Ch. 40, Sec. 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation:

ARTICLE : APPROPRIATE FOR CAPITAL FACILITY FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund as provided under the provisions of M.G.L. Chapter 40, Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

A TRUE COPY

Attest:

Constable:

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

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

ATTN: SPECIAL TOWN MEETING WARRANT

DRAFT 3.23.2012

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Annual Town Meeting Articles

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Board will review the revised Annual Town Meeting Warrant including the following changes:

1. Amend Article 32 Change Ladder Truck from borrowing to cash
2. Amend Article 38 Appropriate \$125,000 to Workers Compensation Fund
3. Amend Article 39 Appropriate \$282,728 to Athletic Facility Improvement Fund
4. Delete Article 42 Stabilization Fund (at the Request of the Finance Committee)

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board voted to approve the proposed changes to articles 32, 38, 39 and 42 in the 2012 Annual Town Meeting Warrant

3. BACK UP INFORMATION ATTACHED:

- a. Annual Town Meeting Warrant, March 23, 2012 Draft
- b. Status of Articles 3.21.2012

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

TOWN OF NEEDHAM

MASSACHUSETTS

2012 Annual Town Meeting Warrant



ELECTION: Tuesday, April 10, 2012

Business Meeting at 7:30 P.M. on Monday, May 7, 2012

at the James Hugh Powers Auditorium, Needham Town Hall

DRAFT 3.23.2012

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

DRAFT 3.23.2012

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 12, 2011
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

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

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

Precinct A	-	Hillside School - Cafeteria
Precinct B	-	Hillside School - Cafeteria
Precinct C	-	High Rock School – Room 239/Art Room
Precinct D	-	High Rock School – Room 239/Art Room
Precinct E	-	Pollard Middle School – Inner Room
Precinct F	-	Stephen Palmer Community Room
Precinct G	-	Broadmeadow School - Performance Center
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE TENTH DAY OF APRIL, 2012

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

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for One Year;

Two Selectmen for Three Years;

One Selectman for Two Years;

One Assessor for Three Years;

Two Members of School Committee for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;

Two Trustees of Needham Public Library for Three Years;

One Member of Board of Health for Three Years;

One Member of Planning Board for Five Years;

One Commissioner of Trust Funds for Three Years;

Two Members of Park and Recreation Commission for Three Years;

Twenty-Four Town Meeting Members from Precinct A;

Twenty-Four Town Meeting Members from Precinct B;

Twenty-Four Town Meeting Members from Precinct C;

Twenty-Four Town Meeting Members from Precinct D;

Twenty-Four Town Meeting Members from Precinct E;

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Twenty-Four Town Meeting Members from Precinct F;
Twenty-Four Town Meeting Members from Precinct G;
Twenty-Four Town Meeting Members from Precinct H;
Twenty-Four Town Meeting Members from Precinct I;
Twenty-Four Town Meeting Members from Precinct J.

Warrant for the Annual Town Meeting

MONDAY, MAY 7, 2012 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, 2012, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$68,075
Town Clerk with 6 years of service in that position	\$84,154 (1)
Selectmen, Chairman	\$1,800
Selectman, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$5,050, the accumulation of 15 days of non-occupational sick leave per fiscal year; and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$42,498. The annual salary of \$84,137 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$8,578. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$12,009; or take any other action relative thereto.

INSERTED BY: Personnel Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

Article Information: In accordance with MGL Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town

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Clerk, the only full-time elected official, with benefits as close to that of other full-time employees as possible. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is now included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000, such payment to be made no later than the time of separation from Town service.

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

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – FIRE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Fire Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2013; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

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

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

**ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – PUBLIC FACILITIES
CUSTODIAL AND TRADES**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Public Facilities Custodial and Trades Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2013; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

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

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

FINANCE ARTICLES

ARTICLE 6: TRANSFER OF BUDGETARY FUND BALANCE

To see if the Town will vote to transfer \$5,366,720 from the Budgetary Fund Balance Account (Free Cash) to meet, in part, appropriations made at this Town Meeting, and to authorize the Board of Assessors to use such sum as available funds to meet appropriations in its computation of the tax rate for the fiscal year 2013; or take any other action relative thereto.

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

Article Information: Budgetary fund balance (free cash) is the result of unexpended appropriations and revenue in excess of estimates from fiscal year 2011.

ARTICLE 7: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986

To see if the Town will vote to accept, for fiscal year 2013, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the General Laws relative to real estate property tax exemptions, and approve an increase in the amount of 95% for each eligible exemption; or take any other action relative thereto.

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

Article Information: Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, surviving minors of deceased parents, persons over the age of 70, certain veterans and disabled veterans and their surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one of the following clauses of Section 5 of Chapter 59 of the General Laws: Clauses 17, 17C, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 or 43. The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid on the preceding year, except through the application of General Laws, Chapter 58, Section 8A or Chapter 59, Section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair cash value. Town Meeting must approve the additional exemption on an annual basis. In fiscal year 2012 the cumulative increase above the statutory limit was 90%.

ARTICLE 8: APPROPRIATE FOR SENIOR CORPS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

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

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

ARTICLE 9: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$13,353 for the purpose of funding the Needham Property Tax Assistance Program, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The voluntary fund received \$13,353 in fiscal year 2011.

ARTICLE 10: APPROPRIATE THE FY 2013 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from the parking meter fund in the amount of \$40,000, from the overlay surplus in the amount of \$495,654, from amounts reserved for debt exclusion offsets of \$56,328, and \$550,000 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 4 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as Shown on Pages XX - XX

ARTICLE 11: APPROPRIATE THE FY 2013 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Solid Waste and Recycling Division of the Department of Public Works during fiscal year 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Town of Needham
RTS Enterprise
FY 2013**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
101A	Personnel	\$ 583,999	9.0	\$ 643,582	9.0	\$ 653,290	9.0	
101B	Expenses	\$ 1,090,999		\$ 1,139,984		\$ 1,214,293		
101C	Operating Capital	\$ 56,179		\$ 43,000		\$ 43,000		
101D	Debt Service	\$ 149,673		\$ 150,000		\$ 150,000		
102	Reserve Fund	Transfers Only		\$ 25,000		\$ 25,000		
TOTAL		\$ 1,880,850	9.0	\$ 2,001,566	9.0	\$ 2,085,583	9.0	
FY 2013 Budget Percentage Change from FY 2012 Budget								4.2%

and to meet this appropriation that \$547,100 be raised from the tax levy and transferred to the RTS Enterprise Fund, and \$273,483 be transferred from RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

ARTICLE 12: APPROPRIATE THE FY 2013 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 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

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**Town of Needham
Sewer Enterprise
FY 2013**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Personnel	\$ 522,117	9.2	\$ 886,973	12.0*	\$ 902,938	12.0*	
201B	Expenses	\$ 267,836		\$ 468,764		\$ 475,056		
201C	Capital Outlay	\$ 21,750		\$ 25,000		\$ 25,000		
201D	MWRA Assessment	\$ 5,043,945		\$ 5,291,080		\$ 5,440,127		
201E	Debt Service	\$ 1,242,461		\$ 1,350,000		\$ 1,400,000		
202	Reserve Fund	Transfers Only		\$ 35,000		\$ 35,000		
TOTAL		\$ 7,098,109	9.2	\$ 8,056,817	12.0*	\$ 8,278,121	12.0*	
FY 2013 Budget Percentage Change from FY 2012 Budget								2.7%

*The prior years F.T.E. totals were lower than the number of positions assigned to the department because the drainage program related work which was done by the enterprise staff was being accounted for in the DPW budget so correspondingly the F.T.E. figure related to that work was also reflected in the DPW budget. Effective by the Town Meeting votes for FY2012 the drainage program is now budgeted in the enterprise fund and the enterprise funds will now reflect the F.T.E. assigned to the department.

and to meet this appropriation that \$493,392 be raised from the tax levy and transferred to the Sewer Enterprise Fund, and \$568,455 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

ARTICLE 13: APPROPRIATE THE FY 2013 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 2013, under the provisions of M.G.L. Chapter 44, Section 53F ½:

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**Town of Needham
Water Enterprise
FY 2012**

Line #	Description	FY 2011		FY 2012		FY 2013		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Personnel	\$ 803,640	14.5	\$ 1,023,091	16.0*	\$ 1,028,088	16.0*	
301B	Expenses	\$ 948,757		\$ 974,603		\$ 1,026,906		
301C	Capital Outlay	\$ 15,000		\$ 55,000		\$ 20,000		
301D	MWRA Assessment	\$ 264,017		\$ 610,028		\$ 965,737		
301E	Debt Service	\$ 1,497,133		\$ 1,550,000		\$ 1,550,000		
302	Reserve Fund	Transfers Only		\$ 75,000		\$ 75,000		
TOTAL		\$ 3,528,547	14.5	\$ 4,287,722	16.0*	\$ 4,665,731	16.0*	
FY 2013 Budget Percentage Change from FY 2012 Budget								8.8%

*The prior years F.T.E. totals were lower than the number of positions assigned to the department because the drainage program related work which was done by the enterprise staff was being accounted for in the DPW budget so correspondingly the F.T.E. figure related to that work was also reflected in the DPW budget. Effective by the Town Meeting votes for FY2012 the drainage program is now budgeted in the enterprise fund and the enterprise funds will now reflect the F.T.E. assigned to the department.

and to meet this appropriation that \$355,709 be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

ARTICLE 14: CONTINUE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to authorize and continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2012:

Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2013 Budget
Memorial Park	Memorial Park Trustees	Food Concessions	Improvements to Memorial Park	\$4,100
Local Transportation	Council on Aging Director	MBTA, Grants, Program Receipts	Transportation program for COA	\$60,000
Yard Waste Processing Program	DPW Director	Town and Participating Communities	Multi-Community yard waste processing program	\$75,000
Home Composting Bin	DPW Director	Sale of Bins	Purchase of additional home	\$3,000

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Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2013 Budget
Account			composting bins	
Senior Center Activities	Council on Aging Director	Program Receipts	Costs related to social programs for elderly	\$1,000
Youth Services Activities	Youth Services Director	Program Receipts	Costs related to youth service and community programs	\$25,000
Traveling Meals Program	Health Director	Program Receipts	Costs related to Traveling meals	\$75,000
Immunization Fund	Health Director	Program Receipts	Costs associated with immunization and educational programs	\$25,000
School Transportation Program	School Committee	Fee-Based Transportation Program Receipts	Pupil and other District-wide transportation	\$819,000

or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information and Summary of M.G.L., Chapter 44, Section 53E ½: A revolving fund established under the provisions of M.G.L., Chapter 44, Section 53E ½ must be authorized annually by vote of the Town Meeting. The fund shall be credited only with the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation, subject to the provisions of Section 53E ½. The Annual Town Meeting authorization for each revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; and (4) a limit on the amount which may be expended from such fund in the ensuing year. In any fiscal year, the Board of Selectmen and the Finance Committee may approve an increase in the amount to be spent from the revolving fund, but in no event shall any agency, board, department or officer be authorized to expend in any one fiscal year more than one percent of the amount raised by the Town by taxation in the most recent fiscal year for which a tax rate has been certified pursuant to M.G.L., Chapter 59, Section 23.

ARTICLE 15: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

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

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

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. At the time of the printing of the warrant, the FY 2013 award amounts had not been released.

ZONING / LAND USE ARTICLES

ARTICLE 16: AMEND ZONING BY-LAW – DEFINITION OF A STRUCTURE

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3, Definition of a Structure, as indicated below. The added text is underlined.

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or water surface area of at least one hundred (100) square feet when filled to capacity, including an attached pool deck, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.

INSERTED BY: Citizens' Petition – John A. Jensen et.al
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 17: AMEND ZONING BY-LAW – DEFINITIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by adding the following term and definition in appropriate alphabetical order as follows:

“Studio - premises used by a professional artist as a workroom and/or as a workplace where art is taught to, practiced by, or studied with others.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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ARTICLE 18: AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.1 Basic Requirements, Subsection 4.1.3, Reduction of Area and Frontage Requirements, by revising the paragraph, so that the entire subsection shall now read as follows: (new language underlined):

“4.1.3 Reduction of Area, Frontage, and Setback Requirements

No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more non-conforming as to setback) by a taking by eminent domain or conveyance for a public way or access way or by the approval of a subdivision way for a third-party, said structure shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming structures.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This provision clarifies that a lot reduced in area or frontage by public action is entitled to grandfathered protection. It further clarifies that similar public actions that reduce the setback of preexisting structures on the lot to public or private ways are similarly entitled to grandfathered protection.

ARTICLE 19: AMEND ZONING BY-LAW – OFF-STREET PARKING REQUIREMENTS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 5.1 Off-Street Parking Requirements, Subsection 5.1.3 Parking Plan and Design Requirements, by modifying the first Sentence of Section 5.1.3 (a) Parking Lot Illumination by deleting the words “at least one foot candle” and replacing them with the words “an average of one foot candle” so that the sentence shall now reads as follows:

“(a) Parking Lot Illumination – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This is a clarifying amendment so that the language of the By-Law is consistent with both Planning Board practice and with photometric design principles. Presently, the By-Law requires all parking areas which are proposed to be illuminated to provide an illumination level of at least one foot candle. The proposed amendment reduces the illumination standard for parking areas from “at least one foot candle” to “an average of one foot candle” reflective of historical Planning Board practice.

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GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

ARTICLE 20: AMEND GENERAL BY-LAW

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

1. Renumbering Section 3.1.12 to 2.2.5.5;
2. Renumbering Renumber Sections 3.1.13, 3.1.13.1, 3.1.13.2 and 3.1.13.3 to 2.2.5.6, 2.2.5.6.1, 2.2.5.6.2 and 2.2.5.6.3;
3. Inserting a new Section 3.1.12 as follows: "Discharge of Bow and Arrows. No person shall discharge bow and arrow within the limits of any park, playground, public way, public building or other property except with the consent of the Board of Selectmen, or hunt by bow and arrow on any private property except with the written consent of the property's owner or legal occupant.";
4. Deleting Section 3.1.13 and inserting a new Section 3.1.13 as follows: "Fines. Whoever violates the provisions of Section 3.1 shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense unless otherwise provided.";
5. Deleting Section 3.14;
6. Amending the fine schedules in Sections 8.2.2.4 B, G, I, J, L, N, O, P and Q to \$50 per offense;
7. Amending the fine schedules in Section 8.2.2.4 C and I from \$20 and \$35 per offense, respectively, to : "First Offense - \$50, Second offense - \$100, Third Offense - \$200, Fourth and Subsequent Offenses - \$300";
8. Deleting Sections 8.2.2.4 D and E and renumbering subsequent sections accordingly;
9. Deleting Section 8.2.2.4 S and inserting a new Sub-Section 8.2.2.8 C as follows: "Water Emergencies: Violations (Sub-Section 2.2.5.5) Fine Schedule: \$50 per offense, and renumbering the subsequent subsections accordingly;
10. Deleting Section 8.2.2.4 V and inserting a new Sub-Section 8.2.2.8 D as follows: "Private Ways (Sub-Section 2.2.5.6) Fine Schedule: \$50 per offense" and renumbering the subsequent subsections accordingly;
11. Inserting a new Section 8.2.2.4 V as follows: "Discharge of Bow and Arrow (Section 3.1.12) Fine Schedule: "First Offense - \$50, Second offense - \$100, Third Offense - \$200, Fourth and Subsequent Offenses - \$300."

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information:

ARTICLE 21: HOME RULE PETITION - OFF-PREMISES SALE OF ALCOHOL

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

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enactment by the General Court. The Town Manager is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO AUTHORISE THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES UNDER ARTICLE OF AMENDMENT XLIX.

SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Needham shall cause to be placed on the ballot at a regular or special election the following question:-

"Shall the licensing authority in the town of Needham be authorized to grant licenses for both the sale of all alcoholic beverages in packages not to be drunk on the premises and the sale of wine and malt beverages in packages not to be drunk on the premises?"

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen.

SECTION 2. If a majority of the votes cast in answer to that question is in the affirmative, the Town of Needham shall be taken to have authorized the granting of licenses for the sale of all alcoholic beverages not to be drunk on the premises and the sale of wine and malt beverages not to be drunk on the premises subject to the following:

The number of licenses shall be limited to six. Commencing on January 1, 2018 the number of licenses shall be limited to eight but at no time shall there be in effect more than six such licenses for the sale of all alcoholic beverages. The remaining licenses shall be limited to the sale of wines and malt beverages.

The licensing authority may establish the days and hours during which the license may operate.

Except as otherwise provided herein, such licenses shall be subject to the provisions of said chapter 138.

SECTION 3. This act shall take effect upon its passage.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

ARTICLE 22: PESTICIDE FREE ZONE ON LAND OWNED OR MANAGED BY THE TOWN OF NEEDHAM

To see if the Town of Needham will vote to transition away from the use of herbicides and pesticides* on land owned, managed or leased by the Town of Needham. Within two years The Town of Needham will take the next step in reducing pesticide use on town owned property by instituting a no-use policy concerning chemical synthetic herbicides and pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act. Included in the no-use policy are fertilizers known as weed 'n feed products which contain herbicides and pesticides.

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Needham owned, managed and leased land includes but is not limited to school grounds and playing fields, town commons and parks as well as conservation land and The Needham Community Farm. It also includes the grounds of The Needham Town Hall, The Needham Public Library, The Needham Senior Center and the town building facilities and the berms along town sidewalks.

There will be an exemption for emergency outbreaks of stinging or biting insects.

A Standing Committee will be created to study and implement a Best Practices Policy and Manual of land care and landscaping policy for the Town of Needham. The Committee is to be made up of five Needham residents plus one elected or appointed official from the Conservation Commission, School Committee, and Board of Health, Park and Recreation. The Committee will meet at least four times a year.

The Standing Committee will create A Best Practices Manual for Land Care which would include the following practices: soil testing, the use of organically certified soil amendments, compost and compost tea. Approved bio-pesticides may be considered for use.** Cultural practices will be included: using the appropriate height for lawn mowing, planting of clover, what to do with grass clippings, the use of carbon neutral machinery in landscaping and the use of water savings measures. Landscape design will consider lawn size and placement, fertilizer use and the use of water recycling and rain gardens.

The Committee will create educational forums and materials to implement the Best Practices for Land Care Manual and no-use pesticide policy and educate Needham residents and employees of the Town of Needham on these topics.

*Pesticide, as defined in FIFRA section 2(u) (PDF) (109 pp, 288k), means: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer. It includes pesticides, herbicides, insecticides, rodenticides, and fungicides.

**FIFRA exemption of minimal risk pesticides http://www.epa.gov/PR_Notices/pr2000-6.pdf Products which contain certain low-risk ingredients, such as garlic and mint oil, have been exempted from Federal registration requirements, although State regulatory requirements may still apply.

INSERTED BY: Citizens' Petition – Susan W. Abbott et.al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 23: CITIZENS' PETITION – CITIZENS UNITED RESOLUTION

To see if the Town will vote the following resolution;

Whereas, the expenditure of excessive and unlimited money in the political realm is a threat to our local self determination, our local aid from both the state and federal government, our local economy and is an obstruction to our individual, free, and fair participation in our electoral and governing processes and

Whereas, the U.S. Supreme Court 5:4 ruling on January 21, 2010 in Citizens United v. Federal Election Commission rolled back remaining legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, and thereby drowning out the voice of "We the People" and threatening citizens constitutional right of self-governance.

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Now, therefore, let it be resolved that this Town Meeting calls upon the Massachusetts congressional delegation to support an amendment to the US Constitution that would overturn the Supreme Court decision in this matter.

Be it further resolved that this Town Meeting calls upon our State Legislature to seek the support of our federal delegation for the amendment and to support the amendment if Congress sends it to the states for ratification.

INSERTED BY: Stacie Shapiro et.al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 24: APPROPRIATE FOR ARTIFACT STORAGE UPGRADE / NEEDHAM HISTORICAL SOCIETY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for historic artifact archiving, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *The Needham Historical Society holds a large volume of artifacts of historic value to Needham, representing its commercial and social history. This request for \$25,000 would permit the Historical Society to hire a part-time archivist to work with volunteers to re-organize and properly store the artifacts, and create a computerized catalog that will provide for easier access to the artifacts. The information, including photos, may eventually become available on-line for public review.*

ARTICLE 25: APPROPRIATE FOR SOUTH STREET HOME / CHARLES RIVER ARC

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$500,000 for the construction by the Charles River Center of a 3,000 square foot accessible home for individuals with disabilities, to be spent under the direction of the Town Manager, and that \$485,000 be transferred from the Community Housing Reserve, and \$15,000 be transferred from the Community Preservation General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *The Charles River Center (formerly Charles River ARC) has recently purchased property on South Street and is seeking funding to construct a group home for five to six adults with developmental disabilities. The request is for \$500,000. The Charles River Center has already purchased*

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the property and is using architectural designs created for a group home being built in another community. If approved, this project would increase the Town's number of low-income affordable units by five.

