

BOARD OF SELECTMEN

October 2, 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	Public Hearing NSTAR- 221 Great Plain Avenue Maureen Carroll, NSTAR representative
2.	7:00	Public Hearing NSTAR- 1362 Great Plain Avenue Maureen Carroll, NSTAR representative
3.	7:05	Introduce RTS superintendent Rick Merson, Director of Public Works
4.	7:10	Legislative Update Representative Denise Garlick
5.	7:30	CPC Proposals Under Review Janet Bernardo, Patty Carey
6.	7:45	Citizens' Petitions on STM Warrant Tom Connors
7.	7:55	Zoning Articles on STM Warrant - Jeanne McKnight, Planning Board - Lee Newman, Director of Planning & Community Development
8.	8:10	Department of Public Works Permission to Encroach into Sewer Easement- Dale Street
9.	8:15	Town Manager - Approve MOA/Fire Union - Determination of Unique Status - CPA Priorities - Sewer Rate Relief Application - Town Manager Report
10.	8:35	Board Discussion - Positions on Warrant Articles - Committee Reports
11.	8:55	Executive Session Exception 3 & 6

APPOINTMENTS

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CONSENT AGENDA *=Backup attached

1.*	Water and Sewer Abatement Order #1148				
2.*	Sign the Warrant for the State Election Warrant and the Special Town Election Warrant scheduled for November 6, 2012.				
3.	Accept donations made to the Needham Community Revitalization Trust fund for a bench in memory of Town Meeting Member, Jane Howard: Maryruth & Richard Perras- \$100, Needham Women's Club- \$150.				
4.	Ratify a change in Event Manager for a Special One Day Liquor license from Laura Schindler of Century 21 Commonwealth to Mike Despres of the Village Club. The event is a Monte Carlo night scheduled for Saturday, September 29, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham. The original license was approved at the September 18, 2012 BOS meeting.				
5.	Approve a change in Event Manager for a Special One Day Liquor license from Laura Schindler of the Needham Junior Football and Cheerleading to Mike Despres of the Village Club. The event is a Dance Party scheduled for Saturday, October 6, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham. The original license was approved at the September 18, 2012 BOS meeting.				
6.	Accept a \$500 donation made to The Needham Health Department's Gift of Warmth fund from Missions & Outreach Ministry, The First Baptist Church in Needham.				
7.	Grant permission for the following residents to hold a Block Party:				
	Name	Address	Party Location	Date	Rain date Time
	Beth Reilly	52 Fairfield	52 Fairfield	10/13/12	1-6pm
	Heidi Wiesel	46 Ware Road	Ware Road	10/27/12	2-6pm
	Kimberly Christie (ratify)	179 Harris Ave	Pinewood Road	9/29/12	3-7pm
	Bruce Patz (ratify)	39 Woodbine Circle	Fay Lane	9/23/12	9/30/12 3:30-7pm
	Liz Lawlor (ratify)	76 Howland St	Howland St/Pleasant T	9/29/12	10/1/12 3-6pm
	Karen Kopf	55 Walnut St	Walnut St between Henderson & Willow St	10/6/12	2-8 pm
	Barbara Mason (ratify)	45 Washington St	In front of 45 Washington St	9/29/2012	9/30/12 4-8pm



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Public Hearing – NSTAR Petition for 221 Great Plain Avenue
Presenter(s)	Maureen Carroll, NSTAR

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED			
NSTAR requests permission to install approximately 11 feet of conduit at Pole 3/40 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 221 Great Plain Avenue, Needham. 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.	<table><tr><td>VOTE REQUIRED BY BOARD OF SELECTMEN</td><td>YES</td><td>NO</td></tr></table> Suggested Motion: Move that the Board of Selectmen approve and sign petition from NSTAR to install approximately 11 feet of conduit at Pole 3/40 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 221 Great Plain Avenue, Needham.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO		
3.	<table><tr><td>BACK UP INFORMATION ATTACHED</td><td>YES</td><td>NO</td></tr></table> (Describe backup below) a. Letter of Application b. Petition c. Order d. Petition Plan e. Notice Sent to Abutters f. List of Abutters	BACK UP INFORMATION ATTACHED	YES	NO
BACK UP INFORMATION ATTACHED	YES	NO		



200 Calvary Street
Waltham, Massachusetts 02453



September 12, 2012

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

221
RE: Great Plain Avenue
Needham, MA
W.O. #1897113

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 11'± feet of conduit at pole 3/40 on Great Plain Avenue, Needham.

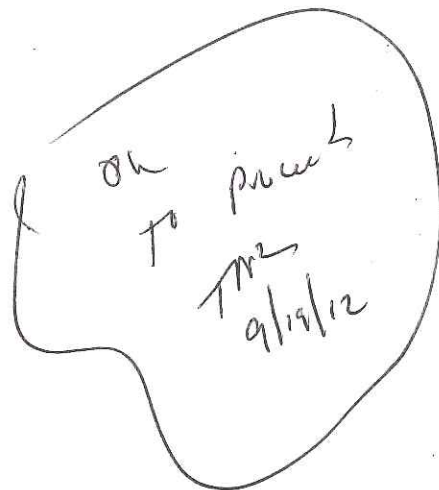
This work is necessary to provide underground electric service for new house @ #221 Great Plain Avenue.

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

Sincerely,

William D. Lemos-Supervisor
Rights & Permits

WDL/aw
Attachments



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

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

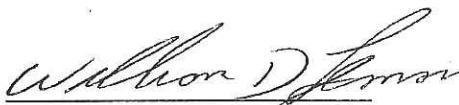
Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

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 September 11, 2012**, and filed herewith, under the following public way or ways of said Town:

Great Plain Ave - Northerly @ pole 3/40 approximately 65'± feet east of
Berkshire Road a distance of about 11'± feet - conduit

(WO. 1897113)

NSTAR ELECTRIC COMPANY

BY 
William D. Lemos
Rights & Permits, Supervisor

Dated this 12th day of September 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:

Great Plain Ave - Northerly @ pole 3/40 approximately 65'± feet east of Berkshire Road a distance of about 11'± feet - conduit

(WO. 1897113)

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 September 11, 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.

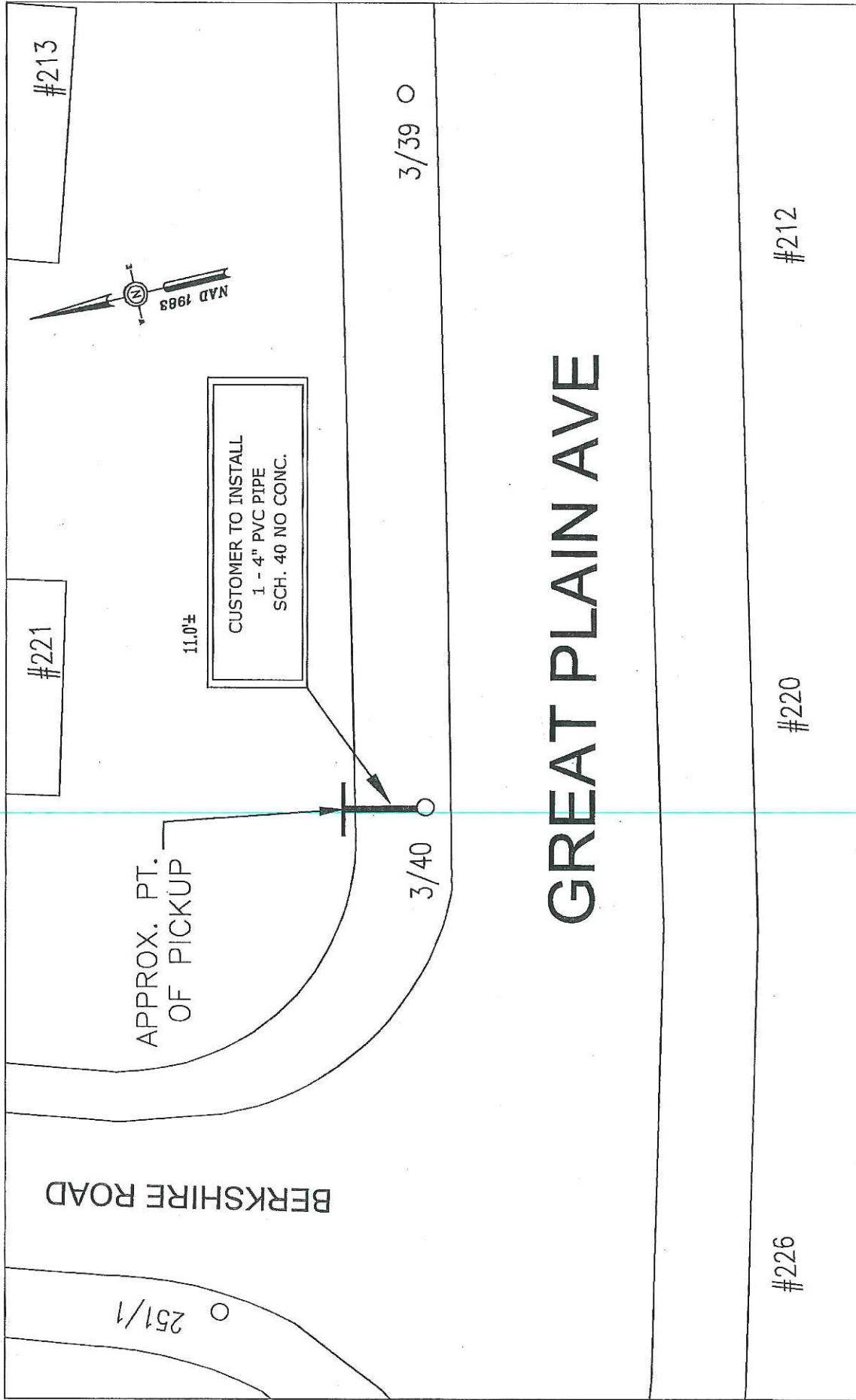
1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

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

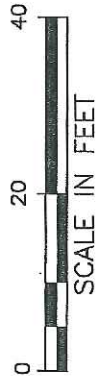


 NSTAR ELECTRIC GIS SERVICES 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125		Plan of GREAT PLAIN AVENUE NEEDHAM	
C#		Work Order #	1897113
Ward #		Surveyed by	
Structures by	PDM	Showing PROPOSED CONDUIT LOCATION	
Plotted by		Scale	1"=20'
Approved		Date	9/11/12
P#		SHEET	1 of 1

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.

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





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 October 2, 2012** upon petition of NSTAR dated **September 12, 2012** to install approximately 11 feet conduit @pole 3/40 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 221 Great Plain Avenue. A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact NSTAR representative, Maureen Carroll at 617-369-6421.

Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian
Matthew D. Borrelli
Maurice P. Handel

BOARD OF SELECTMEN

Dated: September 24, 2012

221 GREAT PLAIN 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 CITY</u>	<u>State</u>
199/005.0-0061-0000.0	213	GREAT PLAIN AVE	SMITH, RONALD H. & SMITH, KAREN F.	213 GREAT PLAIN AVE	NEEDHAM	MA
199/006.0-0070-0000.0	233	GREAT PLAIN AVE	KELLY, JAMES J. & DOROTHY H., TRS. 233 GREAT PLAIN AVENUE REALTY TRUST	233 GREAT PLAIN AVE	NEEDHAM	MA
199/006.0-0071-0000.0	221	GREAT PLAIN AVE	MURPHY, CORNELIUS J. JR. & JEANNE A. C/O SILVA, MARK	221 GREAT PLAIN AVE	NEEDHAM	MA
199/008.0-0003-0000.0	206	GREAT PLAIN AVE	KELLY, STACEY & KELLY, BRIAN	206 GREAT PLAIN AVE	NEEDHAM	MA
199/008.0-0004-0000.0	214	GREAT PLAIN AVE	DAY, LESLEY ANNE & MORGAN, DANA	214 GREAT PLAIN AVE	NEEDHAM	MA
199/008.0-0005-0000.0	220	GREAT PLAIN AVE	BRASSARD, PETER G. & BRASSARD, JULIE G.	220 GREAT PLAIN AVE	NEEDHAM	MA
199/008.0-0006-0000.0	226	GREAT PLAIN AVE	SULLIVAN, RYAN J. & SULLIVAN, LANA	226 GREAT PLAIN AVE	NEEDHAM	MA
199/008.0-0007-0000.0	232	GREAT PLAIN AVE	BRINKHAUS, CHRISTOPHER & BRINKHAUS, JANA M	232 GREAT PLAIN AVE	NEEDHAM	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
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Public Hearing – NSTAR Petition for 1362 Great Plain Avenue
Presenter(s)	Maureen Carroll, NSTAR

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED			
NSTAR requests permission to install approximately 6 feet of conduit at Pole 11/17 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 1362 Great Plain Avenue, Needham. 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.	<table><tr><td>VOTE REQUIRED BY BOARD OF SELECTMEN</td><td>YES</td><td>NO</td></tr></table> Suggested Motion: Move that the Board of Selectmen approve and sign petition from NSTAR to install approximately 6 feet of conduit at Pole 11/17 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 1362 Great Plain Avenue, Needham.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO		
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BACK UP INFORMATION ATTACHED	YES	NO		



200 Calvary Street
Waltham, Massachusetts 02453



September 11, 2012

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

#1362

RE: **Great Plain Ave**
Needham, MA
W.O. #1834780

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 6'± feet of conduit at pole 11/17 on Great Plain Ave, Needham.

This work is necessary to provide underground electric service for new house @ #1362 Great Plain Ave.

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

Sincerely,

William D. Lemos-Supervisor
Rights & Permits

WDL/aw
Attachments

OK
TO proceed
m
9/19/12

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

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

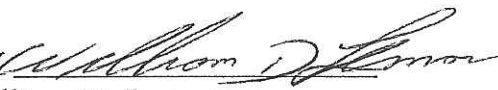
Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

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 September 11, 2012**, and filed herewith, under the following public way or ways of said Town:

Great Plain Ave - Southwesterly @ pole 11/17 approximately 100'± feet
southeast of Abbott Street a distance of about 6'± feet -
conduit

(WO. 1834780)

NSTAR ELECTRIC COMPANY

BY 
William D. Lemos
Rights & Permits, Supervisor

Dated this 11th day of September 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:

Great Plain Ave - Southwesterly @ pole 11/17 approximately 100'± feet southeast of
Abbott Street a distance of about 6'± feet - conduit

(WO. 1834780)

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 September 11, 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.

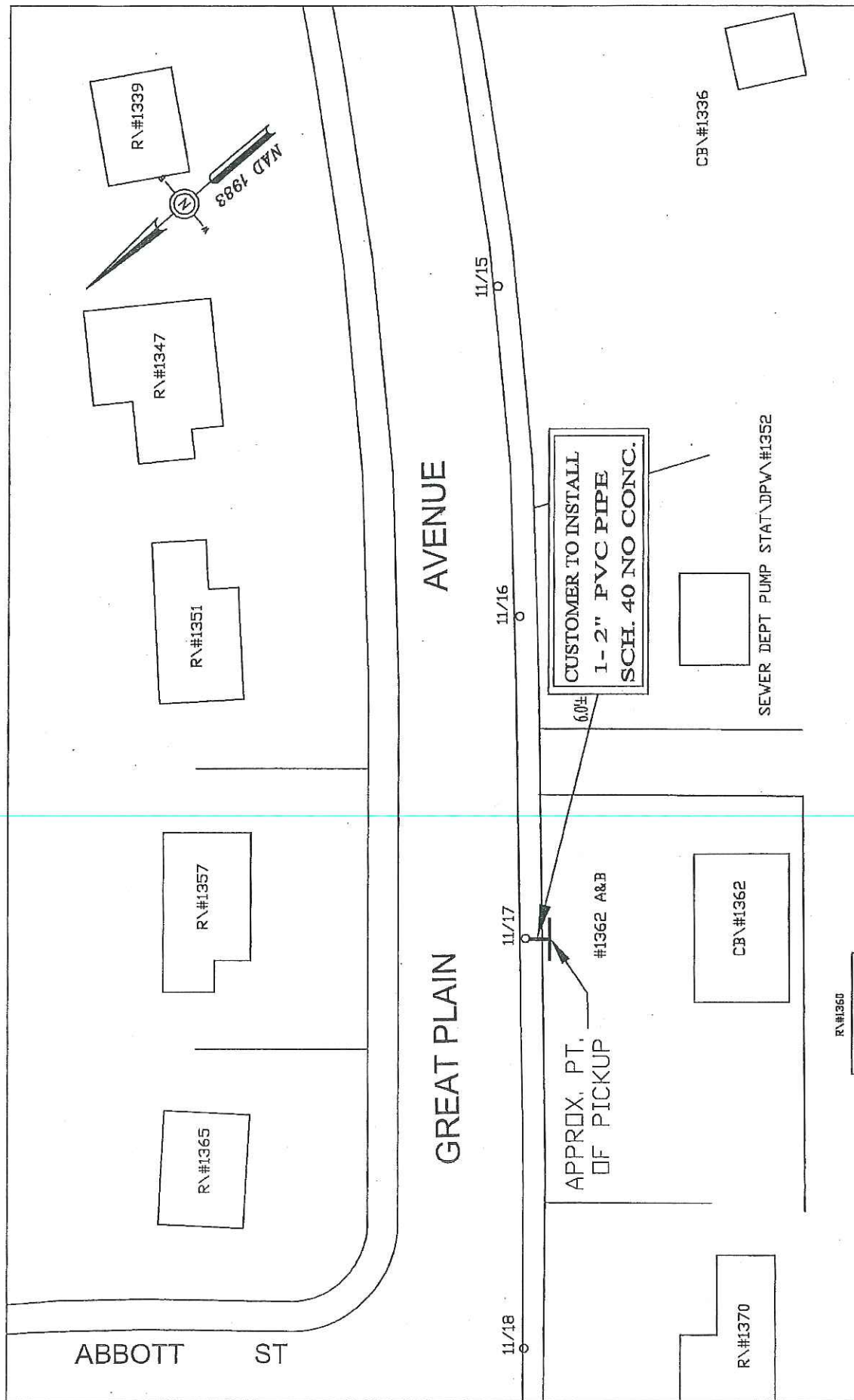
1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

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



20 10 0 20 40

SCALE IN FEET

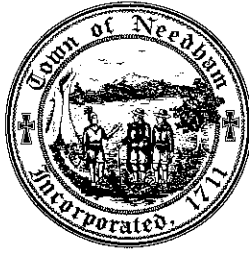
BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER BOSTON EDISON NOR ITS AFFILIATES, OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED 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.

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MASS. LAW
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIGSAFE 1-888-344-7233.

 Boston Edison GIS SERVICES db/a NSTAR ELECTRIC 1186 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125			
C#		Plan of GREAT PLAIN AVE	
Ward #		NEEDHAM	
Work Order #	1834780	Showing PROPOSED CONDUIT LOCATION	
Surveyed by			
Structures by			
Plotted by	PDM		
Approved	DEBENEDICTIS	Scale	1" = 40'
P#		SHEET	1 OF 1

S:\SHARED\CHARGE\BASELINS\NEE\GREATPLAIN.DWG



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 October 2, 2012** upon petition of NSTAR dated **September 11, 2012** to install approximately 6 feet conduit @pole 11/17 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 1362 Great Plain Avenue. A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact NSTAR representative, Maureen Carroll at 617-369-6421.

Gerald A. Wasserman
Daniel P. Matthews
John A. Bulian
Matthew D. Borrelli
Maurice P. Handel

BOARD OF SELECTMEN

Dated: September 24, 2012

1362 GREAT PLAIN 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>
199/128.0-0068-0000.0	1351	GREAT PLAIN AVE	WOOTEN-HARE, ELEANOR, TR & BROTHERS, 1351 GREAT PLAIN AVE C/O ZAFIRELIS, ZAFIRIS G. & PATRICIA D.		NEEDHAM		MA
199/128.0-0069-0000.0	1357	GREAT PLAIN AVE	DEFFILLO, PAUL	1357 GREAT PLAIN AVENUE	NEEDHAM		MA
199/128.0-0070-0000.0	1365	GREAT PLAIN AVE	WALTERS, GEORGE A + WALTERS, JOAN M	1365 GREAT PLAIN AVE	NEEDHAM		MA
199/142.0-0070-0000.0	1370	GREAT PLAIN AVE	MACLEOD, CHERYL	1370 GREAT PLAIN AVENUE	NEEDHAM		MA
199/142.0-0071-0000.0	1362	GREAT PLAIN AVE	GPA DEVELOPMENT, LLC	PO BOX 583	NEEDHAM		MA
199/142.0-0074-0000.0	1352	GREAT PLAIN AVE	TOWN OF NEEDHAM SEWER DEPT-PUMPING STA	1471 HIGHLAND AVE	NEEDHAM		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
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Introduction of Division Superintendent, Solid Waste and Recycling
Presenter(s)	Richard Merson, Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Director of Public Works will introduce the Town's new Solid Waste and Recycling Superintendent, Ann Dorfman.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
Resume for Ann Dorfman			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Legislative Update
Presenter(s)	Representative Denise Garlick

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Representative Garlick will update the Board as to Legislative accomplishments over the past two years and a forecast for the year ahead.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Community Preservation Committee Proposals Under Review
Presenter(s)	Janet Bernardo, Vice Chairman, Community Preservation Committee Patty Carey, Director of Park and Recreation

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Ms. Bernardo and Ms. Carey will provide an update on each of the projects currently under review by the Community Preservation Committee for the October 29, 2012 Special Town Meeting. They will answer questions and hear any other comments that the Selectmen might have regarding these the projects.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	a. Proposals under consideration 1. South Street Home 2. Needham Greene's Field Project 3. Bay Colony Rail Trail Engineering Study		

CPC USE ONLY:
Application # FY2013-1
Qualifies: _____
Does not qualify: _____

INITIAL ELIGIBILITY PROJECT APPLICATION FORM

DUE BY DECEMBER 1

**TOWN OF NEEDHAM
COMMUNITY PRESERVATION COMMITTEE
c/o Park & Recreation Department
1471 Highland Avenue, Town Hall
Needham, MA 02492
www.needhamma.gov/CPC**

1. **Applicant:**
Charles River Association for Retarded Citizens, Inc.
(d/b/a The Charles River Center)
- Submission Date:**
6/14/12
2. **Applicant's Address, Phone Number and Email:**
59 East Militia Heights Rd.
Needham, MA 02492
781-972-1022
jgrugan@charlesrivercenter.org
Contact Name: John Grugan, President
3. **Purpose:**
(Please select all that apply)
Open Space
☒ Community Housing
Historic Preservation
Recreation
4. **Project Name:**
South Street Home
5. **Project Location/Address/Ownership (Control):**
Charles River purchased the property at 1285 South St. in Needham to build a five-bedroom home (five affordable housing units) for adults with developmental disabilities.
6. **Amount Requested:** **\$ 500,000**
Charles River is seeking \$500,000 to build a new home at 1285 South St. in Needham.
7. **Estimated Total Project Cost (If Different):** **\$ 800,000**
Charles River purchased this property for \$350,000. This total of \$800,000 includes tearing down the existing structure, clearing the land and building a fully handicap-accessible home (3,000 square feet). A design created for another Charles River Center home will be used here so no costs for design and construction drawings will be incurred. This estimate was provided by Andrew Weaver of Weaver + Associates. Mr. Weaver has designed other homes for The Charles River Center as well as the Paul D. Merritt Building.
8. **Critical Dates: (If Applicable):**
Bids from contractors are expected in October, 2012. Construction is estimated to begin in early December but the start date is also contingent on funding.

- continued -

CPC USE ONLY:

Application # _____

Qualifies: _____

Does not qualify: _____

Project Name:

South Street Group Home

9. Project Summary: In 100 words or less provide a brief summary of the project:

Charles River would like to build a new 3,000 square-foot, accessible home for five individuals with developmental disabilities. The State Department of Developmental Disabilities (DDS) has already identified five (perhaps six units if DDS provides a waiver) individuals who are in dire need of housing. This home would be occupied by adults who have the most complex physical and cognitive disabilities.

Charles River will also seek funding from individuals and foundations for this project.

10. Community Need: In 100 words or less provide a brief statement of the need for and the benefits to the community.

At this time, there is a shortage of housing for individuals with disabilities while the demand continues to increase. Those who will occupy this home may be adults still living with their elderly parents or those with moderate to severe disabilities.

Building this home will assist individuals who need housing and also increase the number of low-income affordable units in Needham as outlined in the Community Preservation Committee guidelines. The Charles River Center is a local nonprofit that provides housing for individuals that qualify for community housing.

Note: *This application enables the Community Preservation Committee to review the Request to assess eligibility. You shall be notified by January 1 of your eligibility. If eligible you will be requested to supply additional information by February 1.*



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500
FAX: (781) 453-2522
TDD: (781) 455-7558

TO: Mark Gluesing, Chair
Community Preservation Committee
FROM: Kate Fitzpatrick, Town Manager
CC: Board of Selectmen
Patty Carey, Director of Park and Recreation
Rick Merson, Director of Public Works
Ed Olsen, Parks and Forestry Superintendent
Christopher Coleman, Assistant Town Manager/Operations
David Davison, Assistant Town Manager/Finance
Tad Staley, President, Bay Colony Rail Trail Association
RE: CPA Applications – Fiscal Year 2012
DATE: August 15, 2012

At its meeting on August 14, 2012, the Board of Selectmen voted unanimously to endorse an application for Community Preservation funding for the Greene's Field Improvement Project in the amount of \$445,000. It is anticipated that the requested funding will be supplemented with \$50,000 provided through private fundraising efforts. The Greene's Field Improvement Project includes the replacement of the iconic play structure, as well as a comprehensive reconstruction and renovation of the park and playfield areas.

The Board of Selectmen also voted unanimously to endorse a proposal for use of CPA Administrative funds in the amount of approximately \$26,000 for a conceptual planning and design for the shared use trail from Needham Junction to the Dover line. The information to be gained from this study will be critical in the Board's determination as to whether to recommend to the Town a lease of the rail corridor with the MBTA. Having this information soon will allow the Town to plan for the possibility of presenting an article to the 2013 Annual Town Meeting, and will also provide an opportunity for the Bay Colony Rail Association to begin its fundraising efforts. It is anticipated that this project – if implemented – will also be a public/private partnership.

I look forward to discussing these projects with the Committee at your convenience.

INITIAL ELIGIBILITY PROJECT APPLICATION FORM

DUE BY DECEMBER 1

TOWN OF NEEDHAM COMMUNITY PRESERVATION COMMITTEE

c/o Park & Recreation Department
1471 Highland Avenue, Town Hall
Needham, MA 02492
www.needhamma.gov/CPC

1. **Applicant:** Board of Selectmen, Town Manager.
Park and Recreation Commission
- Submission Date:** August 15, 2012
2. **Applicant's Address, Phone Number and Email:**
Town Hall -- 1471 Highland Avenue
Needham, MA 02492
Contact Name: Kate Fitzpatrick
3. **Purpose:**
(Please select all that apply)
 - ☐ Open Space
 - ☐ Community Housing
 - ☐ Historic Preservation
 - ☒ Recreation
4. **Project Name:** Needham Greene's Field Project
5. **Project Location/Address/Ownership (Control):** The property is located on Pickering Street and Great Plain Avenue. The parcel is under the jurisdiction of the Board of Selectmen and is managed by the Park and Recreation Commission.
6. **Amount Requested:** \$445,000
7. **Estimated Total Project Cost (If Different):** \$495,000
8. **Critical Dates:**
The Greene's Field play structure was removed in 2010. Installation of a new structure is desired as soon as possible. Funding received for field restoration in the fall will enable the project to be implemented in the spring of 2013.

- continued -

Project Name: *Needham Greene's Field Project*

9. Project Summary: In 100 words or less provide a brief summary of the project:

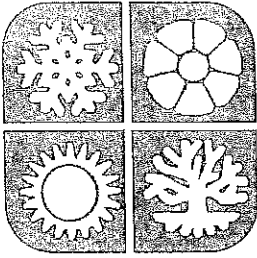
Despite years of continued efforts and attention, the iconic playground structure at Greene's Field was removed in 2010 because it was no longer repairable and past its useful life. The Board of Selectmen created a Greene's Field Play Structure Working Group which has recommended a concept plan for the replacement of the structure, and improvement and layout of the park as a whole. The renovation of the playing field has long been contemplated in the Town's athletic facility planning process, and the playing field is in need of renovation. The proposed project includes a play structure for multiple age groups, site work, irrigation, sod and soil amendments, fencing, backstop and benches, a walking path, and basketball court improvements.

10. Community Need: In 100 words or less provide a brief statement of the need for and the benefits to the community.

This comprehensive renovation of the Greene's Field parcel will enhance the usefulness of the park and provide additional enhancement of the downtown area – consistent with community and economic development goals. The park is used by numerous community groups. Its location in the center of Town makes it an attractive gathering spot for both passive and active recreation. The Town's third bi-annual citizen survey confirms the community's desire for recreation improvements – access to recreation facilities was the only major service delivery category in which the Town was below the national benchmark.

A group of volunteers has formed and committed to raising \$50,000 for the project – over \$8,000 has already been raised.

Note: This application enables the Community Preservation Committee to review the request to assess eligibility. You shall be notified by January 1 of your eligibility. If eligible you will be requested to supply additional information by February.



NEEDHAM PARK AND RECREATION COMMISSION

Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

Tel: (781) 455-7521

Fax: (781) 449-4569

Recorded Community Information - (781) 444-7212

Patricia M. Carey, C.P.R.P.
Director
Karen A. Peirce, C.P.R.P.
Assistant Director

HISTORY OF GREENE'S FIELD BRIEF OVERVIEW August 30, 2011

Town of Needham purchased 3 parcels of land for \$12,000 from Mildred Greene for school purposes in 1912. There is some information indicating that the land was used by the public prior to that, including practice space for the nearby High School (Emery Grover) and a football team.

The Stephen Palmer Elementary School was built in 1914, with a major addition added in 1930. The remainder of the land was used for play space for the school. In 1975, the school was closed and the building portion of the parcel was placed under Selectmen's control. There were some Town Meeting discussions about demolishing the building but in 1979, a 50 year lease was granted for the building. The open space portion remained under the control of the School Committee.

In the late 1980's, the GFWC Needham Women's Club received permission from the School Committee for a community built playground. The architect for this style of playground was Robert Leathers.

In 1990, Town Meeting transferred the jurisdiction of the land to the Board of Selectmen from the School Committee for "park and recreation purposes." The DPW Parks and Forestry Division began to maintain the grounds. The maintenance of the playground structure remained the responsibility of School Buildings and Grounds Department. Park and Recreation handled field administration, as it did for other Selectmen properties with athletic fields.

In 1996, under the recommendations of the Buildings and Grounds Study Committee, the responsibility for maintenance of the playground structure came under Park and Recreation. It was during this time that the School Buildings and Grounds Department became part of the newly created Municipal Building Maintenance Department. It is now known at the Public Facilities Maintenance Department.

By the end of the 1990's, the wooden playground structures around town had been replaced with new equipment, leaving wooden structures at Greene's Field, Newman School and High Rock School. Since that time, the High Rock School playground was removed due to its poor condition. Maintenance continued at Greene's Field and Newman, but recommendations were made to replace both structures, and Greene's Field

has been on the capital budget request list for several years. The swings were replaced in 2003. The Newman PTC has had periodic discussions about the replacement of their structure.

In late 2009, the decision was made to remove the playground structure, but the actual work wasn't done until late 2010. As the structure was built with pressure treated wood with CCA (Chromate Copper Arsenate), specialized demolition was undertaken to prevent the creation of air-born particles, and the soil was tested before and after removal. There are no issues with the soils at this time.

Current Uses:

- YMCA after school, Saturday, and summer programs
- Little League spring, summer, fall programs
- Occasional uses by local day cares and Saint Joseph's School
- "sandlot" use of basketball court
- Playground was primarily used by pre-school aged children
- The Great Plain Avenue end of the park is a passive area with benches

CPC USE ONLY:
Application # **FY2013-3**

Qualifies: _____

Does not qualify: _____

INITIAL ELIGIBILITY PROJECT APPLICATION FORM

DUE BY DECEMBER 1

TOWN OF NEEDHAM
COMMUNITY PRESERVATION COMMITTEE
c/o Park & Recreation Department
Public Services Administration Building
500 Dedham Avenue, Needham, MA 02492
www.needhamma.gov/CPC

1. **Applicant:** Bay Colony Rail Trail Committee **Submission Date:** 9/14/12
2. **Applicant's Address, Phone Number and Email:**
- Bay Colony Rail Trail
663 Greendale Avenue
Needham, MA 02492
Contact Name: Tad Staley
3. **Purpose:**
(Please select all that apply)
- ☒ **Open Space**
☐ Community Housing
☐ Historic Preservation
☒ **Recreation**
4. **Project Name:** Bay Colony Rail Trail Engineering Study
5. **Project Location/Address/Ownership (Control):**
Chestnut Street to the Charles River (Dover border); the Board of Selectmen would hold lease
6. **Amount Requested:** \$ **35,000**
7. **Estimated Total Project Cost (If Different):** \$ **TBD**
8. **Critical Dates: (If Applicable)**

- continued -

CPC USE ONLY:	
Application #	_____
Qualifies:	_____
Does not qualify:	_____

Project Name: **Bay Colony Rail Trail Engineering Study**

9. Project Summary: In 100 words or less provide a brief summary of the project:

The Bay Colony Rail Trail committee and the Town have been discussing the possibility of a rail trail from Needham Junction to the Dover line at the Charles River for several years. Discussions are also underway with Dover and Medfield for connecting sections in their towns. The purpose of this engineering study includes, but is not limited to, a review of safe access points, an assessment of the timber bridge crossing the Charles River, and an evaluation of parking options. The final report will be presented by the Bay Colony Rail Trail committee to the Board of Selectmen to assist in the Town's review on whether to pursue creation of the trail or not.