ARTICLE 26: APPROPRIATE FOR HERITAGE PROJECT / HISTORICAL INVENTORY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for the development of the historic homes inventory, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Historical Commission has previously received CPA funding to add 39 properties to the local historical inventory of homes and properties. This request for \$25,000 would assist the Commission with the research and paperwork to add additional properties. The Commission will also undertake the task of updating the forms from the original list, as they were handwritten several decades ago.

ARTICLE 27: APPROPRIATE FOR TOWN OF NEEDHAM HISTORICAL VITAL RECORDS PRESERVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$30,000 for preservation and conservation of vital records of the Town, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Office of the Town Clerk is charged with the retention and preservation of vital records including births, marriages and deaths. Since 1919, the records have been bound each year, but there are still records that pre-date this time frame that need to be properly preserved. This request of \$30,000 will preserve the documents in bound books, photograph the documents, and create an electronic record..

ARTICLE 28: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to M.G.L. Chapter 44B from the estimated FY 2013 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

A. Administrative and Operating Expenses of the Community Preservation Committee \$82,000

Reserves:

B. Community Preservation Fund Annual Reserve \$1,023,160

C. Community Housing Reserve \$233,420

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D. Historic Resources Reserve
E. Open Space Reserve

\$0
\$233,420

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Town Meeting and the voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the CPC and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. 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 Annual Reserve. In addition to the projects proposed to be funded through reserves under Articles 24 through 27, the CPC recommends approval for 11% to be appropriated to the Community Housing Reserve and the Open Space Reserve. Allocation to the Historic Reserve is satisfied by the payment of the debt for the Town Hall project which is included in the motion to appropriate the Operating Budget under Article 10. The CPC also recommends an appropriation of 5% for administrative and operating expenses.

CAPITAL ARTICLES

ARTICLE 29: RESCIND DEBT AUTHORIZATIONS

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

Project	Town Meeting	Article	Authorized	Rescind
Total				

or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: When a project is financed by borrowing, the project has been completed, and all the bills have been paid, the balance of the authorization that was not borrowed can be rescinded. A Town Meeting vote to rescind the balance of a borrowing prevents any further borrowing for the project, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids.

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ARTICLE 30: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

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

General Fund	Description	Recommended	Amendment
Community Services	Athletic Facility Improvements	\$ 207,500	
Community Services	DeFazio Fields Resodding	\$ 90,000	
Community Services	Rosemary Camp Trail Improvement	\$ 50,000	
General Government	Desktop Virtualization	\$ 130,000	
General Government	Network Hardware, Servers & Switches	\$ 30,000	
Public Facilities	Core Fleet	\$ 50,318	
Public Facilities	Energy Efficiency Upgrades	\$ 34,815	
Public Facilities	Facilities Maintenance Program	\$ 450,000	
Public Safety	Structural Fire Fighting Gear	\$ 40,000	
Public Safety	Deputy Chief of Operations Vehicle	\$ 35,000	
Public Schools	Technology & Equipment	\$ 828,000	
Public Schools	School Administration Building Study	\$ 30,000	
Public Works	Core Fleet	\$ 315,000	
Public Works	Snow & Ice Equipment	\$ 171,000	
Public Works	Large Specialty Equipment	\$ 271,500	
Public Works	Small Specialty Equipment	\$ 41,000	
	Total Appropriation	\$ 2,774,133	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Athletic Facility Improvements The Department of Public Works and Park and Recreation Departments have developed a maintenance plan for all fields, which includes new or total reconstruction, partial renovation, irrigation, drainage improvements, and equipment replacement or repair (bleachers, fences/backstops, player benches and miscellaneous equipment) for multi-use fields and ball diamonds. Projects planned for fiscal year 2013 include new fabric and repairs on both backstops and fencing at Claxton Field, installation of an irrigation system for Greene's Field, installation of bleachers and a bleacher pad for Claxton Diamond #2, installation of an irrigation system for Claxton Field, and installation of an irrigation system for the Pollard School multi-purpose field.

Defazio Field Re-Sodding This capital request is for field improvements at the DeFazio Complex. The Healy and Warner fields were seeded twice during the Field of Dreams project. After two seeding applications, the grass still did not fill in. As a result, the fields have taken almost entirely to weeds (large

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and smooth crabgrass and white clover). The best option to ensure safety and playability is to sod the fields with Kentucky Bluegrass, similar to what was done on the other two fields at DeFazio – Conroy and McLeod.

Rosemary Trail Improvement Design The trail system that begins in the parking lot at Rosemary Pool and extends through the camp property and over to Nehoiden Street is used on a daily basis by residents. The beginning section is in the most urgent need for restoration; however, there are other areas of concern, particularly along the steep stretch adjacent to the lake. A portion of this project will be completed by volunteers, and only the larger portions requiring construction will need to be performed by a contractor. At this time, the project is not eligible for CPA funding, but if proposed changes to the wording of the legislation are approved, this project may become eligible. This appropriation would fund the design and permitting phase of the project. It is anticipated that the construction portion will be in the \$100,000 range.

Desktop Virtualization This request is for virtualizing approximately 100 employee workstations by adding additional licenses and hardware. Licensing would also be purchased to enable certain users to access their workstations remotely. All of the applications used by employees (e.g. Microsoft Office, Adobe Acrobat, or Internet Explorer) are stored on servers controlled by the Information Technology Center (ITC). Any specific application is then served to the employee's desktop through the network. Because the applications are bundled in one location, the ITC Network Manager can more efficiently and productively roll-out upgrades, allowing for consistent versions of software. Virtualization will help make existing staff more productive and help to support the growing demands of the current workforce. Workstation Support is more streamlined because issues with applications served out to the workstations are managed in the ITC, and only serious hardware issues will need to be addressed at the employee workstation. The hardware that is used by employees at their desks can be replaced at a lower cost than current workstation hardware.

Network Servers And Switches The request is to replace older servers, application and data, with newer, faster, and more energy-efficient models. This can also include the replacement of the spam filter, virus firewall, and Internet filtering. The request includes funding for the replacement of older network switches to connect buildings, departments, and workstations throughout the Town. Newer models of both servers and switches will be better able to take advantage of the Town fiber and increase the speed of data within the Town's fiber network. Not replacing or updating this equipment can have a negative impact on email, financial applications, internet access, and data accessibility.

Public Facilities Core Fleet The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicle scheduled to be replaced in FY2013 is a 2001 Ford F-450 Rack Body Truck that is primarily used for grounds keeping services, trash runs, moving School and Town property, and setting up the stage for the High School graduation.

Unit	Division	Year	Description	Miles	Cost
703	PFD	2001	Ford F-450/Grounds Rack Body Truck	50,952	\$50,318

Public Facilities Energy Efficiency Upgrade Improvements The results of a recent energy efficiency upgrade study indicate that if the Town makes an initial investment for energy upgrades in the ten buildings identified in the study, the cost of these upgrades will be recovered through energy savings within five years. Projects proposed for FY2013 include replacing the exterior lighting at Hillside School. The lighting consists of high intensity discharge lamps and will be replaced with induction lighting. Similar work will be performed at the Mitchell School, along with improved insulation levels in the attic.

Public Facilities Maintenance Program This project funds annual maintenance of public buildings throughout the Town and School Department including but not limited to: asbestos abatement, small equipment replacement, duct cleaning, painting, and other repairs and necessary upgrades. Funding in fiscal year 2013 is intended for duct cleaning at the A & B Buildings of the High School, asbestos abatement at the Mitchell School, flooring replacement at the Broadmeadow School and the Library, and xeriscaping at the High School. Additional work planned for the Hillside School will include remediation of flooding issues, upgrades to the boiler room, repair to the floor and stairs, and upgrading of AC units. At the Mitchell School, repairs to gutters and downspouts, fuel oil containment work (or conversion to natural gas), handrail upgrades, and egress analysis will be performed.

Structural Fire Fighting Gear Structural firefighting protective gear has a recommended life expectancy of 10 years depending on exposure and wear. The Fire Department is requesting replacement of this gear for twenty (20) staff members who will be using gear that is over 11 years old at the time of replacement.

Deputy Chief Vehicle/C-3 This request is to replace a 2004 Ford sedan that is used daily by the Deputy Chief of Operations. Currently the car has over 56,000 miles of service, and at the time of replacement is estimated to have over 70,000 miles of service. At the time of replacement, the vehicle will be nine years old, up to two years beyond its scheduled replacement. A new vehicle will be purchased and put into service as C-1. The current C-1 will then be passed down to replace C-3.

Unit	Division	Year	Description	Miles	Cost
C-3	Fire	2004	Crown Victoria/Replace with SUV	56,500	\$35,000

School Furniture, Musical Instruments, And Graphic Arts Equipment The School Furniture Replacement Program began in fiscal year 2005 and is geared toward replacing furniture in school facilities which are not scheduled to undergo capital renovation/ addition projects in the near future (Hillside, Mitchell, Newman and Pollard). In these schools, furniture is 10-20+ years old and in a state of disrepair after decades of heavy use. By FY2015, all furniture in 'poor' condition will have been replaced at all four schools. The FY2013-FY2017 funding request begins the replacement of furniture in fair condition at these schools.

Fiscal year 2013 represents the eighth year of the musical equipment replacement cycle. The scheduled replacements in FY2013 are additional middle school percussion instruments, additional string instruments, and assorted elementary school Orff percussion instruments. The purpose of the program is to replace musical instruments, especially large string instruments and pianos, which are over 25 years old. After decades of heavy use, many of the School Department's string instruments are no longer usable or repairable. The older pianos, while still usable, are becoming increasingly costly to repair and maintain. Although students do purchase some of the less expensive instruments (clarinets, trumpets, etc.), a quality band and/or orchestra program needs to ensure balanced instrumentation to deliver the proper musical experience required by the curriculum.

Fiscal year 2013 is the first year of a request to establish an equipment replacement cycle for the Graphics Production Center at Needham High School. Although the Center received new equipment during the recent renovation at the High School, the School Department has determined that an ongoing source of funding is needed to sustain and update program equipment. During the summer of 2011, a complete inventory analysis of all equipment was completed. The equipment proposed for replacement in fiscal year 2013 includes a screen print dryer and wide format printer.

Interactive Whiteboard Technology And Technology Replacement This interactive whiteboard project would fund the purchase and installation of interactive technology (SMART and Mimio boards) at Needham

schools. The funding requested for interactive whiteboards includes the completion of the SMART Board purchase and installation at the Newman School to coincide with the return to the renovated building. Included in this purchase for Newman are 11 additional SMART Boards as well as the permanent installation of 23 existing boards and the purchase and installation of wall-mounted short throw projectors. In addition to the completion of Newman, interactive whiteboards will be added at Broadmeadow (1), Hillside (1), and Pollard (2) to advance the District's inventory towards its goal of full interactive whiteboard implementation for grades one through twelve.

The School technology replacement program includes the replacement of 300 teacher, administrator, student, lab and laptop computers that have reached or are functioning beyond the end of their seven-year lifecycle: 169 of these computers are for teachers and administrators throughout the district; 68 are for classroom computers at Broadmeadow, Eliot, Mitchell, and Newman; and at Pollard there is a cart with 30 laptops that is being replaced. Although the majority of the computers being purchased are for the elementary schools and Pollard, FY2013 represents the first year of replacement of computers and LCD projectors that have reached the end of their lifecycle at the High School. The replacement of the High School technology will be phased in over five years. Funding in FY2013 would support 75 teacher and administrator computers, included in the previous count of 169 teacher and administrator computers, as well as 33 student laptop computers in the library. Also included in the replacement cycle are 10 LCD projectors.

Beyond the 300 teacher, administrator, student, lab and laptop computers mentioned above, this request also includes the replacement of two district data servers that are housed at the ETC. These servers have been running 24/7 for three and four years and will be repurposed to less critical functions for two and three years respectively. Also in this category is the replacement of eight UPS batteries that support critical servers throughout the district. Replacement of 19 printers across the district is also included within the technology replacement cycle. The request also includes funding for the impact of conversion to Lion, Apple's new operating system.

School Administration Building Study *This funding will support a feasibility study of the renovation of Emery Grover and a lease/purchase alternative to the building renovation. The Emery Grover School Administration Building is in need of additional office and storage space as well as extensive repair and modernization. The Town Facilities Master Plan had estimated the renovation cost at \$11.4 million in 2008 dollars. The scope of the original renovation was to reorganize the layout of offices, make the building fully ADA accessible, remove remaining asbestos and lead paint, replace deteriorating systems, and allow for full utilization of all four floors. The feasibility study will include studying options in the marketplace as well as alternatives for the Emery Grover Building.*

Public Works Core Fleet *The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:*

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
45	Engineering	2006	Ford E-150/8 Passenger Van	52,990	\$25,000
43	Highway	2007	Ford F-350/4WD Pick-up	51,354	\$52,000
39	Highway	1999	Ford F-350/One Ton Dump Truck	102,062	\$67,000
8	Highway	1996	IH S4900/6 Wheel Dump Truck	45,520	\$171,000

Snow and Ice Equipment *This request will provide funding for equipment used primarily in the Snow and Ice Program. Unless circumstances require otherwise, the vehicles and equipment proposed for replacement in FY2013 are as follows:*

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
8A	Highway	1988	10 Ft. Material Spreader	N/A	\$31,000
111	Highway	1995	Trackless Sidewalk Tractor	N/A	\$140,000

Large Specialty Equipment Public Works specialty equipment consists of power-assisted equipment or other specialized tools used by the Department in the performance of its work. Unless circumstances require otherwise, the vehicles scheduled to be purchased in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
181	Highway	1998	Elgin Pelican Sweeper	N/A	\$210,000
New	Parks	New	Groundmaster Mower	N/A	\$61,500

Small Specialty Equipment This program provides funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of the Department's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. Unless circumstances require otherwise, the equipment scheduled to be replaced in FY2013 includes:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
254	Parks	1989	Brush Chipper	N/A	\$41,000

ARTICLE 31: APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 for acquisition of the real property known as 37-39 Lincoln Street, and associated improvements thereto, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The acquisition of the property at 37-39 Lincoln Street will contribute to the availability of surface parking in the downtown, which is seen as critical for implementation of mixed use redevelopment goals. The parcel is immediately adjacent to the Chestnut Street/Lincoln Street municipal lot, and will add approximately 26 parking spaces. The net increase in parking spaces will be impacted by future redesign of the Chestnut Street/Lincoln Street parking lots and the on-going evaluation of the "buddy parking" system. In October, 2011 the Finance Committee approved a Reserve Fund Transfer request in the amount of \$25,000 to secure the property until the 2012 Annual Town Meeting.

ARTICLE 32: APPROPRIATE FOR FIRE LADDER TRUCK

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$750,000 for the acquisition of a Fire ladder truck, to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto

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

Article Information: This request is to replace Engine #3, which is a 1994 "Quint" model truck (combination pumper/ladder). At the time of replacement, this vehicle will be over 20 years old, two years past its scheduled replacement. This is a front line emergency response vehicle, and is a vital component of the Fire Department's emergency services operation. This is a versatile piece of apparatus that is capable of providing many functions at an emergency. To add to the versatility of this apparatus, the Fire Department will specify that the new vehicle be built so that it can be housed at either fire station. The current E-3 can only be housed at Station 1.

ARTICLE 33: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$600,000 for improvements and repairs to the Town's infrastructure including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

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

Article Information:

Street Resurfacing: This program is essential to improve the structural and surface integrity of the Town's network of accepted streets. The primary strategy of this program is asphalt paving and incidental work. Incidental work may include asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings and signs. Applying this repair strategy in a timely manner will extend the useful life of the roadway for up to 15 years. The requested street resurfacing funding in FY2013 is \$296,000.

Traffic Signal & Intersection Improvements: This program funds traffic signal improvements and intersection improvements and new traffic signal installations where none currently exist. No funding is proposed in FY2013 in this category.

Combined Sidewalk Program: This Program addresses the failing network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvements including the installation of handicapped ramps. The requested Combined Sidewalk Program funding in FY2013 is \$279,000.

Storm Drain Capacity Improvements: This program provides funding to improve roadway drainage capacity. The Stormwater Master Plan identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Locations for improvements have been prioritized within the plan. Since the issuance of this report, numerous multi-unit developments have been built or planned in the Town. These developments incorporate new roads with drainage structures and roof or sump connections which are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and causes flooding in some areas. No funding is requested in this category for FY2013.

Brooks and Culverts – Repair and Maintenance: This program addresses the issue of flooded and poorly draining brooks, streams, waterways and culverts throughout the Town that have been severely damaged by heavy rains/storms for many years. Prior funding has funded cleaning and debris removal. Recent flooding caused the failure of retaining walls. Brooks have become silted, allowing the overgrowth of vegetation that has impacted the level of the water flows and resulting in the loss of useable abutting property and flooded basements. Projects proposed for FY2013 include the continued wall repair along Rosemary Brook in the amount of \$25,000.

ARTICLE 34: APPROPRIATE FOR DPW COMPLEX RENOVATIONS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$580,000 for engineering and construction of eight garage bays and associated site improvements at the DPW Complex, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Planning for renovations to the DPW Complex began in 2005 following the DiNisco Design Partnership study of several Town facilities. Planning for the garage space needs continued during the construction of the Public Services Administration Building, and the Norfolk County Engineering Department has recently completed its survey to determine the property lines for the project. Several draft site plans were created resulting in a selection for the general location of the proposed garage. The proposed project consists of an eight-bay garage to be built north of the existing DPW Building and adjacent to the existing salt shed. The proposed structure will be a pre-fabricated building 60 feet wide by 160 feet long, consisting of eight 20' by 60' bays. The garage will consist of a 14 foot high steel superstructure on top of a four foot high concrete wall foundation (the overall height will be 18 feet) on a concrete slab.

ARTICLE 35: APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL

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

Group	Description	Recommended	Amendment
RTS	Large Specialty Equipment	\$ 175,200	
	Total Appropriation	\$ 175,200	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

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Article Information:

Large Specialty Equipment Public Works specialty equipment consists of power-assisted equipment or other specialized tools used by the Department in the performance of its work. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
53	RTS	1992	Roll-Off	65,012	\$175,200

ARTICLE 36: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

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

Group	Description	Recommended	Amendment
Sewer	Small Specialty Equipment	\$ 34,000	
Sewer	Core Fleet	\$ 33,100	
Sewer	Infiltration & Inflow Program	\$ 550,000	
Sewer	SCADA System	\$ 30,000	
	Total Appropriation	\$ 647,100	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Small Specialty Equipment This program provides funding to purchase new and replace existing Public Works specialty equipment. This equipment is critical for the efficient operation of the Department's maintenance programs. The purchase of this equipment will increase productivity and expand the use of maintenance dollars. Unless circumstances require otherwise, the equipment scheduled to be replaced in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
170	Sewer	2000	Trailer Mounted 4" Pump	N/A	\$34,000

Core Fleet The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Description</i>	<i>Miles</i>	<i>Cost</i>
11	Sewer	2007	Ford F-150/2WD Pick-up Truck	48,370	\$33,100

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Sewer System Infiltration and Inflow Program This program supports the identification and removal of Infiltration and Inflow (I/I) in existing sewer systems. The requested funding for FY2013 is for the evaluation of infiltration, which is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures. On the basis of volume of flow and knowledge of local sewer system overflows (SSO) or basement flooding, an order of priority has been established to determine the scheduling of the engineering, design and remediation work. The highest priorities relate to locations of known surcharging with sewage overflow or release or basement flooding. The remediation proceeds in stages starting with the preliminary engineering, followed by the rehabilitation design and concluding with the rehabilitation construction.

Work in prior years has been undertaken in Areas 11, 14, 19-1, 22, 3, 4, 30, 31, 2, 24, 21L, 1, 16. The priority was based on areas that had recorded the highest levels of infiltration. The field work was conducted in 1984, and supplemented in 1986 and 1987. The study results are now approaching 25 years old. The earliest repair work that was undertaken is approaching 20 years old, and the remaining sections identified in the original study show significantly less I/I per length of sewer main. There is a strong probability that the original high leakage areas are contributing greater amounts of infiltration than the remaining sections left to repair as identified in the original study. Therefore, the study must be updated at this time to ensure effective expenditure of Town resources to address current infiltration and inflow. The components of the first phase of the study will include engineering (\$240,000), permanent and portable flow meter installation (\$210,000), and rented flow meters (\$100,000). The components of a future phase of the evaluation will include engineering and closed circuit TV services.

Sewer SCADA System The Department's goal is to provide a communication and alarm system to replace the current system that is outdated and unreliable. Currently there is no linked communication between or among pump stations. The goal is to collect data from the nine sewage pumping stations, then communicate that data to a central location (likely the West Street Pump Station), allowing for efficient management and control of the sewer pumping operations. This system will alert the appropriate emergency response for on-call personnel to remotely access the system, making changes to pump stations as necessary. The current alarm call system uses an outdated verbatim call box at the four major sewage pumping stations and a light and siren system at the five smaller stations. The verbatim system is programmed to call the Police Department dispatcher when an alarm condition has occurred, who then alerts the Sewer Division on-call person. The five smaller stations rely on neighbors to call the Police Department when an alarm occurs. This funding is for a feasibility study to determine the best mode of communication for the SCADA system.

ARTICLE 37: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

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

Group	Description	Recommended	Amendment
Water	Core Fleet	\$ 117,000	
Water	Filter Media Replacement	\$ 72,500	
Water	System Rehabilitation Program	\$ 99,300	
Water	Service Connections	\$ 200,000	
Water	Fire Flow Improvements	\$ 350,000	
	Total Appropriation	\$ 838,800	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Core Fleet The Core fleet consists of passenger vehicles such as sedans and wagons, vans, pick-up trucks, small dump trucks, and utility trucks. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2013 include:

Unit	Division	Year	Description	Miles	Cost
1	Water	1999	Ford F-350/One Ton Dump Truck	67,128	\$67,000
2	Water	2000	Ford F-350/Utility Pick-up	91,719	\$50,000

Filter Media Replacement Filter media is used for manganese removal at the Charles River Water Treatment Facility. All four filters at the Treatment Facility were replaced with natural greensand in 2008. This program is intended to establish a five year replacement cycle for the replacement of the filter media, with a new synthetic product called Greensand Plus, a substitute for natural greensand. Greensand Plus is promoted as being able to withstand wider variations in operating conditions and therefore may reduce the frequency of media replacement, and reduce the need for the administration of potassium permanganate. The first year of funding for the five year cycle is fiscal year 2012

Water System Rehabilitation Program The annual Water System Rehabilitation Program draws from the recommendations of the Water System Master Plan. The master plan recommends that pipes 85 years or older be considered for replacement or relining. This list of older pipes is evaluated and prioritized, and then cross-referenced with work proposed for other utilities, road repairs, or reconstruction. Unless circumstances require otherwise, projects for FY2013 include engineering and design for the installation of a new eight inch pipe (2,500 linear feet) on Grant Street from Junction Street to Dedham Avenue.

Water Service Connections The primary purpose of this program is to remove old iron pipe water services that may contain lead from the water distribution system. Old water services are to be replaced prior to a road reconstruction/paving project. If the services are not replaced, an element of the subsurface infrastructure is susceptible to failure before the useful life of the reconstructed roadway has been realized. The FY 2013 funding will provide approximately one year's value of water service replacements, which will fall in line with the road resurfacing program schedule.

Water Fire Flow Improvements The Water System Master Plan has identified a category of improvements for high priority action. The St. Mary Pump Station has four pumps located within the facility that are designed to pump potable water from the MWRA to supplement the Town's demand for water. Only two pumps are operable at the station, resulting in operation at a capacity less than that which

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is permitted (6.5 million gallons per day). The current pump station is equipped with an emergency auxiliary motor; however, it is preferable to have a standby generator similar to other pumping stations and the Charles River Water Treatment Facility. This request will provide the necessary improvements to meet future water demands, and ensure that the station has emergency back-up electrical power. The preliminary design of the station has been completed. The DPW is preparing to seek proposals for selection of a designer for the final design and the Owner's Project Manager (OPM) services. The costs of OPM services were not originally included in the budget for the project budget. \$350,000 is being requested to cover the entire design and construction services for the OPM. A request for funding for the St. Mary Pump Station Improvement Project construction will be proposed for fiscal year 2014 at an expected amount of \$5,070,000.

TOWN RESERVE ARTICLES

ARTICLE 38: APPROPRIATE FOR WORKERS COMPENSATION RESERVE FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 to the Workers Compensation Reserve Fund, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balances in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The Town appropriated \$494,288 to the fund at the 2011 Annual Town Meeting and the November 7, 2011 Special Town Meeting. The target balance for the fund is \$1,000,000.

ARTICLE 39: ESTABLISH AND APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to establish a fund under the provisions of M.G.L. c, 40 Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003 to be known as the Athletic Facility Improvement Fund. The purpose of this Fund is to allow the Town, from time to time, by appropriation, to reserve funds for the design, maintenance, renovation, reconstruction or construction of athletic facilities; and further to raise, and/or transfer and appropriate the sum of \$282,728 to the fund; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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Article Information: This article seeks to create an athletic facility stabilization fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities, particularly Memorial and DeFazio, which were renovated as part of a remarkable public/private partnership at a cost of more than \$7 million. Replacement of the synthetic turf fields is expected to be in the \$1.6 to \$1.8 million range in the coming years.

ARTICLE 40: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Improvement Fund, as provided under M.G.L., Ch. 40, Sec. 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: Under Article 58 of the May 2004 Annual Town Meeting, the Town voted to establish the General Fund Cash Capital Equipment and Facility Improvement Fund for the purpose of setting aside funds for future capital investment. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The December 31, 2011 balance in the fund is \$561,688.

ARTICLE 41: APPROPRIATE FOR CAPITAL FACILITY FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund as provided under the provisions of M.G.L. Chapter 40, Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Established at the 2007 Annual Town meeting, this fund is intended to be part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation or reconstruction relating to the structural integrity, building envelope or MEP (mechanical, electrical, plumbing) systems of then existing capital facilities. The December 31, 2011 balance in the fund is \$734,117.

ARTICLE 42: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town officer or committee, to

appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

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

Given under our hands at Needham aforesaid this 14th day of February 2012.

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

Selectmen of Needham

**A true copy,
ATTEST**

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2012 Annual Town Meeting Status of Articles March 21, 2012

<u>Article</u>	<u>Title</u>	<u>Status</u>	<u>BOS Rec.</u>	<u>FC Rec.</u>	<u>BOS Member</u>
3	Establish Officials' Salaries			Adopt	
4	Fund Collective Bargaining Agreement - Fire Union			RATM	
5	Fund Collective Barg. Agreement - Pub. Facilities Custodial, Trades			RATM	
6	Transfer of Budgetary Fund Balance			Adopt	
7	Accept Chapter 73, Section 4 of the Acts of 1986			Adopt	
8	Appropriate for Senior Corps			Adopt	
9	Appropriate for Needham Property Tax Assistance Program			Adopt	
10	Appropriate the FY 2013 Operating Budget			Adopt	
11	Appropriate the FY 2013 RTS Enterprise Budget			Adopt	
12	Appropriate the FY 2013 Sewer Enterprise Budget			Adopt	
13	Appropriate the FY 2013 Water Enterprise Budget			Adopt	
14	Continue Departmental Revolving Funds				
15	Authorization to Expend State funds for Public Ways			Adopt	
16	Amend Zoning By-Law: Definition of a Structure				
17	Amend Zoning By-Law: Definitions				
18	Amend Zoning By-Law: Dimensional Regulations				
19	Amend Zoning By-Law: Off-Street Parking Requirements				
20	Amend General By-Law (fines)			No position taken *	
21	Home Rule Petition - Off-Premises Sale of Alcohol			No position taken *	
22	Pesticide Free Zone on Land Owned or Managed by Town of Needham				
23	Citizens' Petition - Citizens United Resolution				
24	Artifact Storage Upgrade / Needham Historical Society				
25	South Street Home/Charles River ARC				
26	Heritage Project/Historical Inventory				
27	Town of Needham Historical Vital Records Preservation				
28	Appropriate to Community Preservation Fund				
29	Rescind Debt Authorization				
30	Appropriate for General Fund Cash Capital				
31	Appropriate for Property Acquisition (37-39 Lincoln St.)			Adopt	
32	Appropriate for Fire Ladder Truck			Amend source to Free Cash/Adopt	
33	Appropriate for Public Works Infrastructure Program			Adopt	
34	Appropriate for DPW Complex Renovations				
35	Appropriate for RTS Enterprise Fund Cash Capital				
36	Appropriate for Sewer Enterprise Fund Cash Capital				
37	Appropriate for Water Enterprise Fund Cash Capital				
38	Appropriate for Workers Compensation Reserve Fund			Adopt at \$125,000	
39	Establish and Appropriate to Athletic Facility Improvement Fund			Adopt at \$282,728	
40	Appropriate to Capital Improvement Fund				

41	Appropriate to Capital Facility Fund				
42	Appropriate to Stabilization Fund			Withdraw	
43	Omnibus			Rec at TM	Assign if needed
* There may be a financial impact, but it is not clearly quantifiable					

Board of Selectmen

AGENDA FACT SHEET for 3/27/2012

Agenda Item: Town Manager Performance Evaluation

Presenter(s): Board Discussion

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

In accordance with its policies, the Board of Selectmen prepares an annual performance evaluation of the Town Manager. Each member of the Board completes his or her own evaluation. The individual evaluations are then compiled into a consensus evaluation overview document which contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Board policy calls for the overview to be released at a meeting of the Board of Selectmen.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated March 27, 2012.

3. BACK UP INFORMATION ATTACHED:

- a. Town Manager Consensus Evaluation Overview Document
- b. Board of Selectmen Town Manager Evaluation Policy (BOS-PERS-004)

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	[no]	NA	_____
b.	Town Counsel	yes	[no]	NA	_____
c.	Finance Director	yes	[no]	NA	_____
d.	DPW _____	yes	[no]	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

**Town of Needham/Board of Selectmen
Town Manager Consensus Evaluation Overview Document
March 27, 2012**

In accordance with its policies, the Board of Selectmen prepares an annual performance evaluation of the Town Manager. Each member of the Board completes his or her own evaluation. The individual evaluations are then compiled into a consensus evaluation overview document which contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Board policy calls for the overview to be released at a meeting of the Board of Selectmen.

Rating Criteria:

Unsatisfactory (1)	The Manager's work performance is inadequate and inferior to the standards of performance required for the position.
Improvement Needed (2)	The Manager's work performance does not consistently meet the standards of the position.
Meets Expectations (3)	The Manager's work performance consistently meets the standards of the position.
Exceeds Expectations (4)	The Manager's work performance is frequently or consistently above the level of a satisfactory employee.
Excellent/Highly Comendable (5)	The Manager's work performance is consistently excellent when compared to the standards of the job.

Personal Characteristics

Exhibits honest and ethical behavior. (5)
Acts in a fair and equitable manner. (5)
Effectively deals with unforeseen issues and problems.(4.75)
Shows resilience by maintaining energy and motivation despite constant demands.Responds well to stressful situations. (5)
Displays creativity, innovation, flexibility and appropriate risk taking. (4.75)

Professionalism

Is fully knowledgeable and committed to the field of local government management. (5)
Seeks to enhance skills and abilities through educational opportunities. (5)
Actively participates in professional municipal management organizations. (5)
Encourages staff training and development. (5)

Public Relations/Communications

Projects a positive image in the community. (5)
Is reasonably open and available to the public/responsive to citizen complaints or requests. (4.5)
Communicates effectively to the media. (5)
Keeps the citizenry informed of current issues in Town government. (4.75)

Board Support/ Relations

Offers professional advice to the Board, including appropriate alternatives and recommendations, based upon thorough study and analysis. (5)

Implements policy matters and other directives adopted by the Board of Selectmen. (5)

Keeps Board members informed of issues and activities in Town government and in the community. (4.75)

Listens and understands Selectmen concerns. (4.5)

Maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust. (4.75)

Community Leadership

Provides leadership within the community by being visible and approachable. (5)

Maintains good communications with the business community. (5)

Supports and recognizes the efforts of volunteer citizens and groups. (4.75)

Maintains effective communications with other communities, state agencies, and municipal organizations. (5)

Maintains effective communications with state and federal elected representatives. (5)

Organizational Leadership/Personnel Management

Provides leadership, motivation and support within the organization. (5)

Effectively delegates tasks and assignments. (5)

Builds and motivates a team, providing direction and monitoring/adjusting performance as required. (5)

Assures selection for employment of the best-qualified personnel. (5)

Assures systematic performance evaluation of staff in the organization. (5)

Establishes high standard of performance for all managers; recognizes, develops, and utilizes their leadership abilities. (5)

Effectively leads collective bargaining efforts with unions; keeps the Board informed on progress. (5)

Strives to maintain good staff morale and maintains open, honest and professional relationships with staff. (5)

Financial Management

Prepares a timely and realistic annual budget proposal in a manner that promotes full understanding of issues and needs. (5)

Employs sound fiscal management practices for the development of the operating and capital budget recommendations. (4.5)

Effectively monitors and controls budget expenditures. (5)

Provides complete and accurate financial information to facilitate budget deliberations. (4.5)

Creatively manages available resources to increase productivity and efficiency. (4.75)

Develops and maintains a long-term financial plan for the Town. (4.75)

Planning and Organization

Creates and facilitates an environment for long-range and strategic planning. (4)

Develops proposals for cost effective reorganization of Town operations. (5)

Establishes appropriate goals and objectives for performance. (4.75)

Overall Rating

Overall, the Town Manager performs at the following level: (5)

Overall Rating Comments

- Kate is one of the finest managers in any realm whom I have known.
- Simply put: Kate is one of the top performing Town Managers in the State.
- Kate's work continues to be outstanding and she is deservedly a leader among her peers.
- Looking forward to changes in the Building Department with the hiring of a new department head.

Recognized Strengths

- She has a deep knowledge of the very broad range of public administration. She managed the Town through two very complex moves of government without any perceivable interruption of vital services.
- Strong leader honest, ethical, very competent, and hard working.

Areas for Improvement

- It is difficult to specify, but any manager must stretch him/herself. As a self motivated manager, I would only encourage Kate to continue to do so.
- We need a community strategic plan. Could be a bit more open to citizen groups.

Town Manager Performance Evaluation Form
Acknowledgement of Receipt

This is to acknowledge the fact that the performance review was conducted by the Board of Selectmen in accordance with the procedures and that the Town Manager has received the overview document with the compilation of scores.

BOARD OF SELECTMEN

Date: _____

TOWN MANAGER

Date: _____

Board of Selectmen	
Policy Number:	BOS-PERS-004
Policy:	Town Manager Evaluation
Date Approved: Date Revised:	December 21, 2010
Approved:	Chairman, Board of Selectman

POLICY AND PURPOSE

The purpose of this evaluation instrument is to formally appraise the Town Manager's performance on an annual basis. The document allows the Board of Selectmen to assess the Town Manager's performance in management practices and in the accomplishment of goals. Through the evaluation procedure, Board members will recognize strengths, offer positive feedback, and suggest any areas that require corrective action.

Individual performance evaluation forms prepared by members of the Board of Selectmen are considered work product/personal documents, and shall not be publicly released. The only document to be released will be an overview document, compiling the scores and comments, prepared by the Chair or his or her designee.

PROCEDURE

1. The period of evaluation is July 1 through June 30.
2. The Town Manager will submit a narrative self-evaluational including a report on goal achievement. A copy of the report and a blank evaluation form will be distributed to each Board member at that time.
2. Board members will complete their evaluations and give them to the Chairman by a date set by the Chairman.
3. The Chairman or his or her designee will compile scores from individual reviews and develop a consensus overview document.
4. The Chairman will give the individually completed performance evaluation forms to the Director of Human Resources who will place them in the Town Manager's personnel file.
5. Board members may meet individually with the Town Manager to discuss aspects of the performance review document.
6. The Chairman will provide the other Board members and the Town Manager with the consensus evaluation overview document at least one week prior to the date at which the document will be publicly released.
6. The overview document will be released by the Chair at a public meeting of the Board of Selectmen.

Rating Scale (1-5)

2. Professionalism	1	2	3	4	5	N/A
a. Is fully knowledgeable and committed to the field of local government management.	☐	☐	☐	☐	☐	☐
b. Seeks to enhance skills and abilities through educational opportunities.	☐	☐	☐	☐	☐	☐
c. Actively participates in professional municipal management organizations.	☐	☐	☐	☐	☐	☐
d. Encourages staff training and development.	☐	☐	☐	☐	☐	☐
Comments:						

3. Public Relations/Communications	1	2	3	4	5	N/A
a. Projects a positive image in the community.	☐	☐	☐	☐	☐	☐
b. Is reasonably open and available to the public and responsive to citizen complaints or requests.	☐	☐	☐	☐	☐	☐
c. Communicates effectively to the media.	☐	☐	☐	☐	☐	☐
d. Keeps the citizenry informed of current issues in Town government.	☐	☐	☐	☐	☐	☐
Comments:						

4. Board Support/ Relations	1	2	3	4	5	N/A
a. Offers professional advice to the board, including appropriate alternatives and recommendations, based upon thorough study and analysis.	☐	☐	☐	☐	☐	☐
b. Implements policy matters and other directives adopted by the Board of Selectmen.	☐	☐	☐	☐	☐	☐
c. Keeps Board members informed of issues and activities in Town government and in the community.	☐	☐	☐	☐	☐	☐
d. Listens and understands Selectmen concerns.	☐	☐	☐	☐	☐	☐
e. Maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust .	☐	☐	☐	☐	☐	☐
Comments:						

[illegible]

Comments:

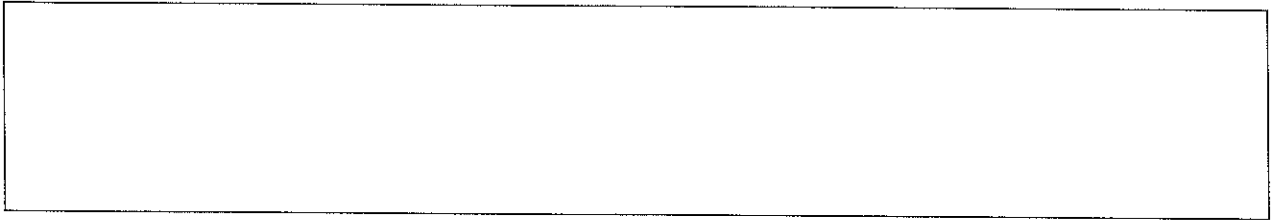
6. Organizational Leadership/Personnel Management	1	2	3	4	5	N/A
a. Provides leadership, motivation and support within the organization.	☐	☐	☐	☐	☐	☐
b. Effectively delegates tasks and assignments.	☐	☐	☐	☐	☐	☐
c. Builds and motivates a team, providing direction and monitoring/adjusting performance as required.	☐	☐	☐	☐	☐	☐
d. Assures selection for employment of the best-qualified personnel.	☐	☐	☐	☐	☐	☐
e. Assures systematic performance evaluation of staff in the organization.	☐	☐	☐	☐	☐	☐
a. Establishes high standard of performance for all managers; recognizes, develops, and utilizes their leadership abilities.	☐	☐	☐	☐	☐	☐
c. Effectively leads collective bargaining efforts with unions; keeps the Board informed on progress.	☐	☐	☐	☐	☐	☐
d. Strives to maintain good staff morale and maintains open, honest and professional relationships with staff.	☐	☐	☐	☐	☐	☐

Comments:

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7. Financial Management	1	2	3	4	5	N/A
a. Prepares a timely and realistic annual budget proposal in a manner that promotes full understanding of issues and needs.	☐	☐	☐	☐	☐	☐
b. Employs sound fiscal management practices for the development of the operating and capital budget recommendations.	☐	☐	☐	☐	☐	☐
c. Effectively monitors and controls budget expenditures.	☐	☐	☐	☐	☐	☐
d. Provides complete and accurate financial information to facilitate budget deliberations.	☐	☐	☐	☐	☐	☐
e. Creatively manages available resources to increase productivity and efficiency.	☐	☐	☐	☐	☐	☐
f. Develops and maintains a long-term financial plan for the Town.	☐	☐	☐	☐	☐	☐
Comments:						

8. Planning and Organization	1	2	3	4	5	N/A
a. Creates and facilitates an environment for long-range and strategic planning.	☐	☐	☐	☐	☐	☐
b. Develops proposals for cost effective reorganization of Town operations.	☐	☐	☐	☐	☐	☐
c. Establishes appropriate goals and objectives for performance.	☐	☐	☐	☐	☐	☐
Comments:						



This document is based in part on policies of the towns of Ashland and Sudbury, Massachusetts

Town Manager Performance Evaluation Form
Acknowledgement of Receipt

This is to acknowledge the fact that the performance review was conducted by the Board of Selectmen in accordance with the procedures and that the Town Manager has received the overview document with the compilation of scores.