Though efforts will be made to fundraise for the creation of the project, it is likely that a request for CPA funds would be made if the Town decided to create a rail trail.

10. Community Need: In 100 words or less provide a brief statement of the need for and the benefits to the community.

The recent customer satisfaction survey completed by Needham residents indicated strong support for the Town's open space and trails. Having an accessible trail that creates access to the Town Forest and the Charles River, as well as to Needham businesses, will benefit residents with different motives for using the trail and will be appropriate for all ages and abilities.

Note: This application enables the Community Preservation Committee to review the request to assess eligibility. You shall be notified by January 1 of your eligibility. If eligible you will be requested to supply additional information by February 1.

Dear Community Preservation Committee,

Thank you for the opportunity recently to present information to you regarding the rail trail project that many of us in Needham have been working on. The name of the full project is the Bay Colony Rail Trail, which is envisioned as a 7-mile recreational path between Needham Junction and Medfield.

As discussed during the last CPC meeting, the project has broad support from resident and officials in Needham, who are committed to moving the effort forward regardless of how the other two towns proceed. The rail trail would tie in very nicely with existing trails, and provide a healthy alternative for people of all ages to travel to important areas in Needham, including the town forest, the commuter rail station at Needham Junction, shopping destinations on Chestnut St., and the beautiful Charles River Reservation.

In mid-July, the MBTA Board of Directors voted to approve extending their standard lease agreement to the four municipalities along the abandoned corridor between Newton and Medfield, including Needham. It is now up to each town to determine whether to enter into the lease agreement with the MBTA. In order for Needham officials to approve the lease, they need more detailed information the effort, and clarification on a variety of concerns ranging from parking and access points, to environmental matters, and preliminary budgeting.

Accordingly, we want to develop a conceptual plan to begin to answer these questions.

The study will also deliver some credible estimates on costs for various portions of the project. Once the plan is approved by Needham officials, we will request CPA funds for portions of the rail trail construction. We will also engage in private fund raising. The conceptual plan will be essential to both the future CPA project request and our fund-raising efforts.

On behalf of the non-profit Bay Colony Rail Trail Association, I request that the Community Preservation fund the Conceptual Planning and Design project, which has been estimated at \$26,600.

Thank you very much for your consideration of this matter.

Sincerely,

Tad Staley
President, Bay Colony Rail Trail Association



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Citizens' Petitions on STM Warrant
Presenter(s)	Tom Connors, Proponent

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Mr. Connors will discuss the petitions he submitted for inclusion in the warrant for the October 29, 2012 Special Town Meeting.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
a. Citizens' Petitions			
1. Bicycle and Pedestrian Advisory Committee			
2. Rail Trail Committee			

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2012 SEP 18 PM 12:46

2012 SEP 18 PM 12:46

Name Thomas Connors

Address 75 Ridgeway Ave_____

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

Signature Thomas Connors

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

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

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

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

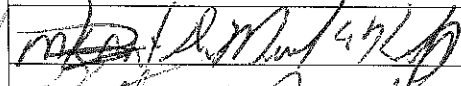
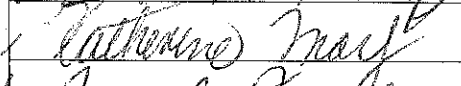
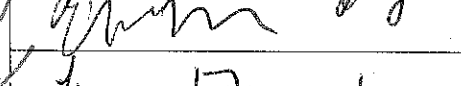
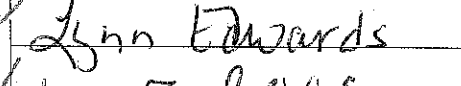
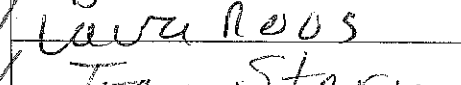
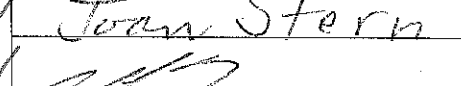
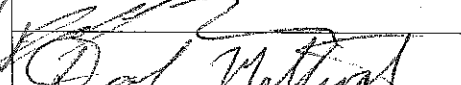
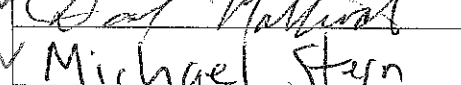
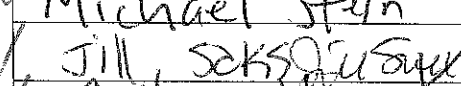
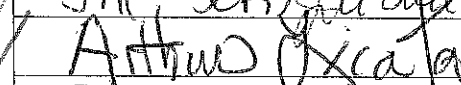
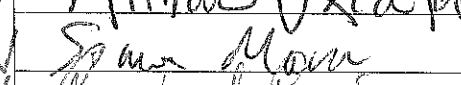
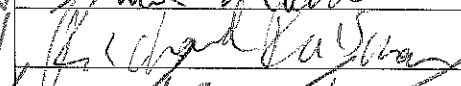
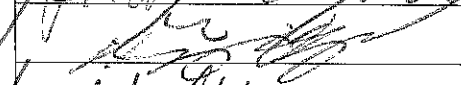
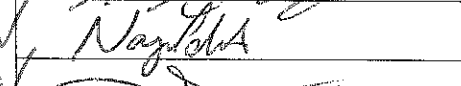
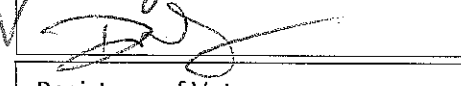
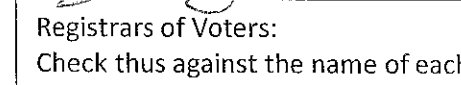
Text of Citizens' Petition

The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

Citizens' Petition for Warrant Article

17

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
	245 HILLCREST RD	02492	mlcrst123@gmail.com
	156 GREENDALE AVE	02494	
	760 Highland Ave #17	02494	
	51 Lindbergh Ave	02494	
	33 Fenton	02494	
	73 Ginner		
	184 Lindbergh	02494	
	26 Dartmouth Ave	02494	
	71 Lindbergh Ave	02494	
	184 Lindbergh	02494	
	125 BROOKSIDE RD	02492	
	66 Pilgrim Rd	02492	
	1081 Embury Ave	02492	
	1342 South St	02492	
	100 COUNTRY LN	02492	
	999 Webster St	02494	
	1095 HIGHLAND AVE	02494	

Registrars of Voters:

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

N - no such registered voter at that address

S - unable to identify signature or address as that of voter because of form or signature or address or illegible

T - signed too many petitions

CERTIFICATION OF SIGNATURES

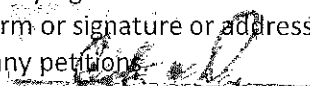
We certify that the (15) FIFTEEN above

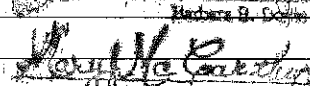
Signatures checked thus are names of qualified voters of this town.

Needham

Town

Registrars of Voters


Barbara B. DeLo

Mary J. McCarthy

Thomas K. Egan

Citizens' Petition for Warrant Article

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓ <i>Yahor Chen</i>	26 Birch St	02492	Y6691537@yahoo.com
✓ <i>Singh</i>	30 May Ave	02492	st.scit-sering@hotmail.com
✓ <i>John P. M. P.</i>	12 Oak Hill Rd	02492	ajcanzano@gmail.com
✓ <i>Pattherisley</i>	26 Grosvenor Rd	02492	crisleytm@msn.com
✓ <i>Veriito</i>	1012 Greenback Ave	02492	
✓ <i>Quincy</i>	16 Fullin Rd	02492	
✓ <i>MM Brim</i>	52 Washington Ave	02492	
✓ <i>John H. Dean</i>	248 Dedham Ave	02492	
✓ <i>Cheryl Beltrio</i>	50 Fuller St	02492	carynibello@hotmail.com
✓ <i>Linda G. Bauer</i>	59 Ridgeway Ave.	02492	lindagbauer@gmail.com
✓ <i>Amy M. Wilcox</i>	92 Grosvenor Rd	02492	wilcox a@gmail.com
✓ <i>Tracy B. M. P.</i>	82 Blake St.	02492	
✓ <i>Robert M. Spiegel</i>	70 Lindbergh	02494	rm Spiegel@gmail.com
✓ <i>KATHLEEN KLEMM</i>	20 Edgewater	02492	
✓ <i>J. O'halla</i>	166 Lindbergh Ave	02494	luppinochulo@yahoo.com
✓ <i>David Burns</i>	69 CRESCENT	02494	
✓ <i>Kate Snrsky</i>	19 Prospect St	02492	Kovirsky@yahoo.com

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions

CERTIFICATION OF SIGNATURES

We certify that the (17) seventeen above

Signatures checked thus are names of qualified voters of this town.

Needham
Town

Registrars of Voters

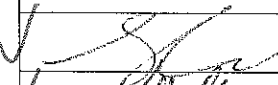
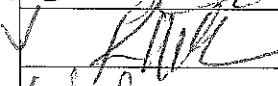
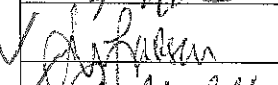
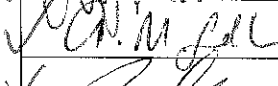
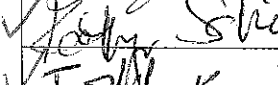
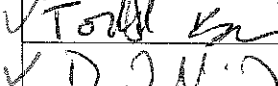
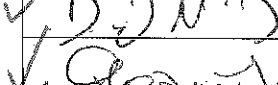
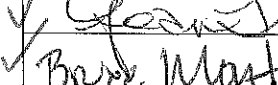
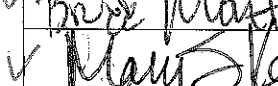
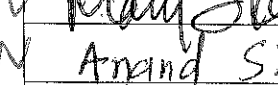
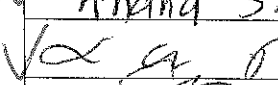
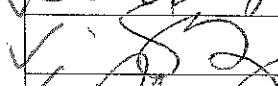
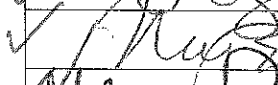
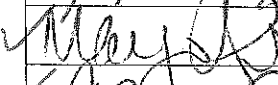
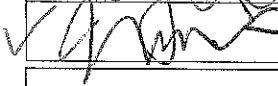
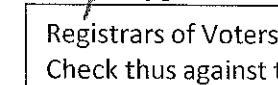
John W. Day, Chairman

Barbara B. Dwyer

Mary J. McCarthy

Citizens' Petition for Warrant Article

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓  Shyan-Yuan Kuo	26 Bird St	02492	sykao@yahoo.com
✓  Kmevan	153 Plymouthe	02492	Kmevan332@gmail.com
✓  Ann	40 Oakmead	02492	ann-brushaw@yahoo.com
✓  Agolhar	37 NEEDHAMDALE RD	02492	AGOLHAR@hotmail.com
✓  Linda	1910 CENTRAL AVE	02492	
✓  Kschodling	90 Linda St.	02492	Kschodling@gmail.com
✓  T Bricker	33 Alatha Rd	02492	TBricker@hotmail.com
✓  D J N Dord	125 CENTRAL AVE	02494	
✓  Joan Welles	100 Rosemary Hwy	02494	
✓  Bruce Masterton	71 Hillside Ave	02494	yes
✓  Mary Frances	76 Wilshire Park	02492	maryfrances3@verizon.net
N  Annand Shete	1381 GPA	02492	
✓  W Pellucano	10 Wendling Rd	02492	wpellucano@gmail.com
✓  Sophia Bux	1049 HIGHLAND AVE	02494	SOPHIA BUX@GMAIL.COM
✓  Nancy Sexton	3 Arden St.	02492	nancysexton@verizon.net
✓  M M C Porter	101 Grosvenor Rd	02492	mmpcporter@hotmail.com
✓  M M M Porter	101 Grosvenor Rd	02492	m m m Porter@hotmail.com

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions

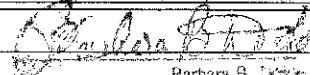
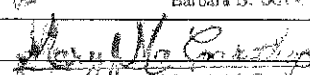
CERTIFICATION OF SIGNATURES

We certify that the (16) sixteen above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters

 Barbara B. Day
 Mary J. McCarthy
 Sharon K. Eaton

Citizens' Petition for Warrant Article

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓	15 GELBER CIR.	02194	
✓	30 Washburn	02492	
✓	39 Prospect	02492	
✓	77 Dawson	02492	
✓	53 Manning	02494	
✓	15 Ridgeway Ave	02492	Weinberg.beth@gmail.com
✓	75 Ridgeway Ave	02492	

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions

CERTIFICATION OF SIGNATURES

We certify that the (7) seven above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters Barbara B. Doyle
Mary J. McCarthy
Theresa K. Katus

Town of Needham

8

Citizens' Petition for Warrant Article

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓	12 Perrault Rd	02444	
✓ Robert Wilson	42 Newbury PK	02492	
James J. Parker			
✓	133 South	02492	
✓	133 South St	02492	
✓ Charles R. Nelson	5 Mayflower Rd.	02492	cpnelsonjr@yahoo.com
✓	14 Birch St.	02494	JustinM4Olson.com
✓	42 Spry St	02494	
N	3 Green St	02492	

Registrars of Voters:

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

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form of signature or address or illegible

T – signed too many petitions

CERTIFICATION OF SIGNATURES

We certify that the (7) Seven above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Barbara B. Latta

Mary J. McCarty

Thomas R. Wilson

Registrars of Voters

Town of Needham

Citizens' Petition for Warrant Article

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2017 SEP 18 PM 4:06

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
	116 Maple St.	02492	annehayek@gmail.com
	506 High Rock St	02492	millhart4@gmail.com
	33 Emerson Place	02492	caroline rufo@yahoo.com
	29 Brewster Dr.	02492	m4hnschwill@rcn.com
	47 Deerfield Rd	02492	harrington@aya.yale.edu
	516 High Rock St	02492	KERRYNORTHUP@COMCAST.NET
	116 Maple St	02492	F.M.S.IAK@GMAIL.COM
	42 Perry Dr.	02492	JDay@comcast.net
	54 Perry Dr.	02492	Rosemary@AOL.COM
	31 Willow St	02492	KatherineMcGrath100@hotmail.com
	20 Fairview Rd.	02492	jodiegreen@gmail.com
	494 High Rock St	02492	emma@nexus1.org
	249 Waver St	02492	skylar@gmxmobile.com
	56 ALDRIDGE RD	02492	SueOsman@gmail.com
	11 Mary Chilton Rd	02492	BethSEYeh@yahoo.com

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N — no such registered voter at that address

S — unable to identify signature or address as that of voter because of form or signature or address or illegible

T — signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the -14- Fourteen above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters

John W. Day, Chairman

Barbara B. Deane

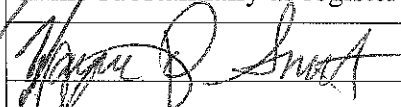
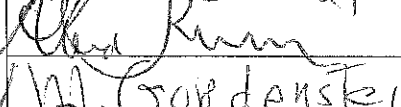
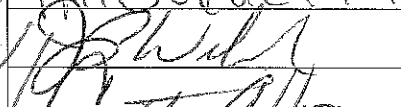
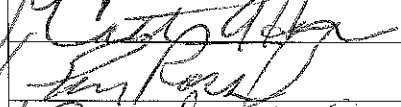
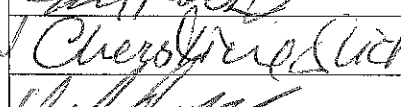
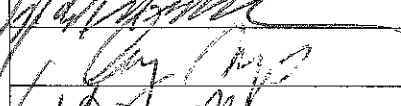
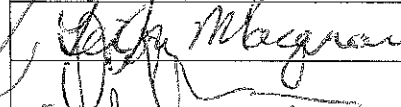
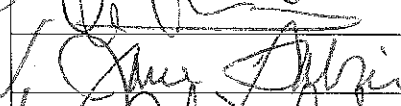
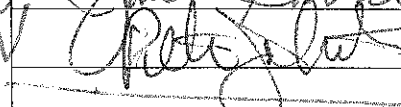
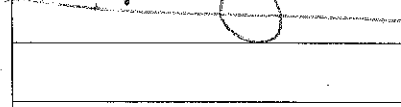
Mary J. McCarthy

Sharon K. Smith

Town of Needham

Citizens' Petition for Warrant Article

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
	25 Sachem Rd	02494	
	74 Otis St	02492	
M. W. GORDENSTEIN	1380 Walnut	02461	
	1208 Greenwood Ave	02492	
	140 Tower Ave	02494	
	566 Hammond St	02494	
N. Cherosier, Lichler	21 Cleland Rd		
	20 MEETING HOUSE	02492	
	38 Greenwood Ave	02492	
	15 TUDOR RD	02492	
	13 Roscoe St	02494	
	5 Ludwig Rd	02494	
N. P. [Signature]	10 East M. Heights	02492	

Registrars of Voters:

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

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions.