BOARD OF SELECTMEN

Date: _____

TOWN MANAGER

Date: _____

Board of Selectmen

AGENDA FACT SHEET for 03/27/2012

Agenda Item: Committee Reports

Presenter(s): Board Discussion

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Board members will report on the progress and / or activities of their Committee assignments.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

None

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____



March 19, 2012

presented by:
Dr. Edward A. Bouquillon
Superintendent-Director

MINUTEMAN FY13 BUDGET Needham Subcommittee

March 19, 2012

A REVOLUTION IN LEARNING

The Benefits

- Experience the Modern American High School.
- Believe in Yourself.
- Prepare for College and Life.
- Learn from Experts.
- Be More Than Just Another Student.
- Make a Fresh Start.

Rigorous and Relevant Learning

- Reading Program: READ180 lab, Reading Specialist on staff, consultancies with all departments and CTE clusters
- World languages: Spanish, French, and Latin
- Collins Writing Program
- Student Portfolio system
- Art and Music programs are thriving
- Homework (posted on Aspen x2 Student and Family Portal)
- Executive Function Initiative (master notebook system and study techniques)
- Library is an active instructional and technology center

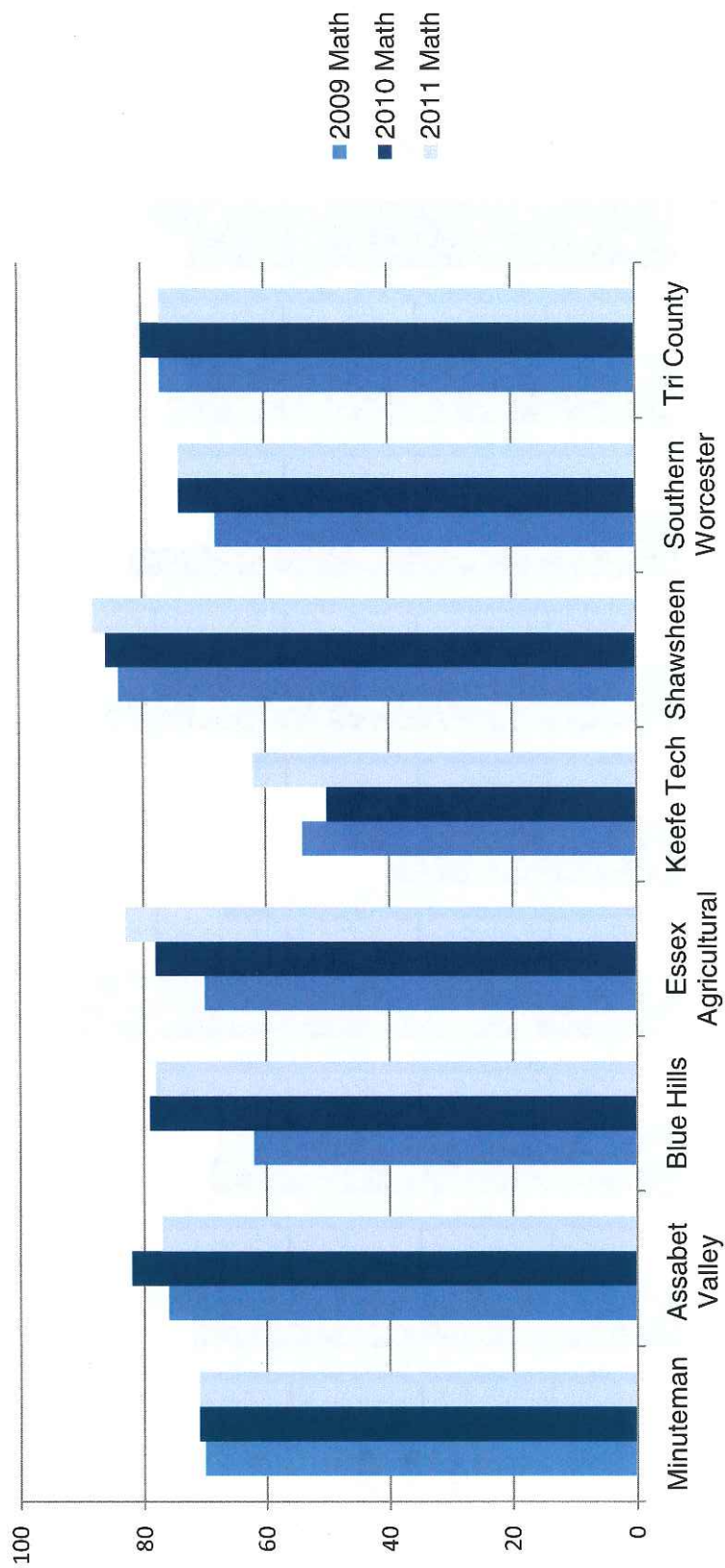
2011 Graduate Achievements

- 100% passing rate for MCAS English, Science, and Math
- 73% college acceptance, 12% career bound and 4% military.
- 100% of Dental graduates passed National Dental Board Exam.
- 100% OSHA-10 hr certification (40 hr OSHA in Environ Tech)
- Industry Recognized Credentials earned Cosmetology, Environmental Tech, Health Occupations, Early Childhood Ed & Care
- National Competition Winners in **SkillsUSA**
 - GOLD in Post Graduate Plumbing
 - 3 GOLD in Environmental
 - 2 BRONZE medalists in Biotechnology
 - 3 National Voting Delegates
 - State Officer

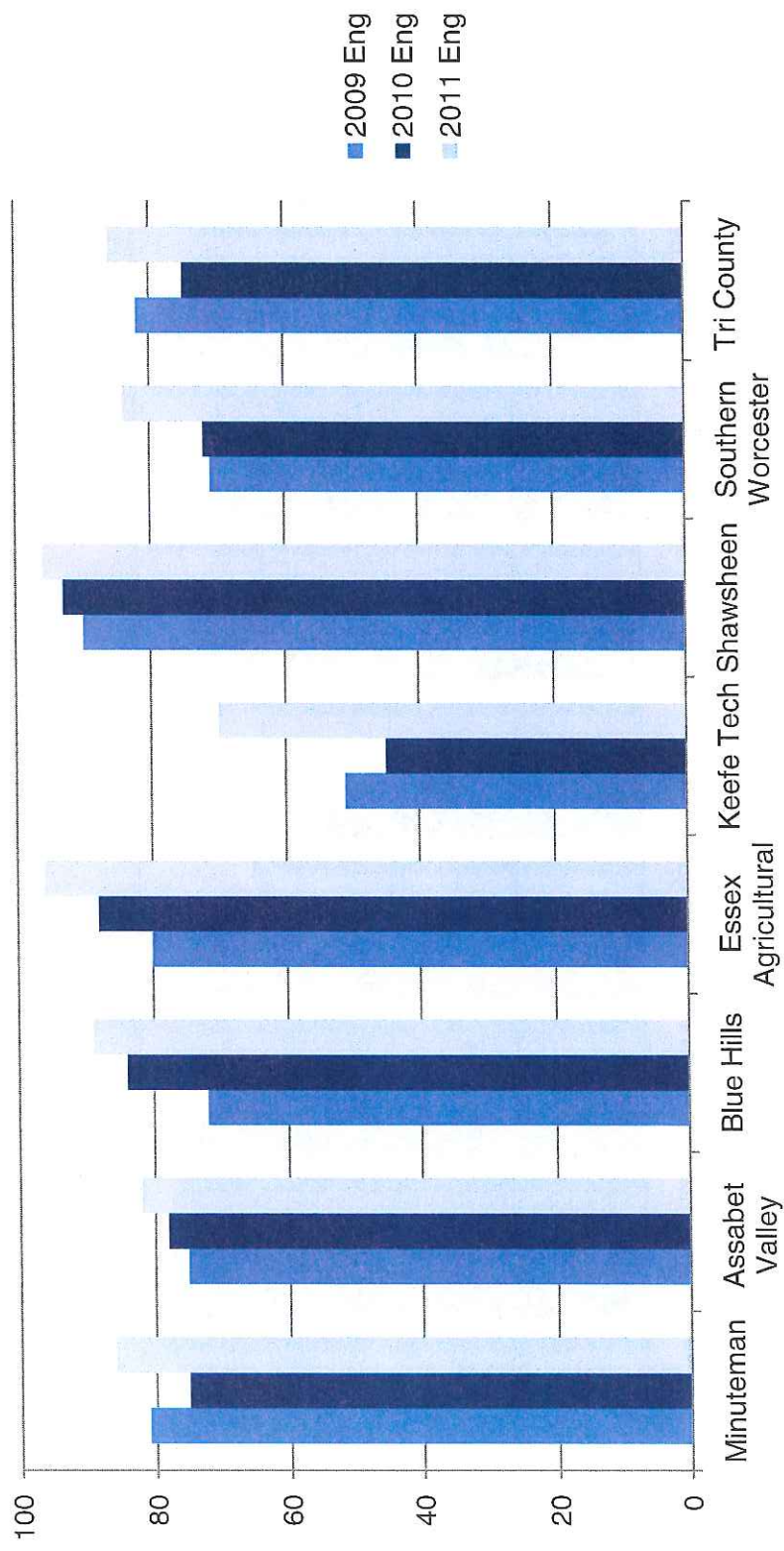


MINUTEMAN
A REVOLUTION IN LEARNING

Math: Advanced & Proficient



English Language Advanced & Proficient



Proposed FY 13 Budget

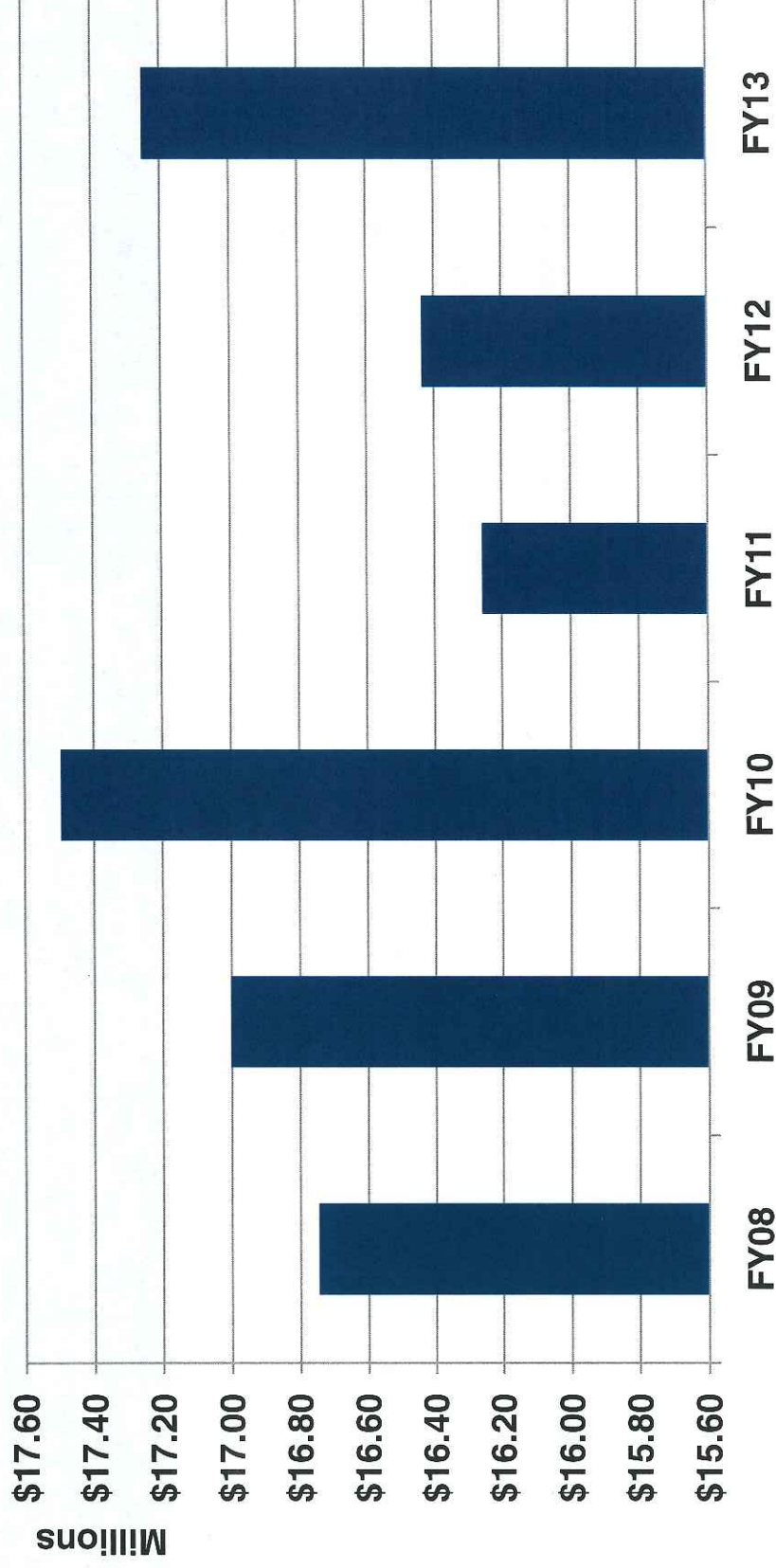
Account Code	Account Description	FY 2009	FY 2010	FY 2011	FY2012	FY2013 Proposed	Difference
1000	Administration	\$1,143,925	\$1,190,473	\$1,075,453	\$1,097,608	\$1,321,287	\$223,679
2000	Student Instructional Services	\$8,924,276	\$8,970,198	\$8,264,000	\$8,179,903	\$8,536,430	\$356,527
3000	Student Services	\$2,191,150	\$2,059,980	\$1,791,745	\$1,767,051	\$1,895,805	\$128,754
4000	Operation & Maintenance	\$1,887,120	\$2,043,378	\$1,523,387	\$1,740,683	\$1,755,494	\$14,811
5000	Insurance, Retirement, Leases	\$2,540,886	\$2,694,919	\$2,720,366	\$2,603,425	\$2,831,108	\$227,683
6000	Community Services	\$ -	\$ -	\$100,000	\$100,000	\$100,000	\$0
7000	Asset Acquisition & Improvement	\$310,378	\$523,309	\$501,099	\$507,930	\$370,000	(\$137,930)
8000	Debt Service	\$3,887	\$13,744	\$282,629	\$438,873	\$441,589	\$2,716
9000	Tuition Payments	\$0	\$0	\$0	\$0	\$0	\$0
GENERAL FUND		\$17,001,622	\$17,496,001	\$16,258,679	\$16,435,473	\$17,251,713	\$816,240

FY13 Operating Budget Increase Overview

FY 2013 Budget Increase = \$ 816,240

Contractual Salary Increase	\$ 275,000
Health Insurance	<u>\$ 142,000</u>
	\$ 417,000
Perkins Grant Funding Allocation	\$ 113,567
Dedicated Principal Position	\$ 80,000
Technology Plan Equipment	\$ 97,443
Transportation – fuel escalation	\$ 45,000
Other Budget Requests	\$ 63,230

6-Year Historical Budget



Note: the Middle School Tech Programs are not included after FY08.

Needham Estimated Assessment

FY	FTE	ASSESSMENT	(+/-)	Per Pupil HS Avg Cost	Per Pupil Sped HS Avg Cost	Per Pupil Capital Cost	Per Pupil Avg Bussing Cost	Total Per Pupil Avg Cost	PP Avg Cost (+/-)
2013	34	\$ 777,052	38.25%	\$17,267	\$21,767	\$1,940	\$3,204	\$22,854	5.61%
2012	26	\$ 562,072	63.41%	\$15,562	\$20,062	\$1,953	\$2,929	\$21,640	6.95%
2011	17	\$ 343,962	-21.06%					\$20,233	-11.77%
2010	19	\$ 435,733	15.45%					\$22,933	9.37%
2009	18	\$ 377,427	-33.36%					\$20,968	7.37%

Estimated Revenue Plan FY13

	FY2009	FY2010	FY2011	FY2012	FY2013	FY12-FY13 DIFFERENCE
Assessments	\$9,738,093	\$9,974,116	\$8,680,359	\$9,178,552	\$9,569,176	\$390,625
Chapter 70 Aid	\$2,268,584	\$2,237,668	\$2,107,088	\$2,113,037	\$2,113,037	\$0
Transportation Reimbursement	\$983,837	\$475,657	\$495,000	\$550,000	\$600,000	\$50,000
Prior Year Tuition	\$3,473,927	\$3,457,303	\$2,888,748	\$2,793,400	\$3,700,000	\$906,600
Current Year Tuition	\$382,181	\$888,363	\$1,541,984	\$1,480,984	\$900,000	(\$580,984)
Special Education Tuition Increase			\$65,000	\$0	\$0	\$0
Post Grad Tuition				\$75,000	\$125,000	\$50,000
Current Year Medicaid	\$45,000	\$45,000	\$65,000	\$34,500	\$34,500	\$0
Current Year Interest	\$85,000	\$65,000	\$20,500	\$10,000	\$10,000	\$0
E & D Budget Appropriation	\$25,000	\$352,894	\$395,000	\$200,000	\$200,000	\$0
	\$17,001,622	\$17,496,001	\$16,258,679	\$16,435,473	\$17,251,713	\$816,241

* Does not include assessment for MS Program.

Non Member Tuition Revenue

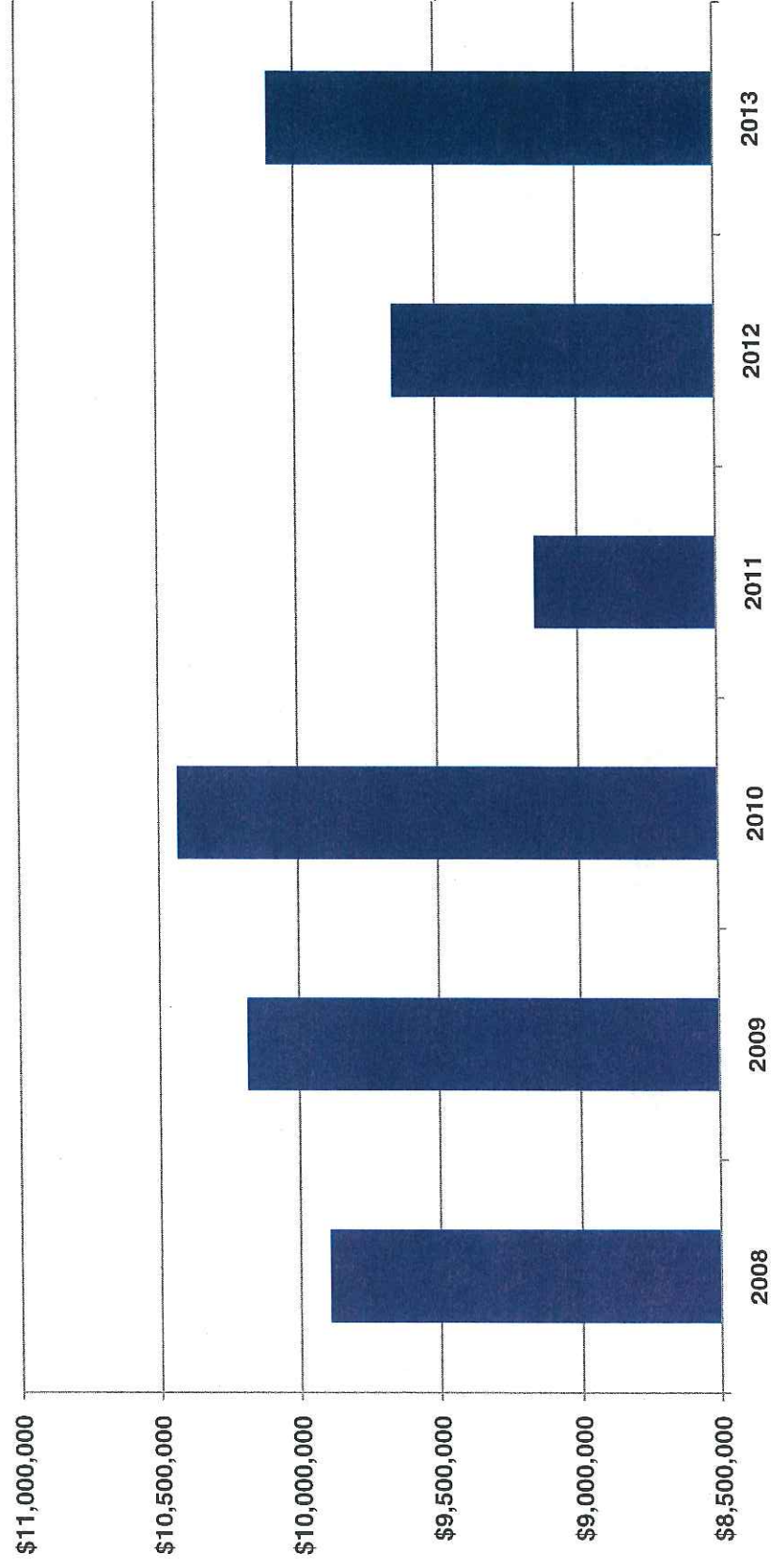
	FY 12	FY13	FY14
Non Member Tuition Revenue (estimated)	\$5,200,000	\$5,500,000	\$5,555,000
"Current Year Tuition" Allocation	\$(1,480,984)	\$ (900,000)	\$ (400,000)
"Prior Year Tuition" Available to Fund Next Fiscal Year	\$3,719,016	\$4,600,000	\$5,155,000

FY 13 Operating Budget Funding Sources

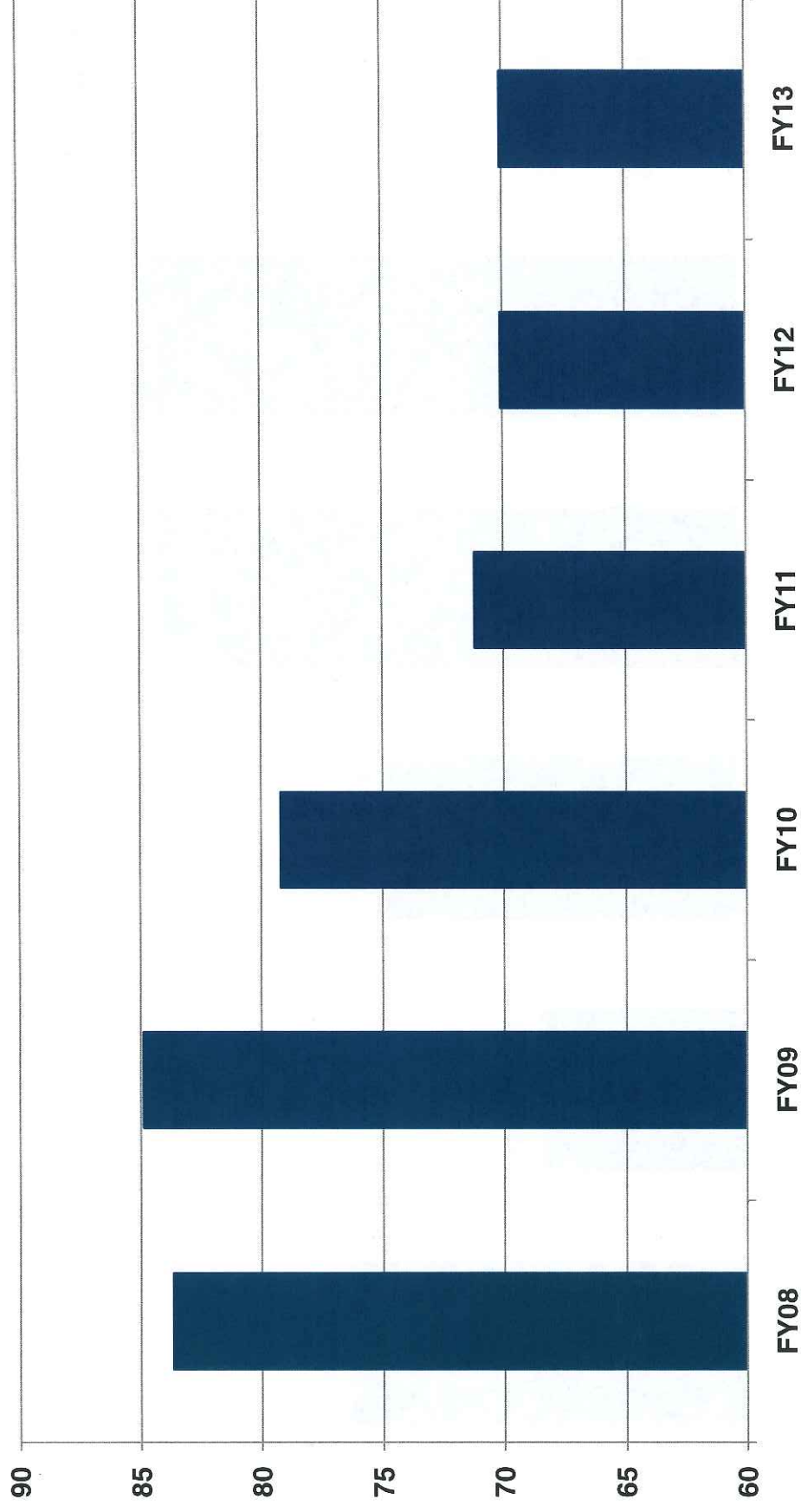
Minuteman \$816,240 Operating Budget Increase:

• Paid by Non Member Tuition Revenue	\$322,751	39.5%
• Paid by Transportation Aid	\$ 50,000	6.1%
• Paid by Member PG Tuition Revenue	\$ 50,000	6.1%
• Paid by Member Town Assessment	\$393,489	48.2%

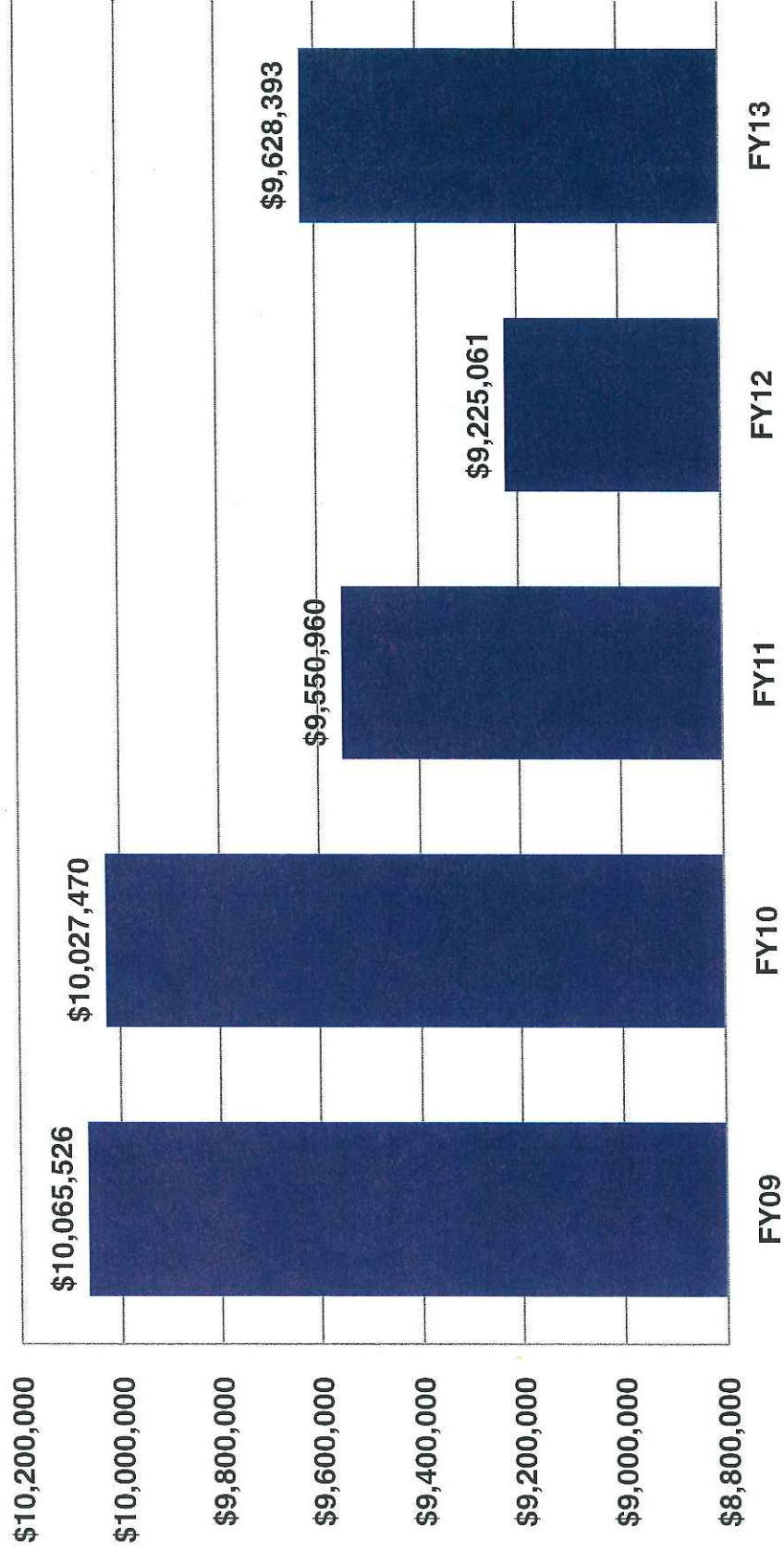
Assessments to Member Towns



Trend: Minuteman Staffing

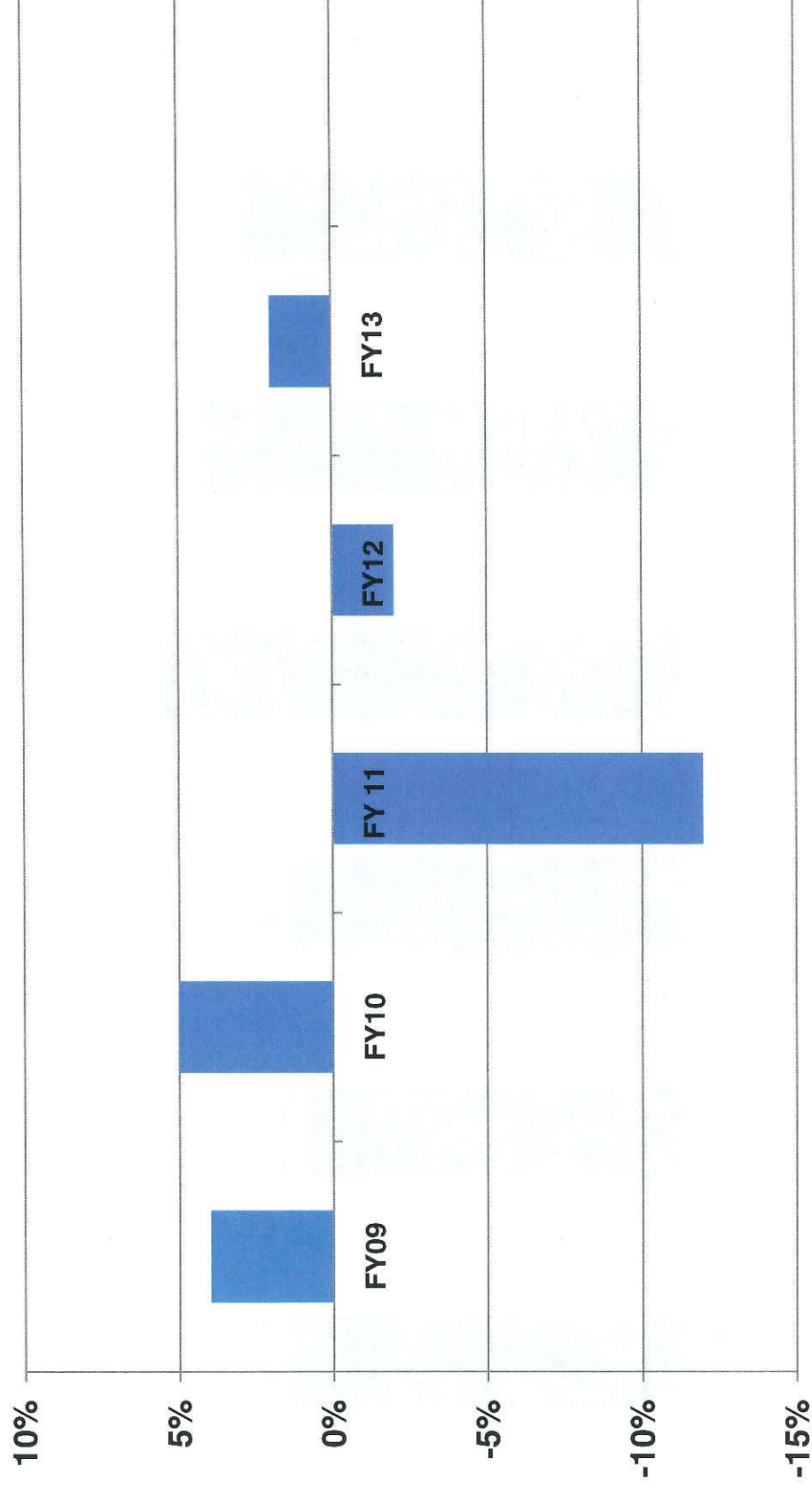


Actual Dollars of Total Salary

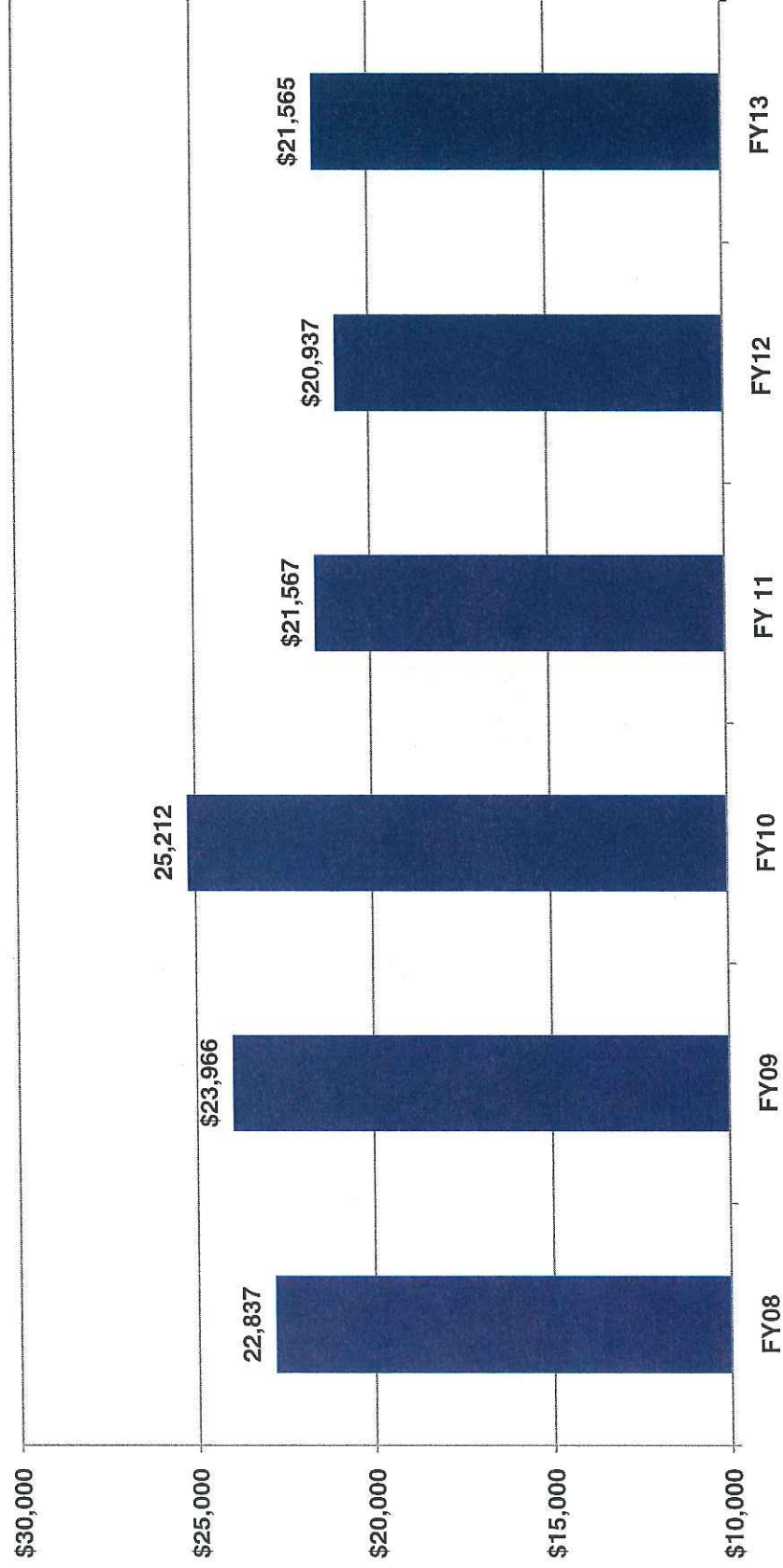


These represent actual Dollars and may differ from previous budgeted amounts.