CERTIFICATION OF SIGNATURES

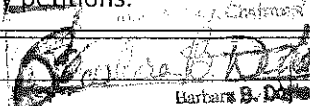
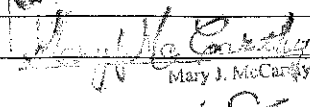
We certify that the (10) ten above

Signatures checked thus are names of qualified voters of this town.

Town

Needham

Registrars of Voters


Barbara B. Doherty

Mary J. McCarthy

Sharon K. Eaton

Town of Needham

Citizens' Petition for Warrant Article

1
26
15
81

Text of Citizens' Petition: The selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
N Arthur J. [Signature]	60 Locust Lane.	02492	trialsallday@hotmail.com
✓ [Signature]	71 Winfield St	02492	
✓ [Signature]	10 Cedar Spring Ln	02492	
✓ Francesca Antonelli	239 Dedham Ave.	02492	fantonelli@gmail.com
✓ [Signature]	88 Cullen Rd	02492	DemVing
✓ [Signature]	150 Central Ave	02494	
✓ [Signature]	85 Page Rd	02492	
✓ Lisa Karavolos	116 Bivd St	02492	
✓ [Signature]	73 Fry Lane	02494	
✓ [Signature]	23 James Ave	02494	
✓ [Signature]	81 Gary Road	02494	
✓ [Signature]	154 Dedham Ave.	02492	
✓ [Signature]	49 Dale Street	02494	
✓ [Signature]	49 Dale Street	02494	
✓ [Signature]	436 Wendon Rd	02492	
✓ Stephen Baum	111 Needham Ave	02492	
✓ BARBARA Denver	7 Beaufort	02492	

Registrars of Voters:

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

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S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the 11 Eleven above

Signatures checked thus are names of qualified voters of this town.

Town

Registrars of Voters

**Town of Needham
Citizens' Petition for Warrant Article**

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2012 SEP 18 PM 12:46

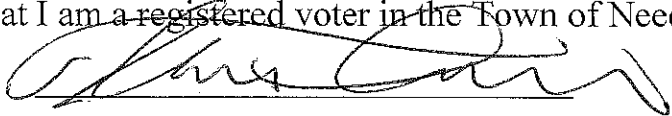
Town Meeting for Which Petition is requested: October 29 2012

Primary Sponsor:

Name Thomas Connors

Address 75 Ridgeway Ave

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

Signature 

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

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

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

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

Text of Citizens' Petition

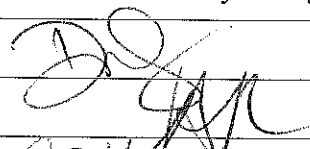
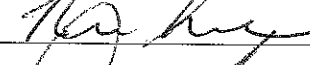
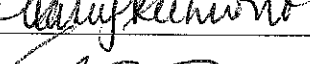
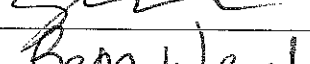
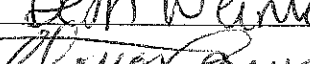
Whereas the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

Whereas the board of the Massachusetts Department of Transportation has voted to grant the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways.

The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

Whereas the board of the Massachusetts Department of Transportation has voted to grant the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways. The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
	1095 HIGHLAND AVE	02494	
	15 GERBER CIR	02494	
	58 Rickabaugh Rd	02494	
	30 Washburn Ave	02492	
	39 Prospect St	02492	
	77 Dawson	02492	
	57 Mumford	02494	
	75 Ridgeway Ave	02492	weenberg.beth@gmail.com
	75 Ridgeway Ave	02492	

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

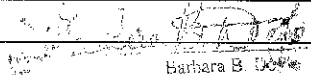
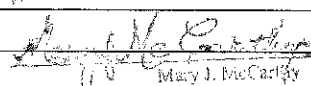
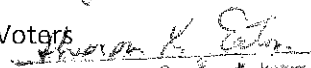
T – signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the -8- Eight above

Signatures checked thus are names of qualified voters of this town.

Needham
Town


Barbara B. Dore

Mary J. McCarthy

Thomas S. Sirois
Registrars of Voters

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

Whereas the board of the Massachusetts Department of Transportation has voted to grant the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways. The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓ <i>[Signature]</i>	245 Hillcrest	02492	mikentt123@gmail.com
✓ <i>[Signature]</i>	156 Greendale Ave	02494	
✓ <i>[Signature]</i>	17 LYNN RD	02494	
✓ <i>[Signature]</i>	51 Lindbergh Ave	02494	
✓ Adrienne Smith	48 Macintosh Ave	02492	adrienneasmith@gmail.com
✓ Maurice Fabiani	27 Lewis St	02492	
✓ <i>[Signature]</i>	184 Lindbergh Ave	02494	
✓ <i>[Signature]</i>	26 Dartmouth Ave	02494	
✓ <i>[Signature]</i>	71 Lindbergh Ave	02494	
✓ Michael Stern	184 Lindbergh Ave	02494	mstern184@msn.com
✓ <i>[Signature]</i>	125 Brookside Rd	02492	
✓ <i>[Signature]</i>	66 Filkins St	02492	
✓ <i>[Signature]</i>	1081 Brookline	02492	
✓ <i>[Signature]</i>	1242 South St	02492	
✓ <i>[Signature]</i>	100 County	02492	
✓ <i>[Signature]</i>	499 Webster	02494	

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the -13- Thirteen above

Signatures checked thus are names of qualified voters of this town.

Needham

Town

Registrars of Voters

[Signature]
John W. Dwyer, Chairman

[Signature]
Barbara B. Dwyer

[Signature]
Mary J. McCarthy

[Signature]
Thomas R. Smith

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

Whereas the board of the Massachusetts Department of Transportation has voted to grant the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways. The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓ David Burns	69 CRESCENT	02494	
✓ Kathryn Smirsky	19 Prospect St	02492	
✓ [Signature]	12 Percival Rd	02494	
✓ Robert Wilbur	42 Newbury Pl	02492	
✓ Helen Beleg	133 Soule St		
✓ J. M. Parker	133 South St	02492	
✓ Charles P. Nelson Jr	5 Mayflower Rd.	02492	cpnelsonjr@yahoo.com
✓ [Signature]	14 Birch St.	02494	Justinm744@msk.com
✓ [Signature]	3 Arden St	02492	tomsexby@verizon.net

Registrars of Voters:

Check thus against the name of each qualified Voter to be certified. For names not certified, use the code opposite:

N – no such registered voter at that address

S – unable to identify signature or address as that of voter because of form or signature or address or illegible

T – signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the -8- Eight above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters

[Signature]
Barbara S. [unclear]
[Signature]
Mary J. McCarty
[Signature]
[unclear]

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

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<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓ Maria Ruff	220 Hunting Rd	02494	
✓ Lanya M. Jandian	62 Grant Street	02492	
✓ Gede B. Murphy	760 Highland Ave H/1	02494	
✓ Bruno W.	14 Cottage Ave	02494	
✓ Al Dity	49 Dale Street	02494	
✓ Cynthia	58 Burnside Rd	02494	
✓ 180 Warren St		02492	
✓ Caro Patch	260 Rosemary	02494	
✓ John Muckle	11 Fairlawn St	02492	
✓ Jeffrey E. Zuley	11 Fairlawn St	02492	
✓ Thomas Seeger	14 Fairlawn St	02492	
✓ Rachel Siegel	14 Fairlawn St	02492	
✓ X Crowder	335 Brookline	02492	

Registrars of Voters:

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CERTIFICATION OF SIGNATURES

We certify that the -11- Eleven above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters

[Signatures of Registrars of Voters]
 John W. Shaw, Chairman
 Barbara B. Davis
 Mary J. McPherson
 Sharon K. Egan

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

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<u>Signatures</u> (to be made in person with the name substantially as registered)	<u>Street Address</u> Registered Needham Voters Only	<u>Zip Code</u>	<u>Email</u> Please write legibly
✓ C.A. Reed.	210 Hillside Ave		gferby@aol.com
✓ Robert M. Omb	51 BROADMADON RD	02492	
✓ Chitra Butler	300 2nd Ave Unit 3138	02494	
✓ Nancy Jacob	11 Cagsweep Ct	02492	nancy.jacob1@yahoo.com
✓ M. M. Miller	8 Jayne Rd	02494	
✓ Ted A	216 Conlin Way	02492	
✓ Dom Kristian	165 Deertfield Lane	02339	j.kristian@habson.edu
✓ Spencer Tunell	202 Greendale Ave	02494	
✓ [Signature]	121 WINTHROP AVE	02492	
✓ [Signature]	46, Rolling Lane	02452	
✓ Amy Rubin	73 Cynthia Rd	02494	amyrubin@gmail.com
✓ [Signature]	83 Challen St	02492	

Registrars of Voters:

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CERTIFICATION OF SIGNATURES

We certify that the -8- Eight above

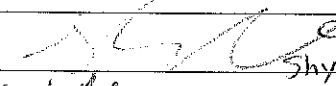
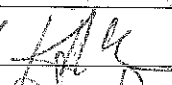
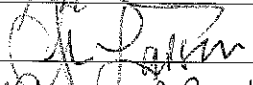
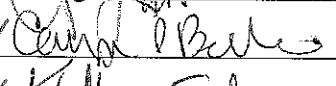
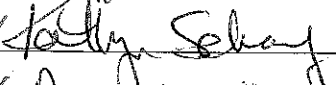
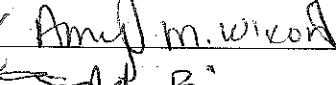
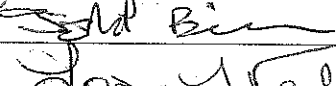
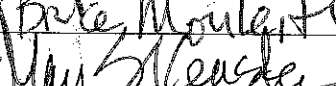
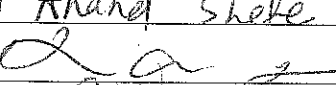
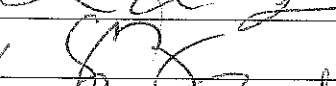
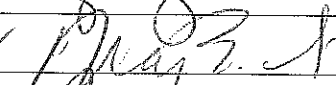
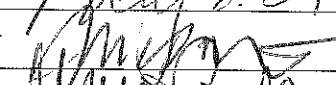
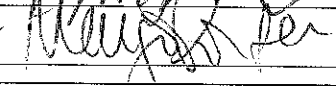
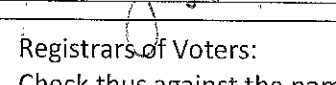
Signatures checked thus are names of qualified voters of this town.

Town Needham

Barbara B. Dore
Barbara B. Dore
Mary J. Murphy
Mary J. Murphy
Registrars of Voters Thomas R. Moran
Thomas R. Moran

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

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✓  Shyoh-Yuen Kuo	26 Bird St	02492	sykao@yahoo.com
✓  Kim Van	153 Plymouthe	02492	KimVan@aol.com
✓  Ann Bradshaw	40 Oakhurst	02492	ann-bradshaw@yahoo.com
✓  Carolyn Bello	50 Fuller St	02492	carynibello@hotmail.com
✓  Kelly Schay	90 Linden St.	02492	kschayling@gmail.com
✓  Amy M. Wixon	92 Grosvenor Rd	02492	wixona@gmail.com
✓  T Bricker	33 Althea Rd	02492	TBricker@hotmail.com
N  Jean Heller	100 Rosemary Way	02492	
✓  Bruce Montgomerie	71 Hillside Ave	02494	
✓  Mary Frances	26 Wilshire Park	02492	maryfrances3@verizon.net
N  Anand Shete	1381 GPA	02492	
✓  W Pell	10 Wendling Rd	02492	wpell1cano@gmail.com
✓  Sophia Buck	1045 Highland Ave	02494	SOPHIABUCK@GMAIL.COM
✓  Nancy Sexton	3 Arden St.	02492	nancysext@verizon.net
✓  Mary M Porter	101 Grosvenor Rd	02492	mmporter@hotmail.com
✓  Mary J McCarty	101 Grosvenor Rd	02492	mmccarty@hotmail.com

Registrars of Voters:

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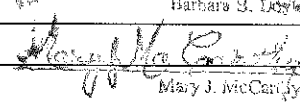
CERTIFICATION OF SIGNATURES

We certify that the -14- Fourteen above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters

 Barbara S. Doyle
 Mary J. McCarty

Town of Needham -- Citizens' Petition for Warrant Article

16

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

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✓ <i>[Signature]</i> (Yahua Chen)	26 B. Rd. St.	02492	691577 Y66P1576/YRHOV.COM
✓ <i>[Signature]</i> (Seth Leroy)	30 Maple Ave	02492	Seth-Leroy@hotmail.com
✓ <i>[Signature]</i>	12 Oak Hill Rd	02492	ajlanzane@gmail.com
✓ <i>[Signature]</i> Faith Crisley	26 Grosvenor Rd	02492	CRISLEYFM@MSN.COM
✓ <i>[Signature]</i> Nick Bruno	1012 Grosvenor Ave	02492	
✓ <i>[Signature]</i> Ann Tully	16 Fuller Rd	02492	
✓ <i>[Signature]</i> M. B. M.	56 WASHINGTON AVE	02492	
✓ <i>[Signature]</i> N. Stewart	248 Dedham Ave	02492	
✓ <i>[Signature]</i> G. M. J.	37 NEEDHAMDALE RD	02492	ABOLHAR@hotmail.com
✓ <i>[Signature]</i> Linda G. Bauer	1910 CENTRAL AVE	02492	
✓ <i>[Signature]</i> Linda G. Bauer	59 Ridgeway Ave.	02492	lindaebauer@gmail.com
✓ <i>[Signature]</i> D. J. McDermott	128 LEXINGTON AVE	02494	
✓ <i>[Signature]</i> J. B. B.	82 BARK ST.	02492	
✓ <i>[Signature]</i> Robert M. Siro	70 Lindbergh	02494	
✓ <i>[Signature]</i> KATHLEEN KAMH	20 Edgewater	02492	
✓ <i>[Signature]</i> J. DeChella	1166 Lindbergh Ave	02494	luppiodechella@yahoo.com

Registrars of Voters:

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CERTIFICATION OF SIGNATURES

We certify that the -15- Signatures above

Signatures checked thus are names of qualified voters of this town.