Trend: Per Pupil Expenditure



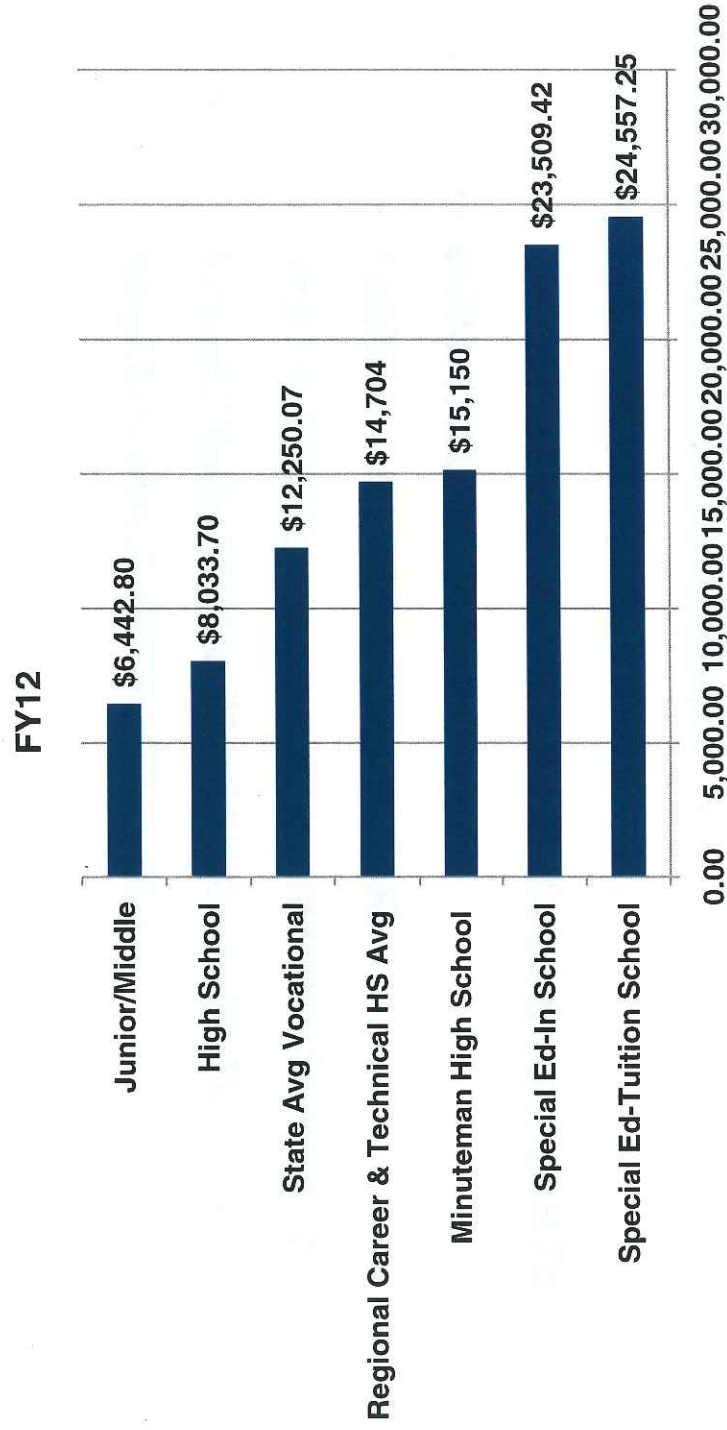
Minuteman Per Pupil Expenditure



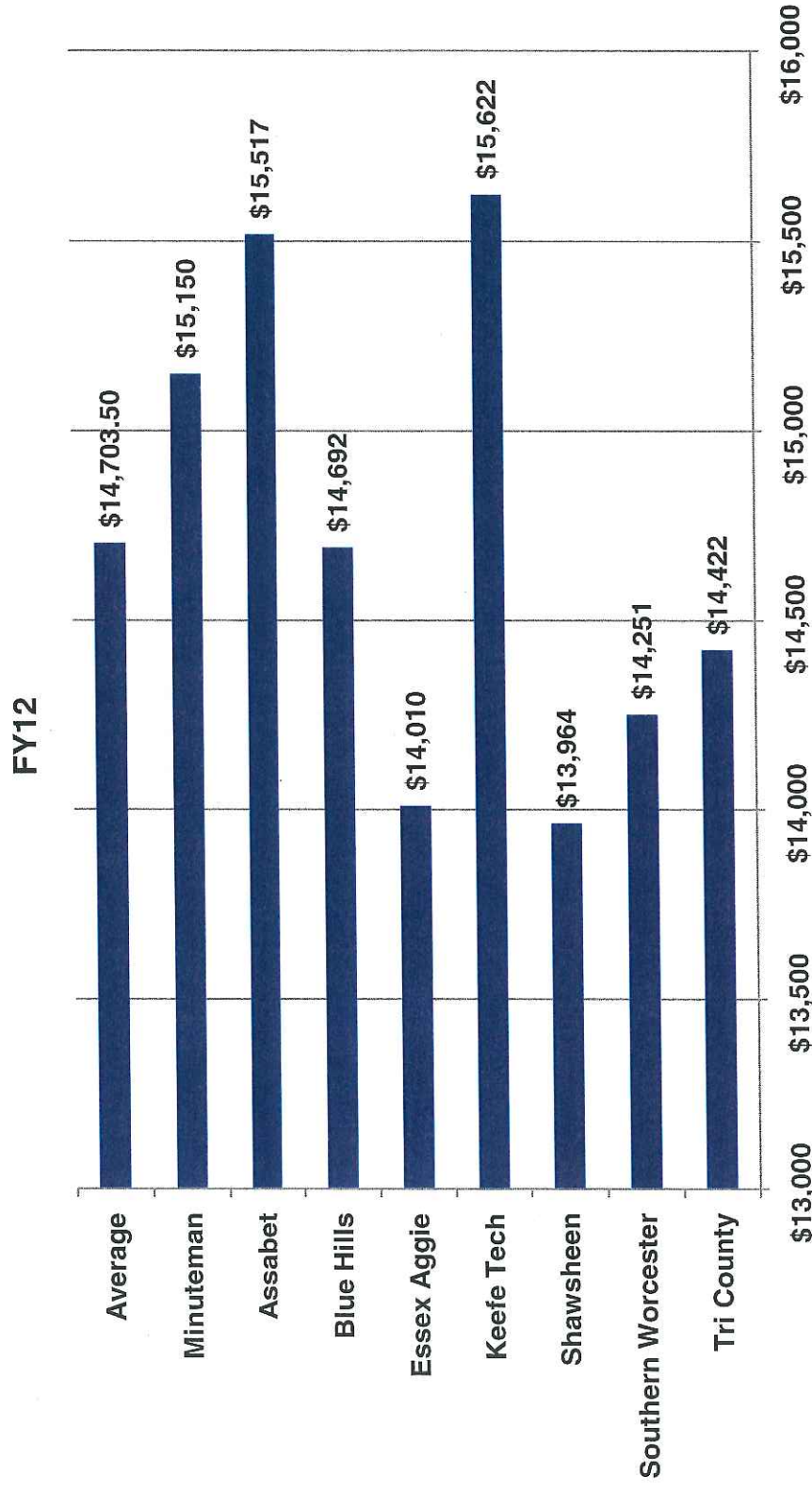
**FY 08, 09, 10, 11 Audited. FY12 and 13 are budgeted amounts.*

[18]

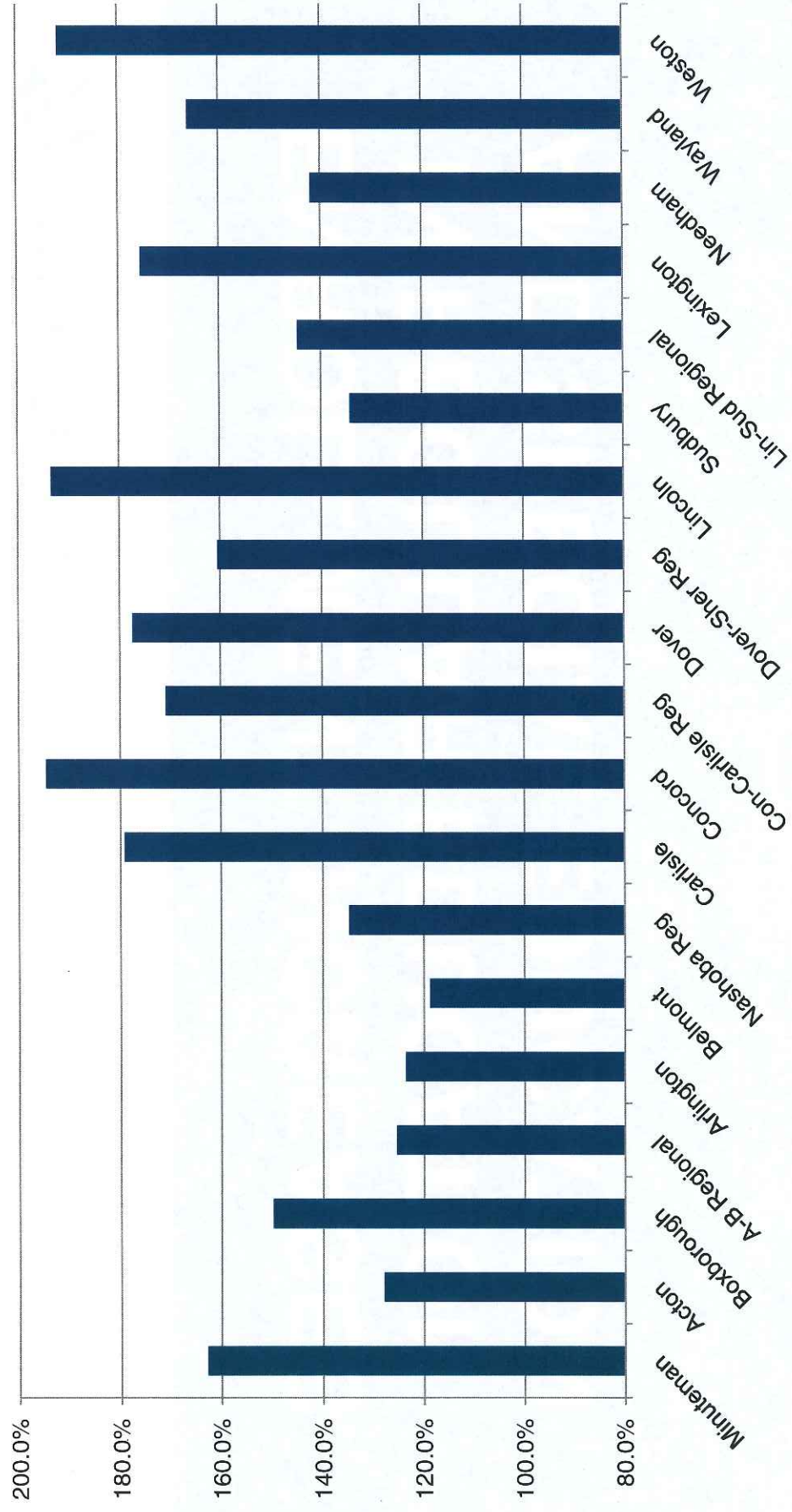
Average FY12 Per Pupil Foundation Rates



FY12 Foundation Rates - Technical Schools



FY11 NSS% Above Foundation





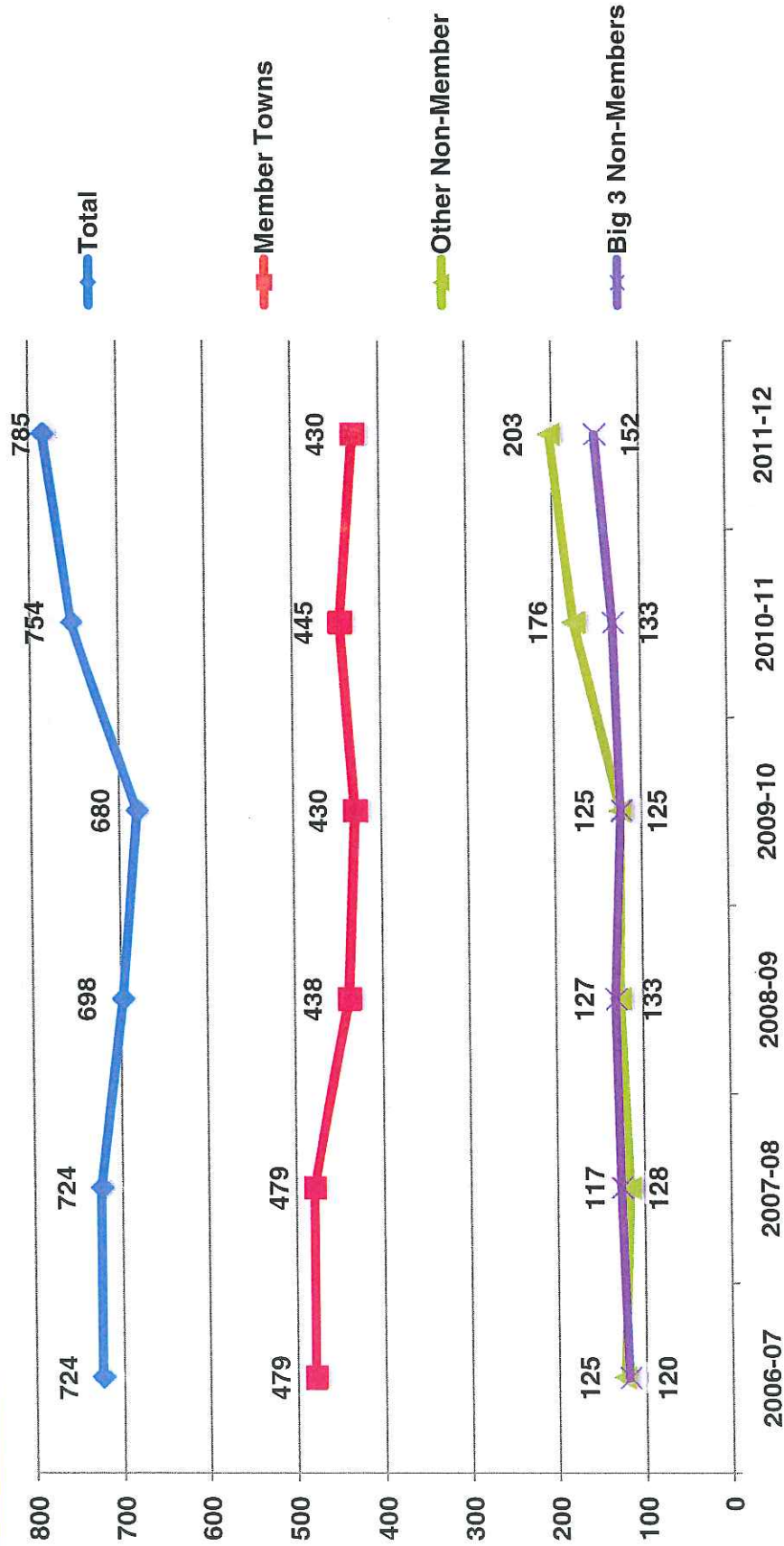
ENROLLMENT INCREASES IN REGULAR EDUCATION AND SPECIAL EDUCATION

A REVOLUTION IN LEARNING

Enrollment Detail

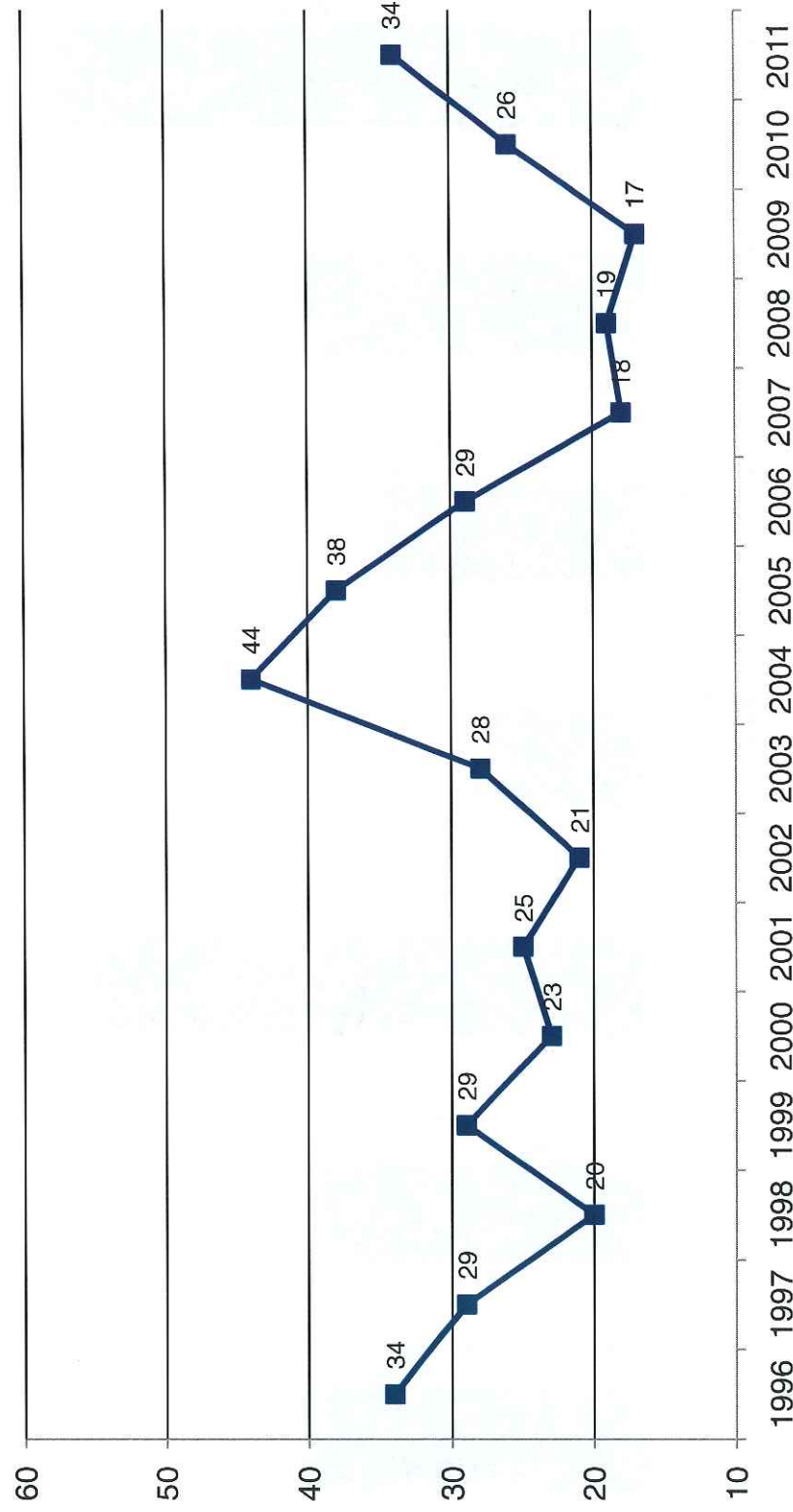
	2010-2011	2011-2012	Diff %
Member Freshmen	103	112	8%
Non-Member Freshmen	81	87	7%
TOTAL	184	199	8%
Member 9-12 enrollment	367	370	1%
Non-Member 9-12 enrollment	250	278	10%
TOTAL	617	648	5%
Member Post-Graduates	61	49	-24%
Non-Member Post-Graduates	59	77	23%
TOTAL PG STUDENTS	120	126	5%
HALF DAY STUDENTS	17	11	-55%
TOTAL HEAD COUNT	754	785	4%
TOTAL FTE COUNT	745.5	779.5	4%