Town Needham

Registrars of Voters [Signature]

Town of Needham -- Citizens' Petition for Warrant Article

16

Text of Citizens' Petition: *Whereas* the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

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✓ <i>Diana J. Barneth</i>	18 Fairclown St	02492	
✓ <i>[Signature]</i>	18 Fairclown St.	02492	
✓ <i>Susan Sheehan</i>	57 Grosvenor Rd	02494	
✓ <i>Jill Goldberg</i>	51 Stewart Rd	02492	
✓ <i>Michael Goley</i>	51 Stewart Rd.	02492	
✓ <i>[Signature]</i>	81 Eilling Ln	02492	
✓ <i>[Signature]</i>	1242 Great Plain Ave	02492	
✓ <i>[Signature]</i>	32 Fayln	02494	
✓ <i>[Signature]</i>	18 Needham Ludwig	02494	
✓ <i>[Signature]</i>	120 Clarke Cir. Needham	02492	kvruddy@yahoo.com
✓ <i>[Signature]</i>	107 Brookline ST	02492	
✓ <i>[Signature]</i>	145 Laurel Dr.	02492	
✓ <i>Melanie Woro</i>	87 Barrett St.	02492	
✓ <i>[Signature]</i>	6 Eliot Rd	02494	
✓ <i>Alexis Kelleher</i>	121 Damon Rd	02494	
✓ <i>Marisa Rufo</i>	220 Hunting Rd	02494	

Registrars of Voters:

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CERTIFICATION OF SIGNATURES

We certify that the -15- Fifteen above

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Town

Registrars of Voters

[Signatures of Registrars of Voters]

Town of Needham -- Citizens' Petition for Warrant Article

Text of Citizens' Petition: **Whereas** the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Heights, **Whereas** the board of the Massachusetts Department of Transportation has granted the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways. The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

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	116 Maple St	02492	annehayek@gmail.com
	506 High Rock St	02492	millhart07@gmail.com
	33 Emerson Place	02492	caroline Rufo@yahoo.com
	29 Brewster Dr.	02492	m4445c hmitt@rcn.com
	47 Deerfield Rd.	02492	nharrington@ap.yale.edu
	516 High Rock St.	02492	Kerry.northrup@comcast.net
	116 MAPLE ST	02492	FMISIAK2GMAIL.COM
	31 Willow St	02492	Katiemcgarry100@hotmail.com
	42 Perry Dr	02492	SBagg@comcast.net
	58 Perry Dr	02492	Rossner@comcast.net
	20 Fairview Rd.	02492	jodiegrune@gmail.com
	494 High Rock St	02492	emma@nswales.org
	249 Warren St	02492	staylor@gmxmobile.com
	56 ALDRIDGE RD	02492	Sueosman@jmail.com
	11 Mary Chilton Rd	02492	BETHJSE@yahoo.com

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CERTIFICATION OF SIGNATURES

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Town

Needham

Registrars of Voters

Mary J. McCarty

John W. Day, Chairman

Barbara S. Dore

Theresa R. Davis

Town Meeting for Which Petition is requested: October 29 2012

Name Thomas Connors

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

Signature Christina

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

The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Zoning Articles on STM Warrant
Presenter(s)	Jeanne McKnight, Planning Board Lee Newman, Director of Planning and Community Development

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Ms. McKnight and Ms. Newman will explain the basis for the two zoning articles included in the October 29, 2012 Special Town Meeting Warrant.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Permission to Encroach into Sewer Easement - Dale Street
Presenter(s)	Richard P. Merson, DPW Director

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The property owner for 9-11 and 15-17 Dale Street and 206 and 214 West Street is requesting permission to construct on (within) an existing sewer easement that traverses the properties listed above. If the encroachment into the Town's sewer easement is approved the owner may start construction of houses within the easement once building permits are issued and will relocate the existing sewer to an approved location in Dale Street. Once the sewer main has been relocated into Dale Street, the property owner will seek approval to abandon the existing sewer easement in order to remove the encumbrances on the properties.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	☒ YES	☐ NO
<i>"That the Board vote to approve the requested encroachments into the existing sewer easement as shown on the attached Proposed Utility Connection Plan."</i>			
3.	BACK UP INFORMATION ATTACHED	☒ YES	☐ NO
(Describe backup below) Letter from George Giunta, Jr. to Richard Merson dated August 31, 2012 requesting permission to encroach into the existing sewer easement with the construction of new residential dwellings. Plan entitled "Proposed Utility Connection Plan", prepared by Sullivan Engineering Group, LLC, dated Sept. 14, 2012.			

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

August 31, 2012

Richard P. Merson
Director
Department of Public Works
Town of Needham
470 Dedham Avenue
Needham, Massachusetts 02492

VIA EMAIL TRANSMISSION

Re: Sewer Extension / Easement Abandonment
9-11, 15-17, and 21-23 Dale Street
206 and 214 West Street

Dear Rick,

Please be advised that I represent north Shore Construction and Development, Inc. ("North Shore") with respect to its redevelopment of the residential properties known and numbered 9-11, 15-17, and 21-23 Dale Street, as well the properties known and numbered 206 and 214 West Street. At present, all of the properties, except 21-23 Dale Street are encumbered by a sewer easement that serves the properties on Dale Street. For your reference, the easement is recorded at Norfolk County Registry of Deeds in Book 4065, Page 241.

North Shore has demolished the residential dwellings that were formerly located on the said properties, and intends to replace them with new residential dwellings, which it would like to locate over the easement. In addition, in connection therewith, North Shore would like to extend the existing sewer in Dale Street and connect the properties on Dale Street to such line. The properties on West Street are already connected to the sewer line in West Street, and would continue to use such connection. As a result of the extension and connection to Dale Street, there would be no further need for the sewer line across the described properties, or the related easement.

Therefore, based on the foregoing, please accept this as a request on behalf of North Shore to encroach into, across, under and through the sewer easement with the construction of new residential dwellings on each of the said five properties, and associated appurtenances, and to abandon the existing sewer easement in favor of the new connections to Dale Street.

To facilitate your review of this request, provided please find an Easement Abandonment and Sewer Extension plan prepared by Sullivan Engineering Group on behalf of North Shore, as well as proposed plot plans for the properties at 15-17 Dale Street and 21-27 Dale Street, depicting the connections for those properties.

Thank you in advance for your courtesy and attention to this matter. Please do not hesitate to let me know if you require further information.

I look forward to your response.

Sincerely,

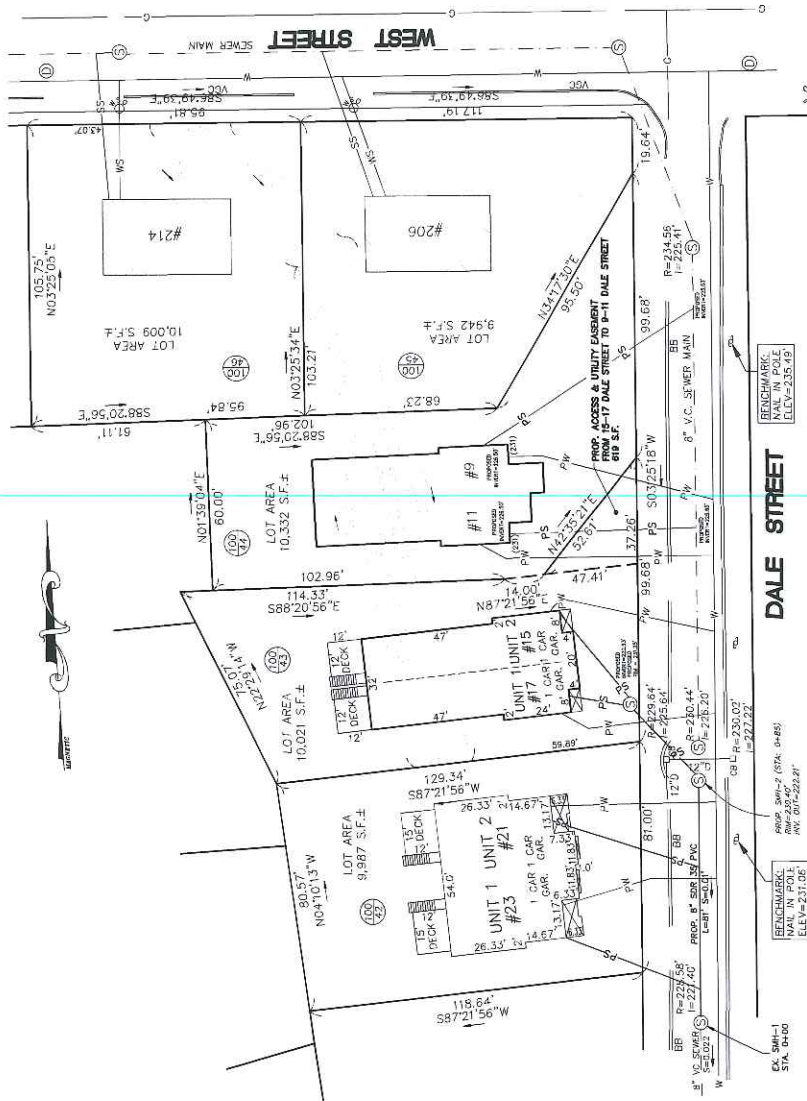
George Giunta, Jr.

George Giunta, Jr.

Cc Anthony Del Gaizo, PE, Town Engineer
Kate Fitzpatrick
David Tobin, Esq.

LEGEND:

- ASSESSOR MAP/PARCEL
- S.F. = SQUARE FEET
- CED = CATCH BASIN
- U = UTILITY POLE
- BE = BITUMINOUS BERM
- S = SEWER MANHOLE
- PS = PROPOSED SEWER SERVICE
- PW = PROPOSED WATER SERVICE
- (231) = PROPOSED SPOT GRADE



DALE STREET

SCHEDULE OF ELEVATIONS:			
#21-#23	#15-#17	#9-#11	
BASEMENT FLOOR:	222.50'	224.00'	224.00'
TOP OF FOUNDATION:	230.50'	232.00'	232.00'
FIRST FLOOR:	231.50'	233.00'	233.00'

GRAPHIC SCALE
SCALE 1"=20'



9-11 DALE STREET
15-17 DALE STREET
21-23 DALE STREET

PROPOSED UTILITY CONNECTION PLAN
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)

PREPARED FOR
NORTH SHORE CONSTRUCTION & DEV., INC.
SCALE: 1" = 20'
DATE: SEPT. 14, 2012

PREPARED BY
SULLIVAN ENGINEERING GROUP, LLC
22 MOUNT VERNON ROAD
BOSTON, MA 02127
(617) 552-2871

SHEET No. 1 OF 1

RECORD OWNER:
NORTH SHORE CONSTRUCTION & DEV., INC.
215 SALMON STREET
BOSTON, MA 02116
SEE REFERENCE: 2009/78

REVISIONS

NO.	DATE	REVISION	BY	CHKD



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Approve Memorandum of Agreement – Fire Union
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will update the Board on the terms of the proposed collective bargaining agreement ratified by the Needham Fire Union for fiscal year 2013 and fiscal years 2014 through 2016.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion: That the Board of Selectmen approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union for Fiscal Year 2013 and Fiscal Years 2014 – 2016.</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Proposed Memorandum of Agreement between the Town and the Needham Fire Union for Fiscal Year 2013 and Fiscal Years 2014 through 2016.			

Memorandum of Agreement Fiscal Year 2013

Agreement is hereby made this ____ day of _____, 2012 by and between the Town of Needham (hereinafter the "Town") and Needham Firefighters Local 1706, IAFF, Units A, B and C (hereinafter the "Union"). Except as expressly set forth herein, all provisions of the collective bargaining agreements between the Town and the Union, which by their terms are in effect through June 30, 2012, remain in full force and effect.

1. The term of the Agreement shall be July 1, 2012 through June 30, 2013.
2. The base wages contained in Article 25 (Unit A), Article 18 (Unit B), and Article 22 (Unit C) shall be amended, as follows:

FY2013 Wage Schedule Effective July 1, 2012 - Create Firefighter Step One; 4.5% Firefighter Steps 1 to 6; 2.5% Firefighter Step 6 to 7							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						84,332	86,531
F-4				71,284	74,093	76,776	78,695
F-3						67,109	68,787
F-2				57,460	59,587	61,742	63,285
F-1	41,817	43,699	45,665	47,720	49,868	52,112	53,414

FY2013 Wage Schedule Effective January 1, 2013 - Rate Saver Conversion 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						85,176	87,397
F-4				71,997	74,834	77,544	79,482
F-3						67,780	69,475
F-2				58,034	60,183	62,359	63,918
F-1	42,235	44,136	46,122	48,197	50,366	52,633	53,949

FY2013 Wage Schedule - Unit B Effective July 1, 2012 - Create Fire Alarm Step One; 4.5% Steps 1 to 6; 2.5% Step 6 to 7							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		51,423	53,765	56,219	58,764	61,408	62,943
FA-1	42,605	44,522	46,526	48,619	50,807	53,094	54,421

FY2013 Wage Schedule - Unit B Effective January 1, 2013 - Rate Saver Conversion 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		51,937	54,303	56,781	59,351	62,022	63,573
FA-1	43,031	44,967	46,991	49,106	51,315	53,625	54,965

3. Amend Article 25 (Unit A), Equipment Mechanic, by changing the sum "\$100" and inserting in place thereof the sum "\$125."
4. Amend Article 25 (Unit A), EMS Administrator and EMS Coordinator, by changing the sum "\$1,200" to the sum "\$1,500."
5. Amend Article 30 (Unit A) by deleting section 5, amend Article 27 (Unit C) by deleting

section 6, and amend Article 22 (Unit B) by deleting section 5, and inserting in place thereof the following:

Section 5(6) Health Insurance

All members of the bargaining unit (Units A, B and C) who are enrolled in a Town-sponsored HMO/EPO plan will be required to participate in the so-called Rate Saver plans effective January 1, 2013 under the following conditions:

- (a) Traditional HMO/EPO plans will no longer be available for participation by members of the bargaining unit.
- (b) The Town will provide a Health Reimbursement Arrangement (HRA) Program in fiscal years 2013, 2014, and 2015 in an amount not to exceed \$65,970 for the three year period. The HRA program will expire on June 30, 2015, or sooner if the \$65,970 allocation is exhausted.
- (c) Members of the Union will be eligible for reimbursement for qualified expenses consisting of office visits/primary care office visits/specialist, emergency room visits, in-patient hospitalization, same day surgery, diagnostic imaging, prescription drugs/retail and prescription drugs/mail order. Employees will be eligible for reimbursement only for the difference between their current co-payment and the co-payment of the Rate Saver plan.
- (d) Members of the Union will be eligible for reimbursement for qualified expenses at the following thresholds:

Individual Plan:	Expenses incurred from \$351 up to \$2,000
Family Plan:	Expenses incurred from \$1,051 up to \$4,000
- (e) The Town will not be obligated to pay more than \$65,970 for the HRA program. In the event that expenses in the first year exceed the \$21,990 per year target, the Town and the Union will meet to determine legal options for continuing the program.

6. Amend Article 16 (Unit A) and Article 12 (Unit C) - Non-Occupational Sick Leave by deleting in Section 2 the sum "one" and inserting in place thereof the sum "one and one quarter (1 ¼);" and by deleting Section 7 (b) in its entirety and inserting in place thereof the following: "Members of the bargaining unit who have not attained ten years of service with the Town of Needham as of June 30, 2012 shall be subject to a 1,440 hour (120 day) cap on the number of sick days to be used in calculating the 25% sick leave buy-back at retirement. The 1,440 hour cap shall not be construed as limiting the accumulation of non-occupational sick leave."

7. Delete Article 13, Section 3 Union Business and insert in place thereof the following:

"Section 3. Upon timely written request, the Town agrees to grant a total of not more than twenty-eight (28) tours (one day or one night) off with pay in each fiscal year for Union

business. It is agreed that the Town is not required to cover any union business tours on an overtime basis.

One member of the bargaining unit who is employed by the Town and is elected as an officer of the Professional Firefighters of Massachusetts (PFFM) shall be granted leave without loss of pay (and with full direct and fringe benefit compensation) to conduct the business of the PFFM. The maximum number of tours (one day or one night) to be covered annually shall be ten (10). It is agreed that the Town is not required to cover any PFFM union business tours on an overtime basis."

8. Amend Article 17, Section 1 (Unit A), Article 15, Section 1 (Unit C) and Article 11 Section 1 by inserting the following at the end of the sentence: "Such leave shall be taken either commencing with the death or notification of death, or concluding two calendar days after the funeral, memorial, or other such service, unless an alternate period is approved by the Fire Chief." Amend Article 17 Section 2 (Unit A), and Article 15 Section 2 (Unit C) by deleting the words "one day (one day or one night)" and inserting in place thereof the words "one twenty-four hour shift."
9. The Fire Chief will not invite members of the bargaining unit below the rank of Deputy Chief to participate in the recruitment process without inviting the Union President or his or her designee to participate as well.
10. Amend Article 11, Section 6 (Unit A) and Article 14 section 6 (Unit C), Temporary Modified Work Program, by inserting the words "that are determined by the Fire Chief to be unlikely to hinder recovery" after the words "educational and recertification classes."
11. Make the following housekeeping changes:
 - a. Delete Article 5, Section 2 (Unit A) and Article 4, Section 2 (Unit C).
 - b. Delete in Article 6, Section 7 (Unit A) the sentences: "The Work schedules of the Fire Inspectors may be changed upon the retirement of each of the incumbents in the position as of July 1, 2000. Work schedules of the incumbents in the positions as of July 1, 2000 may be changed at the request of the incumbent."
 - c. Delete Article 7, Sections 5 and 6 (Unit A) and Article 6, Sections 5 and 6 (Unit C) and insert in place thereof the following:

Section 5.