Overall Enrollment

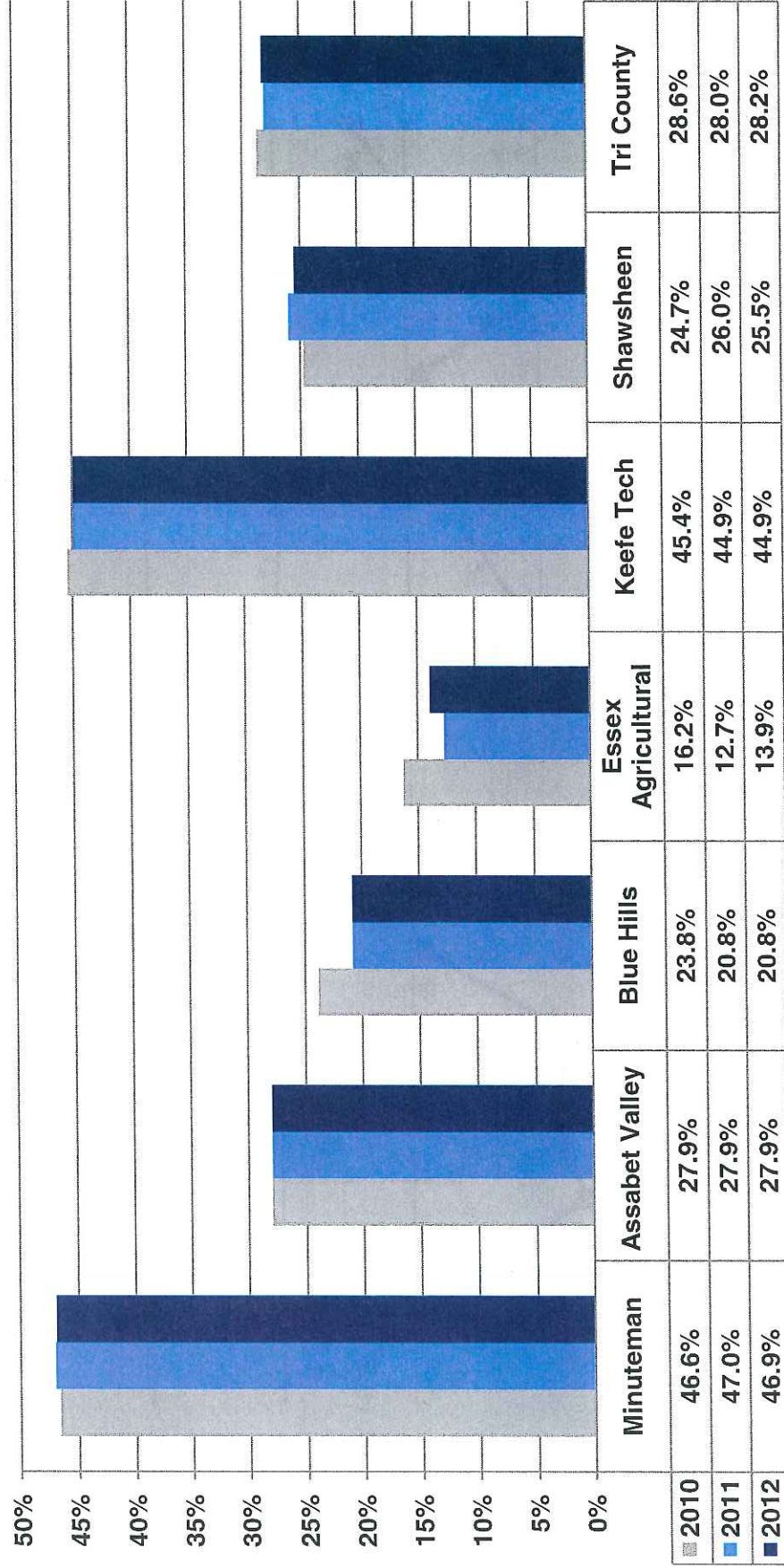


Big three non-member towns: Medford, Waltham, Watertown

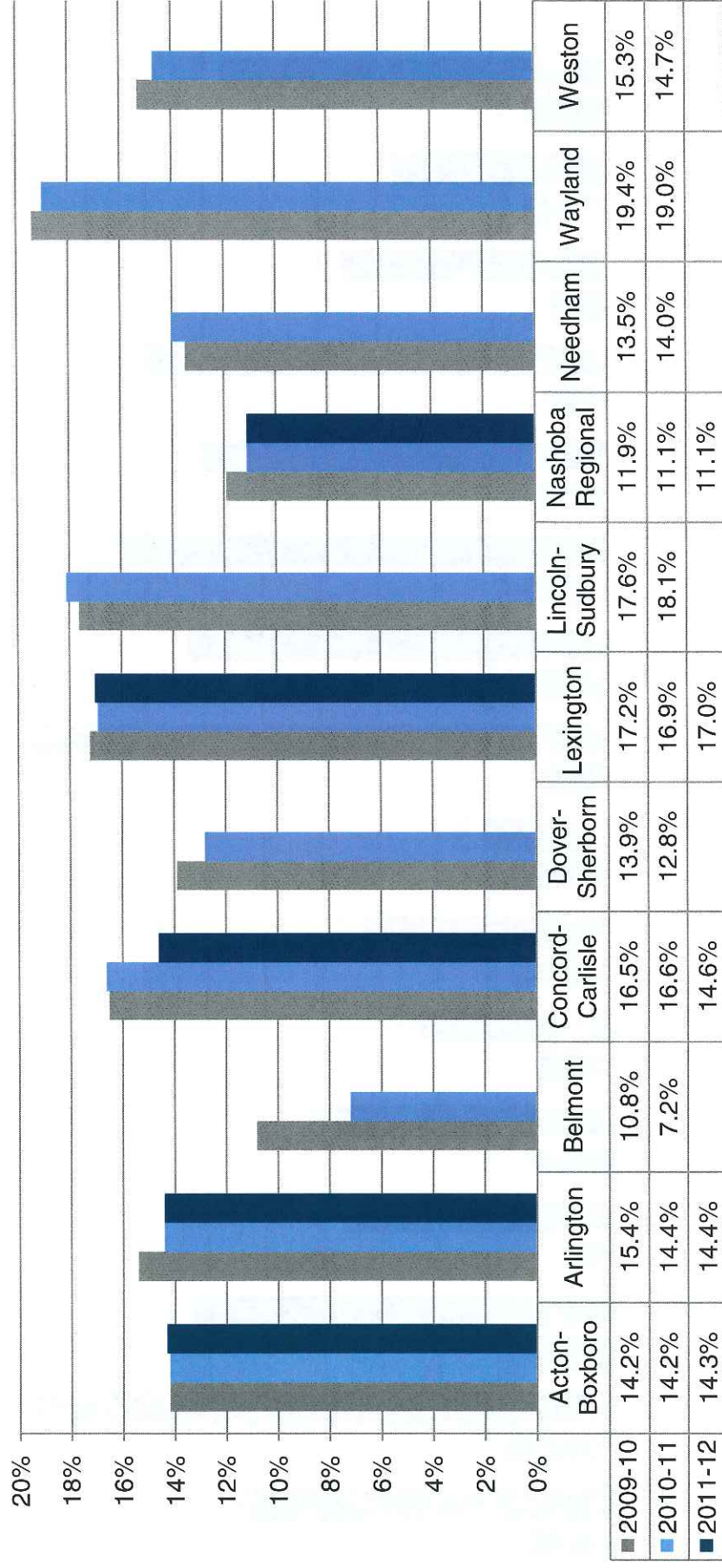
Historical Needham Enrollment



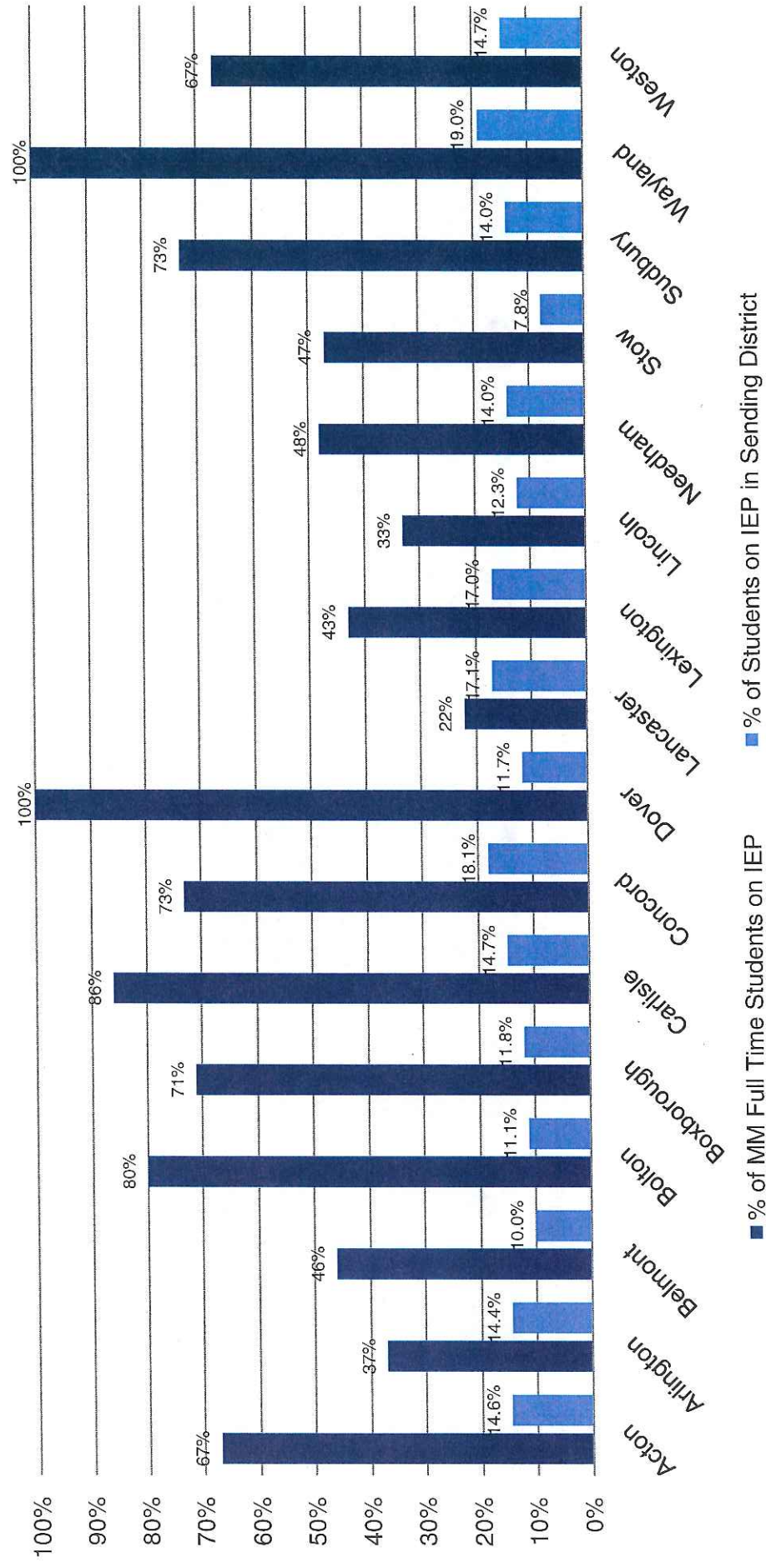
Special Education Enrollment



Special Education Enrollment District Schools



Special Education Enrollment – District



Proposed FY 13 Budget

Account Code	Account Description	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 Proposed	Difference
1000	Administration	\$1,143,925	\$1,190,473	\$1,075,453	\$1,097,608	\$1,321,287	\$223,679
2000	Student Instructional Services	\$8,924,276	\$8,970,198	\$8,264,000	\$8,179,903	\$8,536,430	\$356,527
3000	Student Services	\$2,191,150	\$2,059,980	\$1,791,745	\$1,767,051	\$1,895,805	\$128,754
4000	Operation & Maintenance	\$1,887,120	\$2,043,378	\$1,523,387	\$1,740,683	\$1,755,494	\$14,811
5000	Insurance, Retirement, Leases	\$2,540,886	\$2,694,919	\$2,720,366	\$2,603,425	\$2,831,108	\$227,683
6000	Community Services	\$ -	\$ -	\$100,000	\$100,000	\$100,000	\$0
7000	Asset Acquisition & Improvement	\$310,378	\$523,309	\$501,099	\$507,930	\$370,000	(\$137,930)
8000	Debt Service	\$3,887	\$13,744	\$282,629	\$438,873	\$441,589	\$2,716
9000	Tuition Payments	\$0	\$0	\$0	\$0	\$0	\$0
GENERAL FUND		\$17,001,622	\$17,496,001	\$16,258,679	\$16,435,473	\$17,251,713	\$816,240



THANK YOU!

A REVOLUTION IN LEARNING





For Calendar Year: 2012

**TOWN OF NEEDHAM
LICENSE APPLICATION FOR
SALE OF SECOND-HAND ARTICLES**

The undersigned hereby applies for a License for the Sale of Second-Hand Articles in accordance with the provisions of the Statutes relating thereto:

Name of Applicant (must be an individual): Tiffany Kinder

Name of Company: Above and Beyond Consignment

If Business is a Corporation/Corporate Name and Officers: _____

Address of Establishment: 1016 Great Plain Avenue, Needham

Mailing Address (if different from establishment): _____

Email Address: AboveandBeyondConsignment@gmail.com

Telephone Number: (310) 508 3550 Fax Number: _____

Signature of Applicant: Tiffany Kinder Date: 3/20/12

List of Articles for sale: _____

Art, Furniture, Rugs, Lighting, Decorative and Home goods.

A certificate of insurance showing evidence that the applicant has workers' compensation insurance must be included with this completed application.

Pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have read and am in compliance with the contents of M.G.L. Chapter 62C, Section 49A (on reverse side of this application).

Tiffany Kinder
Signature of Applicant (Mandatory)

561 93 7330
Either a Social Security Number
Or Federal Identification Number Must Be Supplied

By Corporate Officer
(if applicable)
3/20/12
Date (required)

This License will not be issued unless this certification clause is signed by the applicant.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Above and Beyond Remodeling
Address: 1016 GREAT PLAIN AVE
City/State/Zip: Norham MA 02111 Phone #: (310) 508 3550

Are you an employer? Check the appropriate box:

1. ☐ I am an employer with _____ employees (full and/or part-time).*
2. ☒ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☒ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 3/20/12

Phone #: (310) 508 3550

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____

Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

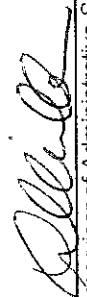
WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

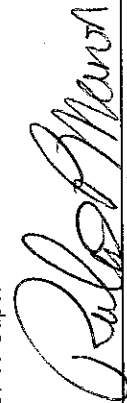
WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	\$4,033.90
Water Irrigation:	\$122.82
Water Service:	\$220.00
Sewer Sales:	\$9,386.70
Transfer Station Charges:	\$0.00
Total Abatement:	\$13,763.42

Order #: 1139

Read and Approved: ~~3/20/12~~ 3/23/2012


DPW Supervisor of Administrative Services


Director of Public Works

For the Board of Selectmen

Date: 3/27/2012

**Town of Needham
Water Sewer Billing System
Adjustment Form**

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
MK	Casey	Richard	4563	896	58	Longacre Road	\$122.82	\$0.00	\$0.00	\$122.82	Leak	
MK	Stoffregan	Seth	22779	5406	83	Gayland Rd.	\$0.00	\$668.85	\$1,477.95	\$2,146.80	Burst Pipe	
MK	Bane	Thomas	867	17870	43	Richardson Drive	\$0.00	\$3,047.80	\$6,723.65	\$9,771.45	M.R.E.	
MK	Beecher	Richard	15503	11438	61	Pine Grove St.	\$0.00	\$0.00	\$436.75	\$436.75	Leak	
LM							\$0.00	\$0.00	\$0.00	\$0.00		
LM		Council on Aging					\$0.00	\$211.50	\$498.90	\$710.40		
		Board of Health					\$0.00	\$105.75	\$249.45	\$355.20		
		Service Fees								\$220.00		
										Total:	\$13,763.42	

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Legend:

O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.
O.E. Error = Over estimation was issued
Leak = Leak in house or at spigot that caused loss of water, with proof of repair
O.E. = High estimation of consumption to have customer respond to meter upgrade/exchange request
TWN = Town Project caused damage to private property
Equip = Equipment Malfunction
Prog. = Meters programmed incorrectly causing reading to be transferred incorrectly to billing system
UE = Under estimated during town wide estimate
UEW = Unexplained water loss
P.F. = Pool and Rink Fill
M.R.E. = Meter Reading Error
Billing = Steps were charged incorrectly
COA = Council On Aging

Service Fee Adjustments - should not have been charged or duplicates

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Service Fee	Total	Reason
MK	Needham Bank		36141	23772	1345	South St.	\$0.00	\$25.00	Error
	Piersiak William		12977	1870	14	De Francesco Cir.	\$0.00	\$15.00	Error
	McCullen Muriel		36441	2202	32	Rybury Hillway	\$0.00	\$15.00	Error
	Stonewood Company I		36049	370	51	Mann Ave	\$0.00	\$15.00	Error
	Hillcrest Development		35403	25460	9	Thurston Ln.	\$0.00	\$15.00	Error
	Field Craig		36453	1422	41	Dawson Dr.	\$0.00	\$15.00	Error
	Brinkhaus Heinz		21573	112	172	Valley Rd.	\$0.00	\$15.00	Error
	Sobill Melissa		35917	1492	78	Broad Meadow Rd.	\$0.00	\$15.00	Error
	Cohen Steven		36189	14936	4	Ware Rd.	\$0.00	\$15.00	Error
	Buell Elizabeth		36461	14942	43	Abbott St.	\$0.00	\$15.00	Error
	Kowalski Jeffrey		36401	15394	12	Kent Rd.	\$0.00	\$15.00	Error
	Budin Alin		36437	3304	375	Hillcrest Rd.	\$0.00	\$15.00	Error
	Eudarc Alain		36419	1300	35	Hillcrest Rd.	\$0.00	\$15.00	Error
	Prime Time Properties		36465	2250	103	Hillcrest Rd.	\$0.00	\$15.00	Error
	Saint Mary Broad St. L		3010	30091	102	Edwardel Rd.	\$0.00	\$15.00	Error

Total: \$0.00 \$15.00 \$0.00

Total: \$220.00

March 27, 2012

ORDER NO. 588
TO THE ASSESSORS:

SPECIAL SEWER ASSESSMENT

Pursuant to the provisions of General Laws, Chapter 83, Section 17 and the amendments thereto, we hereby commit to you for collection the following assessment, contained in one (1) sheet and made by us for the installation of common sewers in the Town of Needham, and we direct you to collect this assessment, as herein set forth and pay the sum so collected to the Town Treasurer in accordance with the provision of law.

[illegible]

NOTE: Sewer originally assessed on March 11, 1969
under Sewer Assessment Order No. 405

sewer,assess.colgate rd

2

Board of Selectmen

Policy Number: BOS-PRO-004

Policy: Procedure for Designer Selection by Town Agencies

Date Approved: 10/28/2003

Date Revised: 10/24/2006; 03/27/2012

Policy:

These procedures govern the selection of designers for any municipal building project subject to the state designer selection law, M.G.L. c. 7, §38A1/2-O. Any other local law governing the procurement of services will be inapplicable to these procurements.

I. DEFINITIONS

"Awarding Authority" means a board, committee, commission or town official that has been authorized to expend money and award a contract(s) for the study, design or construction of a building project:

"Designer" means an individual, corporation, partnership, sole proprietorship, joint venture, joint stock company or other entity engaged in the practice of architecture, landscape architecture, engineering or other professional services, which satisfies any of the following:

- i. If an individual, the individual is a registered architect, landscape architect, engineer or qualified professional;
- ii. If a partnership, a majority of all the partners are persons who are registered architects, landscape architects, engineers or other qualified professionals;
- iii. If a corporation, sole proprietorship, joint stock company or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, or engineers, and the person to have the project in his or her charge is registered in the discipline for the project;
- iv. If a joint venture, each joint venture satisfies the requirements of this section.

"Design Services" means any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

- i. Preparation of master plans, studies, surveys, soil tests, cost estimates or programs;

- ii. Preparation of drawings, plans or specifications including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- iii. Supervision or administration of a construction contract; and
- iv. Construction management or scheduling.

"Building Project" means a capital facility project undertaken for the planning, acquisition design, construction, installation, repair or maintenance of any building and appurtenant structures, facilities and utilities, including initial equipment and furnishings thereof; provided, however, that appurtenant buildings or structures which are required to be constructed as integral parts of the development of sewer, water, and highway systems shall not be subject these procedures.

"Committee" means the appointees of the awarding authority, made up of at least three members, to act as a designer selection board for selection of finalists to provide design services for a town building project in accordance with the intent of Chapter 7, Sections 38A 1/2 to 38O. The committee shall include one or more members who are residents of the Town and one or more architects or engineers who may be in-house or outside people.

II. PROCEDURES

A. The procedure for designer selection by town agencies as required under the provisions of G. L., Chapter 7, Section 38A 1/2 to 38O, is to apply to the selection of designers for designer services by all municipal agencies for building projects, including construction, renovation, alteration, remodeling and repair projects, if both the estimated cost is one hundred thousand dollars or more and the design fee under the contract is ten thousand dollars or more. These procedures do not apply to the selection of designers for projects requesting funding from the Massachusetts School Building Authority. These procedures do not apply to the selection of designers for the fabrication or construction of modular buildings procured under the provisions of M.G.L., Chapter 149, Section 44E. These procedures do not apply to the selection of designers for public works projects bid under the provisions of Chapter 30, Section 39M and projects, including building projects, that are integral parts of the development of sewer, water and highway systems.

B.

- 1. The awarding authority will determine the nature and extent of the design services required for the project and will develop the project criteria required under paragraph II, subparagraph 3 below.
- 2. A Request for Proposals (RFP) will be publicly advertised in a newspaper of general circulation in the area of the project and in the Central Register at least two weeks prior to the deadline for submitting proposals.
- 3. The RFP will provide the following detailed information:
 - i. A description of the project, the specific designer services sought, estimated construction costs, and the time allotted for completion;

- ii. When and where the program prepared for the project will be available for inspection by applicants, or a statement that there is no program beyond the information in (a) above.
 - iii. The qualifications required of applicants for the project;
 - iv. The categories of designer consultants, if any, for which applicants must list consultants they intend to use;
 - v. Whether the fee has been set or will be negotiated. If the fee has been set, its amount must be stated as a total dollar amount, not a percentage. If the fee is to be negotiated, the awarding authority shall set a not-to-exceed amount but this amount need not be published in the RFP.
 - vi. The deadline for submission of proposals;
 - vii. When and where a briefing session (if any) will be held;
 - viii. Any other pertinent information.
4. A committee of at least three members will be appointed by the awarding authority to evaluate proposals and select the finalists.
5. The Committee shall select at least three finalists, if there are three or more applicants. If less than three apply, each applicant shall be a finalist. The evaluation and selection of the proposals shall be based on the following criteria:
- i. prior similar experience;
 - ii. past performance on public and private projects;
 - iii. financial stability;
 - iv. identity and qualifications of the consultants who will work with applicant on the project; and
 - v. any other criteria that the committee considers relevant for the project.
6. Applicants or finalists may be required to:
- i. appear for an interview before the committee;
 - ii. present a written proposal to the committee; or
 - iii. participate in a design competition held by the committee.