"Detail Rates shall be paid according the following schedule:

Basic Rate	\$42
EMT Rate	\$43
Basic Sunday/Holiday Rate	\$44
EMT Sunday/Holiday Rate	\$45
Basic Liquor Rate	\$46

EMT Liquor Rate	\$47
Basic Liquor Sunday/Holiday Rate	\$48
EMT Liquor Sunday/Holiday Rate	\$49

The final determination regarding the classification of a detail assignment will be made by the Town.

Section 6. Details worked for the Town of Needham shall be paid according to the following schedule:

Basic Rate	\$40
EMT Rate	\$41
Basic Sunday/Holiday Rate	\$42
EMT Sunday/Holiday Rate	\$43

For the purposes of this section, Town details shall be defined as work performed at the request of and paid for by a Town department, excluding work performed at the request of outside contractors."

- d. Amend Article 21, Section 7 (Unit A), Article 19, Section 7 (Unit C), and Article 15, Section 7 (Unit B) by deleting the words "Personnel Director" and inserting the words "Director of Human Resources" in each case where the words appear.
- e. Amend Article 7 Section (b) by deleting the word "Accounting" and inserting in place thereof the word "Finance," and amend Article 25 (Unit A), Article 22 (Unit C) and Article 18 (Unit B) by deleting the phrase: "Base wages shall be increased by 2.5% effective July 1, 2009, 0% effective July 1, 2010 and 0% effective July 1, 2011," and by deleting under EMT Differential (Units A and C) the sentence "All registered Emergency Medical Technicians (EMT) shall be granted additional compensation of 4.5% annual base salary to be paid weekly," and by deleting under Defibrillation Differential (Units A and C) the sentence: "A differential of 2% of annual base salary will be paid weekly for certification in defibrillation," and by deleting under Paramedic Differential (Unit A) the following: "For certification as a Paramedic, a differential of 4.5% of annual base pay will be paid weekly in accordance with the provisions contained in Article 4 Section 6 of this Agreement. Effective July 1, 2006 for certification as a Paramedic, a differential of 5.5% of annual base pay will be paid weekly in accordance with the provisions contained in Article 4 Section 6 of this Agreement for those in the ambulance rotation. Paramedics not included in the ambulance rotation will receive 4.5%," and by deleting under Equipment Mechanic (Unit A) the sentence "This replaces the \$75.00 referred to in the Personnel By-Laws," and by deleting under Haz-Mat Response Team Stipend (Unit A) the sum "455,000" and inserting in place thereof the sum "\$445,000," and by deleting the sum "\$2,000" and inserting in place thereof the sum "\$3,000," and by deleting under Night Differential (Units A and C) the sentence "All bargaining unit employees will receive Night Differential Pay equal to 3% of their annual regular base salary to be paid weekly," and by deleting under the Longevity Pay (Units A and C) the following: "The provisions of this paragraph shall be effective July 1, 1987 and shall, with respect to the employee covered by this Agreement, replace the longevity provisions of Section 20 (j)

of the Consolidated Personnel By-Law. (With the change to the form of government, the Town no longer has a Consolidated Personnel By-Law),” and by deleting under Cafeteria Plan (Units A, B and C) the sentence “The plan shall be implemented by July 1, 1990 or as soon thereafter as may be reasonably possible.”

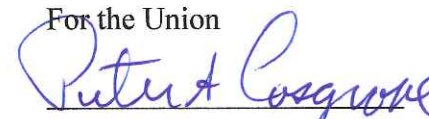
- f. Amend Article 26, Section 2 (Unit A) and Article 23, Section 2 (Unit C) by deleting the following: “For having a qualifying bachelor’s Degree: \$2,206.75,” and “For having a qualifying Master’s Degree: \$2,420.00,” and by deleting in Section 3(a) the sentence “Members of the bargaining unit shall be paid 5% of base pay for completion of a qualifying Associate’s Degree, or for matriculated status in a qualifying baccalaureate degree program equal to the Associate’s Degree level,” and by deleting in Section 3(b) the sentence “Members of the bargaining Unit shall be paid 10% of base pay for completion of a qualifying Bachelor’s Degree,” and by deleting in Section 3(c) the sentence “Members of the bargaining Unit shall be paid 10% of base pay for completion of a Master’s Degree in Fire Science,” and by deleting in the last paragraph of Section 3 the percent “(5%),” and by deleting in section 5 the following “For fiscal year 2010, only one-half of the increase in the new transitional career pay amounts will be paid. In fiscal year 2010, eligible employees in their 5th through 9th year will receive \$486.13; eligible employees in their 10th through 14th year will receive \$871.63; eligible employees in their 15th through 19th year will receive \$1,050; and eligible employees in their 20th through 24th years will receive \$1,750; and eligible employees with 25 years of service will receive \$2,050.”

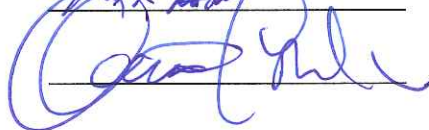
For the Town

Date: _____

Town Manager/Date

For the Union



Date: 9-27-12

This agreement shall be executed in one or more counterparts, each of which when so executed shall constitute but one and the same instrument.

**Memorandum of Agreement
Fiscal Years 2014, 2015 and 2016**

Agreement is hereby made this ____ day of _____, 2012 by and between the Town of Needham (hereinafter the "Town") and Needham Firefighters Local 1706, IAFF, Units A, B and C (hereinafter the "Union"). Except as expressly set forth herein, all provisions of the collective bargaining agreements between the Town and the Union, which by their terms are in effect through June 30, 2013, remain in full force and effect.

1. The term of the Agreement shall be July 1, 2013 through June 30, 2016.

The base wages contained in Article 25 (Unit A), Article 18 (Unit B) and Article 22 (Unit C) shall be amended, as follows:

FY2014 Wage Schedule Effective July 1, 2013 - 5.0% Firefighter Steps 1 to 7							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						87,233	91,691
F-4				73,036	76,277	79,417	83,388
F-3						69,418	72,888
F-2				58,871	61,343	63,865	67,059
F-1	42,235	44,347	46,564	48,892	51,337	53,904	56,599

FY2015 Wage Schedule Effective July 1, 2014 - 2.5% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						89,414	93,983
F-4				74,861	78,184	81,402	85,472
F-3						71,153	74,711
F-2				60,343	62,876	65,462	68,735
F-1	43,291	45,456	47,728	50,115	52,621	55,252	58,014

FY2016 Wage Schedule Effective July 1, 2015 - 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						90,308	94,923
F-4				75,610	78,965	82,216	86,327
F-3						71,864	75,458
F-2				60,947	63,505	66,117	69,423
F-1	43,724	45,910	48,206	50,616	53,147	55,804	58,594

FY2016 Wage Schedule Effective January 1, 2016 - 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
F-5						91,211	95,872
F-4				76,366	79,755	83,038	87,190
F-3						72,583	76,212
F-2				61,556	64,140	66,778	70,117
F-1	44,161	46,369	48,688	51,122	53,678	56,362	59,180

FY2014 Wage Schedule - Unit B							
Effective July 1, 2013 - 5.0% Steps 1 to 7							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		52,186	54,824	57,600	60,495	63,520	66,696
FA-1	43,031	45,183	47,442	49,814	52,305	54,920	57,666

FY2015 Wage Schedule - Unit B							
Effective July 1, 2014 - 2.5% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		53,491	56,194	59,040	62,008	65,108	68,364
FA-1	44,107	46,312	48,628	51,059	53,612	56,293	59,107

FY2016 Wage Schedule - Unit B							
Effective July 1, 2015 - 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		54,025	56,756	59,630	62,628	65,759	69,047
FA-1	44,548	46,775	49,114	51,570	54,148	56,856	59,698

FY2016 Wage Schedule - Unit B							
Effective January 1, 2016 - 1.0% Increase							
GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
FA-2		54,566	57,324	60,226	63,254	66,417	69,738
FA-1	44,993	47,243	49,605	52,085	54,690	57,424	60,295

For the Town

Date: _____

Town Manager/Date

For the Union

Robert A. Casagrande

Andrew D. Hughes

John A. [unclear]

Clifford [unclear]

Date: 9-27-12

This agreement shall be executed in one or more counterparts, each of which when so executed shall constitute but one and the same instrument.

Memorandum of Agreement

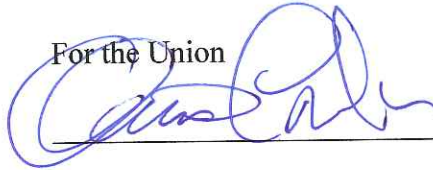
Agreement is made this _____ day of _____, 2012 by and between the Town of Needham (hereinafter the "Town") and Needham Firefighters Local 1706 Units A, B and C (hereinafter the "Union") to re-open the collective bargaining agreement dated July 1, 2013 through June 30, 2016 to negotiate over wages, only if the Town negotiates an across the board, general increase in base wages for FY2016 in an amount greater than 1.0% effective July 1, 2015 and 1% effective January 1, 2016.(excluding School Department unions and any base wage increase imposed by a JLMC arbitrator and funded by Town Meeting).

Except as expressly set forth herein, all provisions of the collective bargaining agreement between the Town and the Union, which by its terms is in effect through June 30, 2016 shall remain in full force and effect.

For the Town

Date: _____

For the Union



Date: 9-27-12

This agreement shall be executed in one or more counterparts, each of which when so executed shall constitute but one and the same instrument.

Memorandum of Agreement

Agreement is made this _____ day of _____, 2012 by and between the Town of Needham (hereinafter the "Town") and Needham Firefighters Local 1706 Units A, B and C (hereinafter the "Union") to adjust the pay rates of five members of the bargaining unit, as follows:

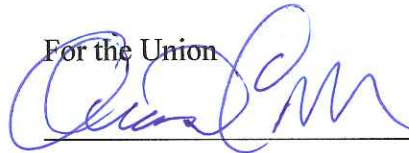
1. Firefighters Barbato, Muir, Sullivan, Tierney and Vanston will be paid \$44,136 effective July 1, 2012.
2. Firefighters Barbato, Muir, Sullivan, Tierney and Vanston will not receive an additional pay increase on January 1, 2013.
3. Firefighters Barbato, Muir, Sullivan, Tierney and Vanston will advance to the next step on the pay scale on the anniversary date of hire.

Except as expressly set forth herein, all provisions of the collective bargaining agreement between the Town and the Union, which by its terms is in effect through June 30, 2012 shall remain in full force and effect.

For the Town

Date: _____

For the Union



Date: 9-27-12

This agreement shall be executed in one or more counterparts, each of which when so executed shall constitute but one and the same instrument.

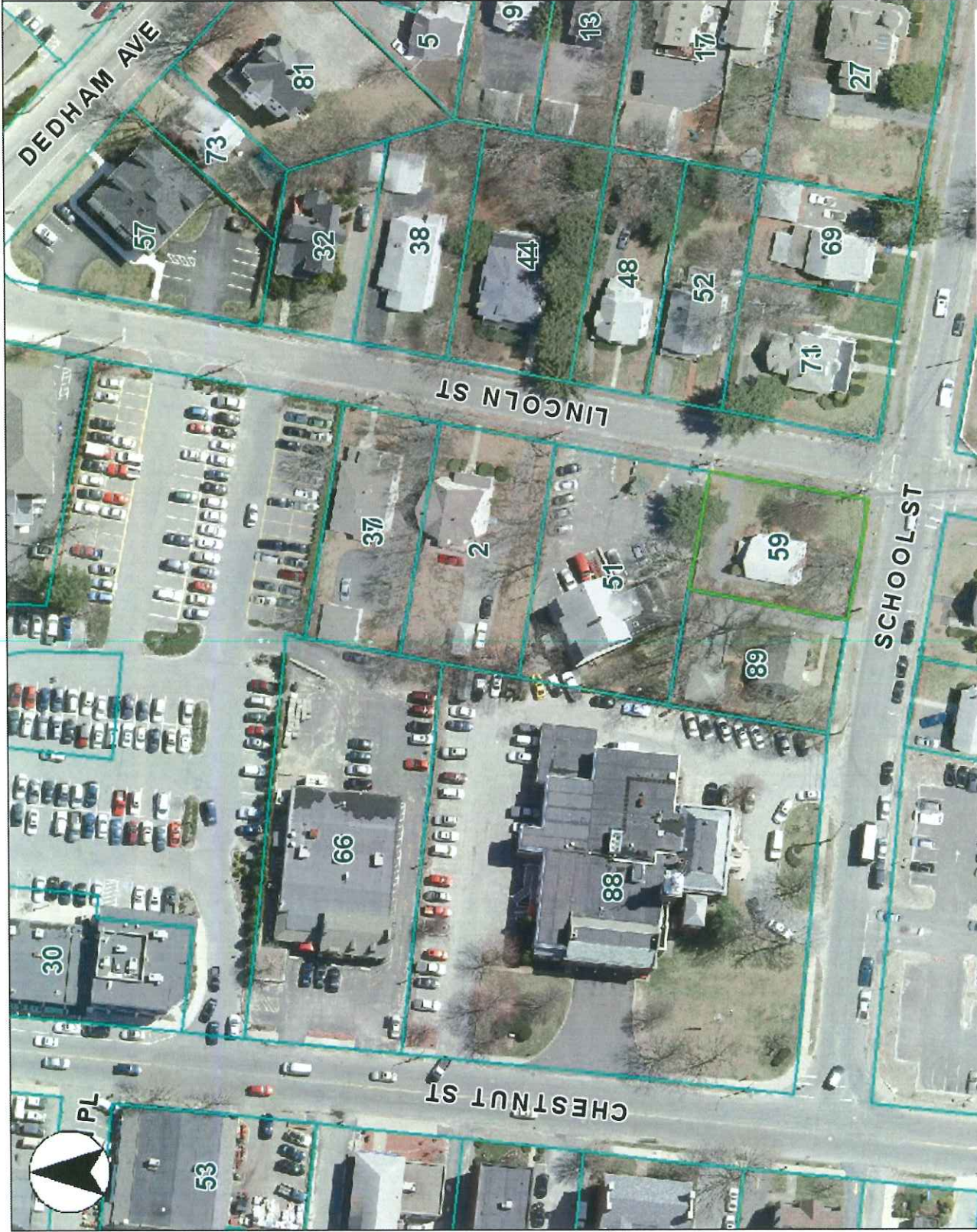


**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	Determination of Unique Status/51 Lincoln Street
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town has identified a parcel for acquisition that is proposed for funding in the October 29, 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
<i>Suggested Motion: That the Board vote to determine that in the case of the proposed acquisition of 51 Lincoln 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, and is nearby public parking lots and may be used for municipal parking.</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Photographic Map showing the 59 Lincoln Street and 89 School Street b. M.G.L. c. 30B Section 16			



The data shown on this site are provided for information and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data. Data should not be considered accurate, current or complete. Planimetric data is created from April 2009 aerial photographs.



Print

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
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

Agenda Item	CPA Priorities
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will discuss with the Board potential projects to be funded with CPA funds given the recent change in the Legislation. Stakeholders are working with the Community Preservation Committee to develop a draft funding plan for future projects.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Discussion only			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Proposed List of CPA Priorities b. Text of Amended CPA legislation			

**Proposed List of CPA Priorities
Board of Selectmen
October, 2012**

<u>Project</u>	<u>Estimated Cost</u>	<u>Proposed Funding</u>
Greene's Field Improvement	\$465,000	FY2013
Rail Trail Feasibility	\$35,000	FY2013
Newman Fields Design	\$158,000	FY2014
Newman Fields Construction	\$1,475,200	FY2015
Mills field Improvement Design	\$40,000	FY2014
Mills Field Improvement Construction	\$180,000	FY2015
Trail Improvement – Rosemary Design	\$50,000	FY2014
Trail Improvement – Rosemary Const.	\$100,000	FY2015
Trail Improvement – Newman Design	\$75,000	FY2015
Trail Improvement – Newman Const.	\$200,000	FY2016
Trail Improvement – Ridge Hill Design	\$50,000	FY2016
Trail Improvement – Ridge Hill Const.	\$100,000	FY2017
Trail Improvement – Reservoir Design	\$50,000	FY2017
Trail Improvement – Reservoir Const.	\$100,000	FY2018

Future Projects – Dependent on Other Projects and Decisions

Cricket Field House Renovation	\$600,000	Undetermined
Rail Trail to Dover	Unknown	Undetermined
Property Acquisition for Recreation	Unknown	Undetermined
Property Acquisition for Open Space	Unknown	Undetermined
Nike Site	Unknown	Undetermined
Emery Grover	Unknown	Undetermined
Playgrounds	Unknown	Undetermined
Rosemary Pool & Lake	Unknown	Undetermined
Rosemary Lake Camp Property	Unknown	Undetermined

Note: Estimates and order based on FY2013 – 2017 CIP and are subject to change.