- iv. provide additional information to the committee, as the committee shall determine, provided all other applicants or finalists are afforded an equal opportunity to do so.
- 7. When the committee has required the applicants to list consultants which they intend to use, any changes in, or addition to, consultants named in the application must be approved by the awarding authority and reported to the committee with a written statement by the designer or construction manager of the reasons for the change. In no event may a consultant be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7, Section 38E.
- 8. The committee will select at least three finalists from among all applicants and transmit the list to the awarding authority. The list will rank the finalists in order of qualifications, provide a record of the final vote of the committee on the selection, and include a written statement explaining the committee's reasons for its choice and its ranking of the finalists. The list will be a public record and maintained in the contract file. The Committee shall transmit to the awarding authority all material made or received relating to the recommendation. In no event may a designer be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7, Section 38E.
- 9.
 - i. If the fee for design services has been set by the awarding authority prior to the selection process, the awarding authority will select the designer or construction manager to be awarded the contract from the list submitted by the committee. If the list ranks the designers in order of qualification and a designer or construction manager other than the one ranked first is selected, the awarding authority shall file a written justification with the committee and with the Town Clerk.
 - ii. If the fee is to be negotiated, the awarding authority shall review the list transmitted by the committee, and may exclude any designer or construction manager from the list if a written explanation of the exclusion is filed with the Committee and maintained with the contract file. The awarding authority shall then appoint a designer based on successful fee negotiation among the remaining finalists in order of rank.
 - iii. If the awarding authority is unable to negotiate a satisfactory fee with any of the finalists, the awarding authority shall request the Committee to select additional finalists.
- 10. The awarding authority may allow a designer who conducted a feasibility study to continue with the design of the project, provided the awarding authority subsequently procures the services for such design in accordance with these designer selection procedures and Chapter 7 of the General Laws. However, the awarding authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project.

III. DESIGN CONTRACT

- A. The design contract shall state the fee for such services as a total dollar amount. The contract may provide for equitable adjustments in the event of changes in scope or services. However, neither the designer, nor any of its consultants, shall be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the awarding authority.
- B. Every contract awarded for design services shall include:
1. a certification that the designer or construction manager has not given, offered or agreed to give any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 2. a certification that no consultant to or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with the award to the consultant or subcontractor of a contract by the designer or construction manager;
 3. a certification that no person, corporation or other entity, other than a bona fide full time employee of the designer or construction manager, has been retained or hired to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer;
 4. a certification with respect to design contracts which exceed ten thousand dollars and which are for the design of a building for which the budgeted or estimated construction costs exceed one hundred thousand dollars, that the designer has internal accounting controls as required by Chapter 30, Section 39R, and that the designer will:
 - i. maintain accurate and detailed accounts for a six year period after the final payment;
 - ii. file regular statements of management concerning internal auditing controls;
 - iii. file an annual audited financial statement; and
 - iv. submit a statement from an independent certified public accountant that such CPA has examined management's internal auditing controls and expresses an opinion as to their consistency with management's statements in (2) above and whether such statements are reasonable with respect to transactions and assets that are substantial in relation to designer's financial statements. G. L., Chapter 7, Section 38H (e); and

5. a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. The awarding authority may require a consultant employed by the designer subject to this subparagraph to obtain and maintain a similar liability insurance policy. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the public agency may require, and shall cover the applicable period of limitations. A designer required to obtain all or a portion of such insurance coverage at his own expense shall furnish a certificate or certificates of insurance coverage to the awarding authority prior to the award of the contract.
- C. The awarding authority may request a copy of the Division of Capital Asset Management's (DCAM) Standard Design Contract to use as is, or to modify. Contracts for design services may include a requirement that the designer be responsible for overseeing the construction phase of the contract.
 - D. The awarding authority shall incorporate current applicable minority-owned business enterprise (MBE) and women-owned business enterprise (WBE) participation goals, as determined by DCAM, into any design contract where funding is provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like). Reductions or waivers of these goals may be permitted where the size, nature or location of the project makes achieving such levels of MBE or WBE participation unfeasible.

IV. RECORDS

- A. In the selection of applicants to perform design services the awarding authority will keep the following records:
 1. all information supplied by or obtained about each applicant;
 2. all actions taken by the committee relating to any project;
 3. all actions taken by the awarding authority relating to any project;
 4. any other records related to designer selection.
- B. All records will be available for inspection by the State Designer Selection Board.

V. CONFLICT OF INTEREST

No member of a committee shall participate in the selection of a designer as a finalist for any project if the member or any member of his or her immediate family:

- A. has a direct or indirect financial interest in the award of the design contract to any applicant;
- B. is currently employed by, or is a consultant to or under contract to an applicant;
- C. is negotiating or has an arrangement concerning future employment or contracting with any applicant;
- D. has an ownership interest in, or is an officer or director of, any applicant.

VI. EMERGENCY PROCEDURES

When an emergency situation exists, the Town may utilize the following:

EXPEDITED PROCEDURE FOR SELECTION OF DESIGNERS WHEN AN EMERGENCY SITUATION EXISTS

- A. Scope and Purpose These regulations establish a speedy procedure by which the Local Awarding Authority can select a designer, programmer or construction manager, when an emergency situation exists.
- B. Declaration of Emergency
 - 1. The declaration will be made by the Awarding Authority, based upon one of the following criteria:
 - a. Danger to health or safety of any persons because of the time required for selection of a designer by the regular statutory process.
 - b. Deadline for action on a project set by a court or federal agency which cannot be met if the regular statutory process is followed.
 - 2. The Awarding Authority will file a memorandum with the committee stating the reasons for the emergency declaration, listing proposed scope of work, estimated cost of construction, the established lump sum fee for designers' services, and any other relevant information.
 - 3. Upon receipt of the memorandum from the Awarding Authority the Committee may elect to follow the expedited procedures set forth below.
- C. Studies, Programs and Design and Administration of Construction Projects
 - 1. If the scope of work involves a study, program or design and administration of a construction project, finalists may be selected from the existing standing list of consultants who have previously applied to the Town for projects of this nature which have been advertised, or from applicants who have filed a master file brochure with the Town, without public advertising.

2. The Chairman of the Committee, upon receipt of the declaration by the Local Awarding authority that an emergency exists, will select at least 6 semi-finalists as described above.

D. Voting by Committee Members for Selection in an Emergency Situation

1. The Chairman of the Committee shall compile the above information into a package for distribution and action by all Committee members. Material shall be mailed if time permits. When possible, selection shall be made at the next scheduled meeting. When time or other circumstances do not permit, members may respond by mail.
2. In those cases where the Chairman determines that immediate action is required on the basis of an immediate threat to health *or* safety, that person shall nominate at least 6 semi-finalists for the specific project to be acted on. The Chairman may cause to have polled all available Committee members by phone and record their vote, tabulate the results, and forward the names of the 3 or more finalists to the Awarding Authority for its appointment in accordance with Chapter 7, Sections 38F and 38G.
3. The tabulation of the vote by committee members for the 3 or more finalists to be submitted to the Awarding Authority shall be accomplished by crediting the designated point count of each member's vote to the firm so selected by each respective member. Every firm ranked 1st will be credited with 3 points, the 2nd ranked firm will be credited with 2 points and the 3rd ranked finalist will obtain point. The firm obtaining the highest cumulative total of points will be ranked 1st, the next highest total will be ranked 2nd and the 3rd highest total point count will be ranked 3rd.
4. In the case of an equal total point count, the Committee shall be re-polled to determine the final ranking of the 3 or more finalists.

VII. GENERAL

- A. The recommended procedures above may be amended or modified so long as the procedure adopted satisfies the purpose and intent of Chapter 7, Sections 38A 1/2 - 38O and requires newspaper and central register advertising, a uniform application form and uniform application procedure.
- B. All meetings of a government body shall be open to the public and any person shall be permitted to attend any meeting except as provided by G. L., Chapter 30A Sections 20 and 21.

VIII. REGULATORY AUTHORITY

Guidelines developed for designer selection procedures for cities and towns by the Designer Selection Board of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts, pursuant to the provisions of M.G. L. Chapter 7, Section 38K and following the procedures outlined in 811 CMR 3.00.

TOWN OF NEEDHAM
PROCEDURE FOR DESIGNER SELECTION BY TOWN AGENCIES

These procedures govern the selection of designers for any municipal building project subject to the state designer selection law, M.G.L. c. 7, §38A1/2-O. Any other local law governing the procurement of services will be inapplicable to these procurements.

I. DEFINITIONS

"Awarding Authority" means a board, committee, commission or town official that has been authorized to expend money and award a contract(s) for the study, design or construction of a building project:

"Designer" means an individual, corporation, partnership, sole proprietorship, joint venture, joint stock company or other entity engaged in the practice of architecture, landscape architecture, engineering or other professional services, which satisfies any of the following:

- i. If an individual, the individual is a registered architect, landscape architect, engineer or qualified professional;
- ii. If a partnership, a majority of all the partners are persons who are registered architects, landscape architects, engineers or other qualified professionals;
- iii. If a corporation, sole proprietorship, joint stock company or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, or engineers, and the person to have the project in his or her charge is registered in the discipline for the project;
- iv. If a joint venture, each joint venture satisfies the requirements of this section.

"Design Services" means any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

- i. Preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- ii. Preparation of drawings, plans or specifications including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- iii. Supervision or administration of a construction contract; and

iv. Construction management or scheduling.

"**Building Project**" means a capital facility project undertaken for the planning, acquisition, design, construction, installation, repair or maintenance of any building and appurtenant structures, facilities and utilities, including initial equipment and furnishings thereof; provided, however, that appurtenant buildings or structures which are required to be constructed as integral parts of the development of sewer, water, and highway systems shall not be subject these procedures.

Deleted: acquisition,

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(selection of designers in accordance
with the attached guidelines).

"**Committee**" means the appointees of the awarding authority, made up of at least three members, to act as a designer selection board for selection of finalists to provide design services for a town building project in accordance with the intent of Chapter 7, Sections 38A 1/2 to 38O. The committee shall include one or more members who are residents of the Town and one or more architects or engineers who may be in-house or outside people.

II. PROCEDURES

A. The procedure for designer selection by town agencies as required under the provisions of G. L., Chapter 7, Section 38A 1/2 to 38O, is to apply to the selection of designers for designer services by all municipal agencies for building projects, including construction, renovation, alteration, remodeling and repair projects, if both the estimated cost is one hundred thousand dollars or more, and, the design fee under the contract, is ten thousand dollars or more. These procedures do not apply to the selection of designers for projects requesting funding from the Massachusetts School Building Authority. These procedures do not apply to the selection of designers for the fabrication or construction of modular buildings procured under the provisions of M.G.L., Chapter 149, Section 44E. These procedures do not apply to the selection of designers for public works projects bid under the provisions of Chapter 30, Section 39M and projects, including building projects, that are integral parts of the development of sewer, water and highway systems.

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1. The awarding authority will determine the nature and extent of the design services required for the project and will develop the project criteria required under paragraph II, subparagraph 3 below.
2. A Request for Proposals (RFP) will be publicly advertised in a newspaper of general circulation in the area of the project and in the Central Register at least two weeks prior to the deadline for submitting proposals.
3. The RFP will provide the following detailed information:
 - i. A description of the project, the specific designer services sought, estimated construction costs, and the time allotted for completion;

- ii. When and where the program prepared for the project will be available for inspection by applicants, or a statement that there is no program beyond the information in (a) above.
 - iii. The qualifications required of applicants for the project;
 - iv. The categories of designer consultants, if any, for which applicants must list consultants they intend to use;
 - v. Whether the fee has been set or will be negotiated. If the fee has been set, its amount must be stated as a total dollar amount, not a percentage. If the fee is to be negotiated, the awarding authority shall set a not-to-exceed amount but this amount need not be published in the RFP.
 - vi. The deadline for submission of proposals;
 - vii. When and where a briefing session (if any) will be held;
 - viii. Any other pertinent information.
4. A committee of at least three members will be appointed by the awarding authority to evaluate proposals and select the finalists.
5. The Committee shall select at least three finalists, if there are three or more applicants. If less than three apply, each applicant shall be a finalist. The evaluation and selection of the proposals shall be based on the following criteria:
- i. prior similar experience;
 - ii. past performance on public and private projects;
 - iii. financial stability;
 - iv. identity and qualifications of the consultants who will work with applicant on the project; and
 - v. any other criteria that the committee considers relevant for the project.
6. Applicants or finalists may be required to:
- i. appear for an interview before the committee;
 - ii. present a written proposal to the committee; or

- iii. participate in a design competition held by the committee.
 - iv. provide additional information to the committee, as the committee shall determine, provided all other applicants or finalists are afforded an equal opportunity to do so.
7. When the committee has required the applicants to list consultants which they intend to use, any changes in, or addition to, consultants named in the application must be approved by the awarding authority and reported to the committee with a written statement by the designer or construction manager of the reasons for the change. In no event may a consultant be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7, Section 38E.
8. The committee will select at least three finalists from among all applicants and transmit the list to the awarding authority. The list will rank the finalists in order of qualifications, provide a record of the final vote of the committee on the selection, and include a written statement explaining the committee's reasons for its choice and its ranking of the finalists. The list will be a public record and maintained in the contract file. The Committee shall transmit to the awarding authority all material made or received relating to the recommendation. In no event may a designer be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7, Section 38E.
- 9.
- i. If the fee for design services has been set by the awarding authority prior to the selection process, the awarding authority will select the designer or construction manager to be awarded the contract from the list submitted by the committee. If the list ranks the designers in order of qualification and a designer or construction manager other than the one ranked first is selected, the awarding authority shall file a written justification with the committee and with the Town Clerk.
 - ii. If the fee is to be negotiated, the awarding authority shall review the list transmitted by the committee, and may exclude any designer or construction manager from the list if a written explanation of the exclusion is filed with the Committee and maintained with the contract file. The awarding authority shall then appoint a designer based on successful fee negotiation among the remaining finalists in order of rank.
 - iii. If the awarding authority is unable to negotiate a satisfactory fee with any of the finalists, the awarding authority shall request the Committee to select additional finalists.
10. The awarding authority may allow a designer who conducted a feasibility study to continue with the design of the project, provided the awarding

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authority subsequently procures the services for such design in accordance with these designer selection procedures and Chapter 7 of the General Laws. However, the awarding authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project.

III. DESIGN CONTRACT

- A. The design contract shall state the fee for such services as a total dollar amount. The contract may provide for equitable adjustments in the event of changes in scope or services. However, neither the designer, nor any of its consultants, shall be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the awarding authority.
- B. Every contract awarded for design services shall include:
1. a certification that the designer or construction manager has not given, offered or agreed to give any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 2. a certification that no consultant to or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with the award to the consultant or subcontractor of a contract by the designer or construction manager;
 3. a certification that no person, corporation or other entity, other than a bona fide full time employee of the designer or construction manager, has been retained or hired to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer;
 4. a certification with respect to design contracts which exceed ten thousand dollars and, which are for the design of a building for which the budgeted or estimated construction costs exceed one hundred thousand dollars, that the designer has internal accounting controls as required by Chapter 30, Section 39R, and that the designer will:

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- i. maintain accurate and detailed accounts for a six year period after the final payment;
 - ii. file regular statements of management concerning internal auditing controls;
 - iii. file an annual audited financial statement; and
 - iv. submit a statement from an independent certified public accountant that such CPA has examined management's internal auditing controls and expresses an opinion as to their consistency with management's statements in (2) above and whether such statements are reasonable with respect to transactions and assets that are substantial in relation to designer's financial statements. G. L., Chapter 7, Section 38H (e); and
5. a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. The awarding authority may require a consultant employed by the designer subject to this subparagraph to obtain and maintain a similar liability insurance policy. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the public agency may require, and shall cover the applicable period of limitations. A designer required to obtain all or a portion of such insurance coverage at his own expense shall furnish a certificate or certificates of insurance coverage to the awarding authority prior to the award of the contract.

- C. The awarding authority may request a copy of the Division of Capital Asset Management's (DCAM) Standard Design Contract to use as is, or to modify. Contracts for design services may include a requirement that the designer be responsible for overseeing the construction phase of the contract.
- D. The awarding authority shall incorporate current applicable minority-owned business enterprise (MBE) and women-owned business enterprise (WBE) participation goals, as determined by DCAM, into any design contract where funding is provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like). Reductions or waivers of these goals may be permitted where the size, nature or location of the project makes achieving such levels of MBE or WBE participation unfeasible.

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IV. RECORDS

- A. In the selection of applicants to perform design services the awarding authority will keep the following records:
 - 1. all information supplied by or obtained about each applicant;
 - 2. all actions taken by the committee relating to any project;
 - 3. all actions taken by the awarding authority relating to any project;
 - 4. any other records related to designer selection.
- B. All records will be available for inspection by the State Designer Selection Board.

V. CONFLICT OF INTEREST

No member of a committee shall participate in the selection of a designer as a finalist for any project if the member or any member of his or her immediate family:

- A. has a direct or indirect financial interest in the award of the design contract to any applicant;
- B. is currently employed by, or is a consultant to or under contract to an applicant;
- C. is negotiating or has an arrangement concerning future employment or contracting with any applicant;
- D. has an ownership interest in, or is an officer or director of, any applicant.

VI. EMERGENCY PROCEDURES

When an emergency situation exists, the Town may utilize the following:

EXPEDITED PROCEDURE FOR SELECTION OF DESIGNERS WHEN AN EMERGENCY SITUATION EXISTS

- A. Scope and Purpose These regulations establish a speedy procedure by which the Local Awarding Authority can select a designer, programmer or construction manager, when an emergency situation exists.
- B. Declaration of Emergency

1. The declaration will be made by the Awarding Authority, based upon one of the following criteria:
 - a. Danger to health or safety of any persons because of the time required for selection of a designer by the regular statutory process.
 - b. Deadline for action on a project set by a court or federal agency which cannot be met if the regular statutory process is followed.
2. The Awarding Authority will file a memorandum with the committee stating the reasons for the emergency declaration, listing proposed scope of work, estimated cost of construction, the established lump sum fee for designers' services, and any other relevant information.
3. Upon receipt of the memorandum from the Awarding Authority the Committee may elect to follow the expedited procedures set forth below.

C. Studies, Programs and Design and Administration of Construction Projects

1. If the scope of work involves a study, program or design and administration of a construction project, finalists may be selected from the existing standing list of consultants who have previously applied to the Town for projects of this nature which have been advertised, or from applicants who have filed a master file brochure with the Town, without public advertising.
2. The Chairman of the Committee, upon receipt of the declaration by the Local Awarding authority that an emergency exists, will select at least 6 semi-finalists as described above.

D. Voting by Committee Members for Selection in an Emergency Situation

1. The Chairman of the Committee shall compile the above information into a package for distribution and action by all Committee members. Material shall be mailed if time permits. When possible, selection shall be made at the next scheduled meeting. When time or other circumstances do not permit, members may respond by mail.
2. In those cases where the Chairman determines that immediate action is required on the basis of an immediate threat to health *or* safety, that person shall nominate at least 6 semi-finalists for the specific project to be acted on. The Chairman may cause to have polled all available Committee members by phone and record their vote, tabulate the results, and forward

the names of the 3 or more finalists to the Awarding Authority for its appointment in accordance with Chapter 7, Sections 38F and 38G.

3. The tabulation of the vote by committee members for the 3 or more finalists to be submitted to the Awarding Authority shall be accomplished by crediting the designated point count of each member's vote to the firm so selected by each respective member. Every firm ranked 1st will be credited with 3 points, the 2nd ranked firm will be credited with 2 points and the 3rd ranked finalist will obtain point. The firm obtaining the highest cumulative total of points will be ranked 1st, the next highest total will be ranked 2nd and the 3rd highest total point count will be ranked 3rd.
4. In the case of an equal total point count, the Committee shall be re-pollled to determine the final ranking of the 3 or more finalists.

VII. GENERAL

- A. The recommended procedures above may be amended or modified so long as the procedure adopted satisfies the purpose and intent of Chapter 7, Sections 38A 1/2 - 38Q, and requires newspaper and central register advertising, a uniform application form and uniform application procedure.
- B. All meetings of a government body shall be open to the public and any person shall be permitted to attend any meeting except as provided by G. L., Chapter 30A, Sections 20 and 21.

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VIII. REGULATORY AUTHORITY

Guidelines developed for designer selection procedures for cities and towns by the Designer Selection Board of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts, pursuant to the provisions of M.G. L. Chapter 7, Section 38K and following the procedures outlined in 811 CMR 3.00.

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Chairman, Board of Selectmen/Date