"Open space", shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

"Preservation", protection of personal or real property from injury, harm or destruction,
but not including maintenance.

"Real property", land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

"Real property interest", a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

"Recreational use", active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

"Rehabilitation", ~~the remodeling, reconstruction and capital improvements, or the~~ making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; **provided, that** with respect to historic resources, "rehabilitation" shall ~~have the additional meaning of work to~~ comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; **and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.**

"Support of community housing", shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

Section 3. (a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b½) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A and 20A1/2 of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further, that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to section 16.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; ~~or~~

~~(3) for \$100,000 of the value of each taxable parcel of residential real property.~~

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

Section 4. (a) Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

(b)(1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, **including the consideration of regional projects for community preservation.** The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation ~~and~~ preservation, **rehabilitation and restoration** of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, ~~land for recreational use~~ and community housing that is acquired or created as provided in this section; **provided, however, that funds expended pursuant to this chapter shall not be used for maintenance.** With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. **With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.**

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving such recommendations from the community preservation committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section ~~8-7~~, and such additional **non-Community Preservation Fund** appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. **In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve or veto appropriations made pursuant to this chapter, in accordance with the city charter.**

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee, and notwithstanding the provisions of section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

Section 6. In ~~every~~ **each** fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, ~~but not including land for recreational use,~~ not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make ~~such~~ appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee, ~~but the~~ **and such** appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. **The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements the this chapter; provided, however, that the total of any administrative and operating expenses of the community preservation committee and the first year implementation expenses shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund.**

Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years; **provided, however, that** ~~but~~ funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town ~~in the commonwealth~~. The community preservation funds shall not replace existing operating funds, only augment them.

Section 7. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts sections 3 to 7, inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: ~~(a)~~ **(i)** all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; ~~(b)~~ **(ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b½) of section 3, if applicable;** **(iii)** all funds received from the commonwealth or any other source for such purposes; and ~~(e)~~ **(iv)** proceeds from the disposal of real property acquired with funds from the Community Preservation Fund.

The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income there from shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

Section 8. (a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge of \$20. The fees for so recording, filing or depositing a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards, additional square feet for the filing and recording of plans or for additional or required marginal references.

(b) The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge of \$20. The fees for so registering, filing or entering a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead of chapter 188. No surcharge shall apply to the fees charged for additional lots shown on plans, for indexing instruments recorded while a petition for registering is pending, for additional certificates of sewer assessments, for old age assistance liens, for duplicates and for photocopies.

(c) All surcharges on fees collected pursuant to this section shall be forwarded to the Massachusetts Community Preservation Trust Fund, established in section 9.

Section 9. (a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Community Preservation Trust Fund, for the benefit of cities and towns that have accepted sections 3 to 7, inclusive, and pursuant to said sections 3 to 7, inclusive, have imposed a surcharge on their real property tax levy, subject to any exemptions adopted by a municipality. The fund shall consist of all revenues received by the commonwealth: (1) under the provisions of section 8; (2) from public and private sources as gifts, grants and donations to further community preservation programs; (3) from damages, penalties, costs or interest received on account of litigation or settlement thereof for a violation of section 15; or (4) all other monies credited to or transferred to from any other fund or source pursuant to law.

(b) The state treasurer shall deposit the fund in accordance with the provisions of section 10 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit be available for withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings shall be deposited into the fund. The fund shall be expended solely for the administration and implementation of this chapter. Any unexpended balances shall be redeposited for future use consistent with the provisions of this chapter.

(c) The state treasurer shall make all disbursements and expenditures from the fund without further appropriation, as directed by the commissioner of revenue in accordance with said section 10. The department of revenue shall report by source all amounts credited to said fund and all expenditures from said fund. The commissioner of revenue shall assign personnel of the department as it may need to administer and manage the fund disbursements and any expense incurred by the department shall be deemed an operating and administrative expense of the program. The operating and administrative expenses shall not exceed 5 per cent of the annual total revenue received under the provisions of said section 10.

Section 10. (a) The commissioner of revenue shall annually on ~~October 15~~ or before **November 15** disburse monies from the fund established in section ~~10 9 to cities and towns that have to a city or town that has~~ accepted sections 3 to 7, inclusive, and notified the commissioner of ~~their~~ its acceptance. The community shall notify the commissioner of the date and terms on which the voters accepted said sections 3 to 7, inclusive. The municipal tax collecting authority shall certify to the commissioner the amount the ~~municipality~~ **city or town** has raised through June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the surcharge applied. **In the event a city or town accepts said sections 3 to 7, inclusive, pursuant to subsection (b½) of section 3 the municipal tax collecting authority shall certify to the commissioner by October 30, the maximum additional funds the city or town intends to transfer to the Community Preservation Fund from allowable municipal sources for the following fiscal year. Once certified, the city or town may choose to transfer less than the certified amount during the following fiscal year.**

(b) The commissioner shall multiply the amount **remaining** in the fund **after any disbursements for operating and administrative expenses pursuant to subsection (c) of section 9** by 80 per cent. This amount distributed in the first round distribution shall be known as the match distribution. The first round total shall be distributed to each city or town accepting said sections 3 to 7, inclusive, in an amount not less than 5 per cent but not greater than 100 per cent of the total amount raised by the additional surcharge on real property by each city or town **and, if applicable, the additional funds committed from allowable municipal sources pursuant to subsection (b½) of section 3.** The percentage shall be the same for each city and town and shall be determined by the commissioner annually in a manner that distributes the maximum amount available to each participating city or town.

(c) The commissioner shall further divide the remaining 20 per cent of the fund in a second round distribution, known as the equity distribution. The commissioner shall determine the equity distribution in several steps. The first step shall be to divide the remaining 20 per cent of the fund by the number of cities and towns that have accepted said sections 3 to 7, inclusive. This dividend shall be known as the base figure for equity distribution. This base figure shall be determined solely for purposes of performing the calculation for equity distribution and shall not be added to the amount received by a participant.

(d) Each city and town in the commonwealth shall be assigned a community preservation rank for purposes of the equity distribution. The commissioner shall determine each community's rank by first determining the ~~municipality's city or town's~~ equalized property valuation per capita ranking, ranking ~~municipalities cities or towns~~ from highest to lowest valuation. The commissioner shall also determine the population of each ~~municipality city or town~~ and rank each from largest to smallest in population. The commissioner shall add each equalized property valuation rank and population rank, and divide the sum by ~~two~~ 2. The dividend is the community preservation raw score for that ~~municipality city or town~~.

(e) The commissioner shall then order each ~~municipality city or town~~ by ~~CP~~ community preservation raw score, from the lowest raw score to the highest raw score. This order shall be the ~~CP~~ community preservation rank for each ~~municipality city or town~~. If more than ~~one~~ 1 ~~municipality city or town~~ has the same ~~CP~~ community preservation raw score, the ~~municipality city or town~~ with the higher equalized valuation rank shall receive the higher ~~CP~~ community preservation rank.

(f) After determining the **CP community preservation** rank for each **municipality city or town in the commonwealth**, the commissioner shall divide all **municipalities cities or towns** into deciles according to their **CP community preservation** ranking, with approximately the same number of **municipalities cities and towns** in each decile, and with the **municipalities cities or towns** with the highest **CP community preservation** rank shall be placed in the lowest decile category, starting with decile 10. Percentages shall be assigned to each decile as follows:

decile 1	140 per cent of the base figure
decile 2	130 per cent of the base figure
decile 3	120 per cent of the base figure
decile 4	110 per cent of the base figure
decile 5	100 per cent of the base figure
decile 6	90 per cent of the base figure
decile 7	80 per cent of the base figure
decile 8	70 per cent of the base figure
decile 9	60 per cent of the base figure
decile 10	50 per cent of the base figure

After assigning each **municipality city and town** to a decile according to their **CP community preservation** rank, the commissioner shall multiply the percentage assigned to that decile by the base figure to determine the second round equity distribution for each participant.

~~(f)~~ (g) Notwithstanding any other provision of this section, the total state contribution for each city ~~or~~ and town shall not exceed the **actual** amount raised by the **municipality's city or town's** surcharge on its real property levy **and, if applicable, additional funds committed from allowable municipal sources pursuant to subsection (b1/2) of section 3.**

~~(g)~~ (h) When there are monies remaining in the **trust fund Massachusetts Community Preservation Trust Fund** after the first and second round distributions, and any necessary administrative expenses have been paid in accordance with section **6 9**, the commissioner may conduct a third round surplus distribution. Any remaining surplus in the fund may be distributed by dividing the amount of the surplus by the number of cities and towns that have accepted **this chapter sections 3 to 7, inclusive**. The resulting dividend shall be the surplus base figure. The commissioner shall then use the decile categories and percentages as defined in this section to determine a surplus equity distribution for each participant.

~~(h)~~ (i) The commissioner shall determine each participant's total state grant by adding the amount received in the first round distribution with the amounts received in any later round ~~or rounds~~ of distributions, with the exception of a city or town that has already received a grant equal to 100 per cent of the amount the community raised by its surcharge on its real property levy.

(1) Only those cities and towns that adopt the maximum surcharge ~~allowed by this chapter~~ pursuant to subsection (b) of section 3 and those cities and towns that adopt the maximum surcharge and additional funds committed from allowable municipal sources such that the total funds are the equivalent of 3 per cent of the real estate tax levy against real property pursuant to subsection (b½) of said section 3 shall be eligible to receive additional state monies through the equity and surplus distributions.

(2) If less than 10 per cent of the cities and towns ~~in the commonwealth~~ have accepted sections 3 to 7, inclusive, and imposed and collected a surcharge on their real property levy, the commissioner may calculate the state grant with only ~~one~~ 1 round of distributions, or in any other equitable manner.

(j) After distributing the ~~trust fund~~ Massachusetts Community Preservation Trust Fund in accordance with this section, the commissioner may keep any remaining funds in the trust for distribution in the following year.

Section 11. A city or town that accepts sections 3 to 7, inclusive, may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. Cities or towns that choose to issue bonds pursuant to this section shall make every effort to limit the administrative costs of issuing such bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

Section 12. (a) A real property interest that is **purchased acquired** with monies from the Community Preservation Fund shall be bound by a permanent **deed** restriction, **recorded as a separate instrument**, that meets the requirements of **sections 31 to 33, inclusive**, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The **deed permanent** restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The **deed permanent** restriction may also run to the benefit of a nonprofit **organization**, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. **The legislative body may appropriate monies from the Community Preservation Fund to pay a nonprofit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.**

~~(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.~~

Section 13. The community preservation committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the Community Preservation Fund. The committee shall also keep records of any real property interests acquired, disposed of or improved by the city or town upon its recommendation, including the names and addresses of the grantors or grantees and the nature of the consideration. The records and accounts shall be public records.

Section 14. Notwithstanding the provisions of any general or special law to the contrary, every city and town may accept sections 3 to 7, inclusive, and may thereupon receive state grants under section 10. A city or town that accepts said sections 3 to 7, inclusive, shall not be precluded from participating in state grant programs.

State grant programs may include local adoption of this chapter among the criteria for selection of grant recipients. Funds in the Community Preservation Fund may be made available and used by the city or town as the local share for state or federal grants upon recommendation of the community preservation committee and the legislative body, as provided for in section 5, if such grants and such local share are used in a manner consistent with the recommendations of the community preservation committee.

Section 15. (a) A person who, without permission, knowingly carries away or steals, mutilates, destroys, damages, causes to be damaged or cuts any tree, shrub, grass or any other portion of real property purchased by a city or town with funds derived from this chapter shall be liable to the city or town in tort for such actions.

(b) Damages, including punitive damages for willful or wanton violation of this chapter or any rule or regulation issued or adopted hereunder, may be recovered in a civil action brought by the city or town or, upon request of the city or town, by the attorney general. The city or town or, upon request of the city or town, the attorney general, may bring an action for injunctive relief against any person violating this chapter or any rule or regulation issued hereunder. The superior court shall have jurisdiction to enjoin violations, to award damages and to grant such further relief as it may deem appropriate.

(c) Any damages, penalties, costs or interest thereon recovered pursuant to this section shall be deposited into the Community Preservation Fund of the city or town in which the violation occurred.

Section 16. (a) At any time after imposition of the surcharge, the legislative body may approve and the voters may accept an amendment to the amount and computation of the surcharge, or to the amount of exemption or exemptions, in the same manner and within the limitations set forth in this chapter, **including reducing the surcharge to 1 per cent and committing additional municipal funds pursuant to subsection (b 1/2) of section 3.**

(b) At any time after the expiration of five years after the date on which sections 3 to 7, inclusive, have been accepted in a city or town, said sections may be revoked in the same manner as they were accepted by such city or town, but the surcharge imposed under section 3 shall remain in effect in any such city or town, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city or town prior to such termination shall have been fully discharged.

Section 17. The commissioner of revenue shall have the authority to promulgate rules and regulations to effect the purposes of this chapter.

SECTION 2. Section 38 of chapter 262 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:-

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge under section 8 of chapter 44B.

SECTION 3. Section 39 of said chapter 262, as so appearing, is hereby amended by adding the following paragraph:-

The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge under section 8 of chapter 44B.

Approved September 14, 2000.

Please Note:

H. 4200, signed by the Governor on July 8, 2012 also included two sections related to additional funding for the CPA Trust Fund and the effective date for all CPA changes contained in H. 4200. Those sections are shown below.

SECTION 155. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2013 in the following order to the extent that funds are available: (i) transfer \$25,000,000 to the Massachusetts Community Preservation Trust Fund, established by section 9 of chapter 44B of the General Laws; and (ii) transfer the remaining balance from the General Fund to the Commonwealth Stabilization Fund.

(b) All transfers pursuant to this section shall be made from the undesignated fund balance in the budgetary funds proportionally from the undesignated fund balances; provided, however, that no such transfers shall cause a deficit in any of the funds.

SECTION 218. Sections 57 to 71, inclusive, shall apply to all Community Preservation Fund appropriations approved by a city or town's legislative body on or after the effective date of acceptance of sections 3 to 7, inclusive, of chapter 44B of the General Laws in any such city or town.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/02/2012

Agenda Item	Sewer Rate Relief Application
Presenter(s)	Kate Fitzpatrick, Town Manager David Davison, Assistant Town Manger/Finance Evelyn Poness, Town Treasurer/Collector

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
History of the State's sewer rate relief program and the steps required to apply for the funds. The Board will need to execute the application if the Board votes to apply for the funds.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Suggested Motion: Move that the Board of Selectmen approve and execute the FY 2013 Sewer Rate Relief Application.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Massachusetts Department of Revenue Bulletin: Sewer Rate Relief Fund – FY2013 b. Copy of the Application to be signed by the Board			

dbd 09/28/2012



Bulletin

TO: Mayors, City Managers, Selectmen, 2012-05B
Executive Directors, Sewer Authorities,
Commissioners, Sewer Districts,
City and Town Treasurers

FROM: Gerard D. Perry, Director of Accounts

DATE: September 2012

SUBJECT: Sewer Rate Relief Fund – FY2013

The Commonwealth Sewer Rate Relief Fund operates under the provisions of Chapter 29 §2Z of the General Laws. The Fund was created in 1993 to mitigate escalating costs of sewer service in the Commonwealth. Awards were based on eligible debt service and were calculated at up to 20% of debt service.

In FY13, \$500,000 was again appropriated. While FY13 individual award amounts will depend upon the actual number of applicants and the associated eligible debt service, at the current funding level we anticipate that FY13 awards will approximate FY12 amounts.

Details of the program are unchanged. Eligible debt service is defined as:

- permanent debt issued on or after January 1, 1990 for a term greater than five years,
- for water pollution control projects

Projects which received state grants are ineligible and projects financed through the Massachusetts Water Pollution Abatement Trust are generally ineligible.

We are again requesting detailed project descriptions for newly requested projects to better assist us in determining project eligibility. Several example project descriptions have been provided with the application.

The Division of Local Services administers the program in consultation with the Department of Environmental Protection. Applications should be submitted using the attached form and returned by Friday, October 12, 2012 to William C. Meehan, at the address below. Mr. Meehan's telephone number is (617) 626-2382.

Massachusetts Department of Revenue Division of Local Services
COMMONWEALTH SEWER RATE RELIEF FUND

APPLICATION FOR FY2013 DISTRIBUTION

Needham

~~City/Town/District/Authority~~

A. RECORD OF ELIGIBLE INDEBTEDNESS:

List permanent debt issued for **more than five years** (i.e., do not list bond anticipation notes) **on or after January 1, 1990** wholly or in substantial part to finance or refinance the costs of planning, design, or construction of any water pollution control project or part thereof **required to meet the provisions of the Federal Water Pollution Control Act** (33 USC, sec. 1251 et seq.) and secs. 26 to 53 inclusive of M.G.L. Ch. 21 or any wastewater collection or transportation project related thereto. Attach additional sheets if needed.

Any project for which **state grants** were received is ineligible.

Projects financed through the **Mass. Water Pollution Abatement Trust** are also ineligible unless the total debt issued through MWPAT exceeded \$50,000,000 on June 30, 1995.

Project Number	Project Name	Issue Date	Original Amount*	FY2013 Debt Service*	Grants Received?
1.	West St Pump Sta Art#58	6/15/99	1,939,000	151,069	N
2.	Sewer force Main Art#59	6/15/99	881,800	66,232.50	N
3.	Sewer Sys Rehab Art# 55	6/01/05	425,000	42,800	N
4.	Sewer Pump Sta Art#49	12/15/05	484,500	60,915	N
5.	Sewer Main Rehab Art#9	6/15/07	2,000,000	142,637.50	N
6.	Sewer Pump Sta Art#49	6/01/09	500,000	60,500	N
7.	Sewer Pump Sta Art#45	12/15/09	550,000	44,600	N
8.	Sewer Main Rehab Art#9	12/15/09	320,000	28,362.50	N
9.	Sewer Main Rehab Art#9	6/15/10	145,000	17,700	N
10.					

Total FY2013 Debt Service \$ 614,816.50

*Attach a debt service schedule for the life of the bonds unless submitted previously.

B. PROJECT DESCRIPTIONS

For new indebtedness eligibility being requested from the FY2013 Commonwealth Sewer Rate Relief Fund, i.e., eligibility requests from new applicants or additional eligibility requests from prior year award recipients, please provide descriptions of each project. Example project descriptions have been provided at the end of this application. You may need to consult with your Public Works staff to assist in developing project descriptions. Please add additional sheets if necessary.

No new eligible projects

Project Number	Project Name	Project Description
_____	_____	_____ _____ _____ _____
_____	_____	_____ _____ _____ _____
_____	_____	_____ _____ _____ _____
_____	_____	_____ _____ _____ _____
_____	_____	_____ _____ _____ _____

Steven Nardeau	781-455-7538 ext 219
Contact Person for Project Description	Telephone Number
Contract Administrator	

C. USE OF AWARD PROCEEDS:

Describe briefly how the award, if any, will be used to reduce rates in the current or future years, or finance capital projects which would otherwise be financed through borrowing. Example Use of Award Proceeds statements have been provided at the end of this application.

Funds will be used to provide a credit to sewer customers. The amount awarded the Town of Needham will offset the debt service expense for the year bu the actual relief received.

D. CERTIFICATION:

We certify that the above listed debt was issued on or after January 1, 1990 for a term greater than five years to finance or refinance the costs of planning, design or construction of a water pollution control project or part thereof required to meet the provisions of the Federal Water Pollution Control Act (33 USC, secs. 1251 et seq.) and secs. 26 to 53 inclusive of M.G.L. Ch. 21.

Mayor _____ Exec. Director _____

Manager _____ Commissioners _____

Selectmen _____

Treasurer *Julia P. P...*

Phone 781-455-7500 ext 208

Fax 781-449-4569

E. Wire Transfer Instructions

Payments to cities and towns will be made to accounts to which other state local aid payments are wired. For any district or authority, please indicate your bank routing number and account below.

Bank Routing Number

Account Number

F. Return by Friday, October 12, 2012 by mail or fax:

Division of Local Services

Attn: William C. Meehan, Supervisor of Public Finance

P.O. Box 9569

Boston, Mass. 02114-9569

Fax (617) 626-3916



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
At this time, the Town Manager will update the Board on issues not covered on agenda, as needed.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
none			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/2/2012

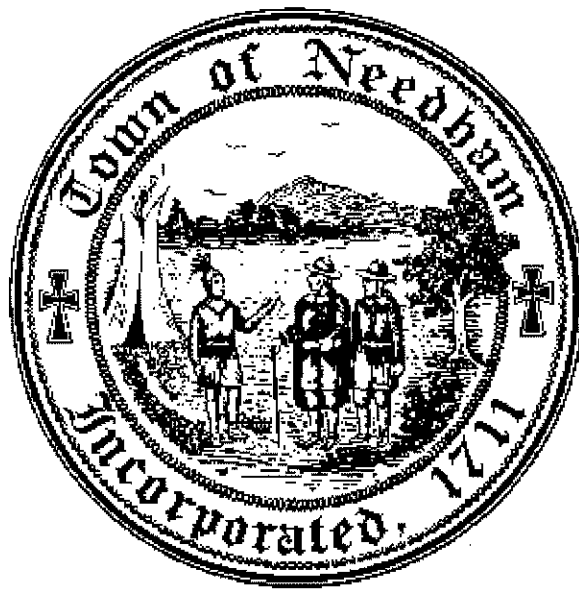
Agenda Item	Positions on Warrant Articles
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Board will review the Special Town Meeting Warrant and determine which articles can be considered for recommendation at this time, and which articles require additional information.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motions:</i> That the Board vote to recommend adoption of Article _____ in the Special Town Meeting Warrant.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Draft Special Town Meeting Warrant dated 9.28.012			

September 28, 2012

SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, OCTOBER 29, 2012

7:30 P. M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

NEEDHAM

DRAFT 9.28.12

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

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

MONDAY, THE TWENTY NINTH DAY OF OCTOBER, 2012

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

HUMAN RESOURCES ARTICLES

ARTICLE 1: 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 and fiscal year 2014; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

ARTICLE 2: ACCEPT THE PROVISIONS OF CHAPTER 176 OF THE ACTS OF 2011/SUPPLEMENTAL PENSION ALLOWANCE

To see if the Town will vote to accept the provisions of Chapter 176 of the Acts of 2011: An Act Increasing the Supplemental Pension Allowance under M.G.L. c. 32 Section 12 to survivors of members who die while employed by the Town from an annual amount of \$3,000 to \$6,000; or take any other action relative thereto.

INSERTED BY: Retirement Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Acceptance of this legislation will allow the Needham Retirement Board to increase the benefit to surviving spouses of members who die while employees. This benefit will take effect on the date that certification of acceptance is filed with the Public Employee Retirement Administration Commission and is not retroactive. Currently there are four (4) survivors who would qualify for this benefit. The increase to those survivors currently receiving the benefit would be approximately \$3,300 per year. Acceptance of this Act will have no material impact on the annual funding required by the Town to the Retirement System.

FINANCE ARTICLES

ARTICLE 3: APPROPRIATE FOR SOLAR ENERGY FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for a study of the feasibility of locating solar facilities within the Town, to be spent under the direction of the Town Manager, 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 4: AMEND THE FY2013 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2013 Operating Budget adopted under Article 10 of the 2012 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	Group Health Insurance	\$9,973,869	\$9,908,775
10	Reserve Fund	\$1,199,821	\$1,309,072
15A	Finance Department Salary & Wages	\$1,512,620	\$1,600,620
15B	Finance Department Expenses	\$746,495	\$793,865
20A	Police Department Salary & Wages	\$4,842,392	\$4,884,076
20C	Police Department Capital	\$200,000	\$228,018
21A	Fire Department Salary & Wages	\$6,079,147	\$6,102,557
25C	Department of Public Works Capital	\$6,500	\$126,500

And to meet this appropriation that \$244,621 be raised from the FY2013 tax levy, \$28,018 be transferred from Insurance Proceeds in Excess of \$20,000, and \$120,000 be transferred from Article 4 of the March 3, 2008 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE 5: 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
Rte 128 Sewer Main Relocation	2005	STM (N)	9	\$3,500,000	\$90,000
Kendrick Street Bridge Design	2009	ATM	46	\$125,000	\$35,000
RTS Construction Equipment	2009	ATM	52	\$230,000	\$44,000
Kendrick Street Bridge Repair	2010	ATM	35	\$850,000	\$100,000
Needham High School Roof	2011	ATM	38	\$320,000	\$240,000

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 monies received from other sources, changes in scope, cost saving measures, or favorable bids.

ZONING / LAND USE ARTICLES

ARTICLE 6: AMEND ZONING BY-LAW – HEIGHT LIMITATION EXCEPTIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.2 Dimensional Regulations for Rural Residence Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Height Limitation Exceptions, by adding the following after the first sentence:

“Notwithstanding the foregoing sentence, a municipal building or structure located on a lot in excess of twenty (20) acres created by deed or plan, endorsed or recorded before September 1, 2012, may be as high as fifty (50) feet, provided the building or structure contains no more than one story, is used primarily for storage purposes and is located at least 200 feet from all property lines.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 7: AMEND ZONING BY-LAW – MINIMUM SIDE AND REAR LINE SETBACKS: ACCESSORY STRUCTURES

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.2 Dimensional Regulations for Rural Residence Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Minimum Side and Rear Line Setbacks: Accessory Structures, by adding the following sentence to the end of the paragraph:

“Notwithstanding the foregoing, an accessory building or structure associated with a pool use which is less than eleven (11) feet in height and has less than one-hundred (100) square feet of ground coverage need not comply with the foregoing ten (10) foot distance from any other building or structure requirement as said requirement pertains to the placement of the accessory building or structure from the edge of the pool, provided that such accessory building or structure is placed no less than eight (8) feet from the edge of the pool.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

ARTICLE 8: CITIZENS' PETITION - RAIL TRAIL COMMITTEE

Whereas the town has two distinct sections of unused rail right-of-way, from Newton to Needham Heights and from Dover to Needham Junction.

Whereas the board of the Massachusetts Department of Transportation has voted to grant the MBTA authority to engage in a long-term lease for the two sections to the town for possible conversion into rail trail greenways. The selectmen shall appoint a rail trail committee to study both sections and recommend a proposal for conversion of the unused rail sections into a linear park greenway. The committee shall conduct an inclusive public process of engagement with stakeholders, in particular the individuals, businesses and institutions in the neighborhoods near the rail lines to ensure the proposed project has community input and support. The committee shall recommend a rail trail conversion plan to the selectmen for their adoption, with town meeting approval.

INSERTED BY: Citizens' Petition – Thomas Connors et. al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 9: CITIZENS' PETITION - BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Selectmen shall appoint a bicycle and pedestrian advisory committee to prepare and recommend a comprehensive Bicycle and Pedestrian plan for the town, to include improvements to streets, sidewalks, street crossings and the proposed rail trails. The committee may consult with and make recommendations to individuals, departments, agencies and committees. The committee shall recommend a proposed Needham Bicycle and Pedestrian plan to the selectmen for their adoption.

INSERTED BY: Citizens' Petition – Thomas Connors et. al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 10: APPROPRIATE FOR SOUTH STREET HOME / CHARLES RIVER ARC

To see if the Town will vote to raise and/or transfer and appropriate a sum for the construction by the Charles River Center of an accessible home for individuals with disabilities, to be spent under the direction of the Town Manager, said sum to be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Charles River Center (Charles River ARC) has recently purchased property on South Street and is seeking funding to construct a group home for 5-6 adults with developmental disabilities. The request is for \$500,000, but based on funds that are anticipated from other resources that will be finalized in October, the actual amount that will actually be requested will be less than \$500,000. The Charles River Center has already purchased the property and will rely on architectural designs created for a home being built in another community. If approved, this project would increase the Town's number of affordable units by five.

ARTICLE 11: APPROPRIATE FOR RAIL TRAIL FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for a feasibility study of the abandoned rail corridor from Needham Junction to the Dover line for use as a shared use rail trail, to be spent under the direction of the Town Manager, said sum to be transferred from the CPA Open Space Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: With the support of the Board of Selectmen, the Bay Colony Rail Trail Committee (BCRTC) is seeking \$35,000 to engage in an engineering study in order to provide answers to the Board of Selectmen and others on the feasibility of creating a rail trail that would begin near Needham Junction on Chestnut Street and continue to the Charles River. Some of the issues to be studied include access to the rail trail from the Chestnut Street area, possible parking areas for trail users, ADA considerations, and the integrity of the timber bridge crossing the Charles River. BCRTC has already been reaching out to close abutters of the possible rail trail, and the study will include public workshops for input. BCRTC is also working with the Town of Dover and the Town of Medfield, as the long-term vision is to have a 7-mile trail extending from Needham Junction to Medfield, and participates in a 3-town working group of board/staff members from each town. As long-term discussions are still underway between Needham and Newton on a variety of transportation needs between the two communities, this current project does not include the unused rails extending beyond the Needham Heights station.

ARTICLE 12: APPROPRIATE FOR GREENE'S FIELD IMPROVEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$445,000 for the renovation of Greene's Field including the installation of a play structure, to be spent under the direction of the Town Manager, said sum to be transferred from the CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: It has been two years since the Greene's Field play structure was removed, and with the assistance of the Greene's Field Play Structure Advisory group, the Town has reviewed the needs of the whole park. The request for \$445,000 is for the creation of a new playground area, with equipment for young children and school-aged children; the restoration of the 60' diamond and small multi-purpose field; restoration of the basketball court; and the addition of a small walking path. A Greene's Field fundraising group has already begun the effort to raise at least \$50,000 towards this project, as the overall cost is anticipated to be closer to \$500,000.

CAPITAL ARTICLES

ARTICLE 13: APPROPRIATE FOR POLLARD SCHOOL BOILER DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$55,000 for engineering and design for Pollard School boiler replacement, to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to met this appropriation that \$18,951 be transferred from Article 8 of the May 2010 Special Town Meeting and \$36,049 be transferred from Article 32 of the May 2010 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 14: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$310,000 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 that said sum to be transferred from Article 35 of the 2010 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 15: APPROPRIATE FOR SALT SHED CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,913,000 for engineering, design, construction, and associated improvements for the construction of a salt storage shed, 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 Chapter 44 of the General Laws or any other enabling authority; and that the Town Manager is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 16: APPROPRIATE FOR RTS REMEDIATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$400,000 for soil remediation and removal and associated costs at the Recycling/Transfer Station, to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 17: APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,100,000 for the acquisition of real property known as 51 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 Information:

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

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

Given into our hands at Needham aforesaid this 18^h day of September, 2012.

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

Selectmen of Needham

A TRUE COPY

Attest:

Constable:

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

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

ATTN: SPECIAL TOWN MEETING WARRANT



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 10/02/2012

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
None			

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:	-\$211.50
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$704.35
Transfer Station Charges:	\$0.00
Total Abatement:	-\$915.85

Order #: 1148

Read and Approved:

9/25/2012

9/21/2012

Assistant Director of Public Works

9/25/12

Director of Public Works

For the Board of Selectmen

Date: 10/2/2012

**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
JO DB	Council on Aging (2) Quirk	William & Mary D	21929	3422	56	Paul Revere Rd	\$0.00 \$0.00	-\$211.50 \$0.00	-\$498.90 -\$205.45	-\$710.40 -\$205.45	COA ACC	N N

Total: -\$915.85

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.
 Leak = Leak in house or at spigot that caused loss of water, with proof of repair
 TWN = Town Project caused damage to private property
 Equip = Equipment Malfunction
 UEW = Unexplained water loss
 ACC = Accidental Water Loss
 BP = Billing Period beyond 100 days
 COA = Council on Aging

**WARRANT FOR THE
STATE ELECTION**
The Commonwealth of Massachusetts
TUESDAY, NOVEMBER 6, 2012

Norfolk, ss.

To either of the Constables of the Town of Needham

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at their respective voting places in said Town, namely:

PRECINCT A – Hillside School - Gymnasium
PRECINCT B – Hillside School - Gymnasium
PRECINCT C – Newman School – Gymnasium
PRECINCT D – Newman School - Gymnasium
PRECINCT E – Pollard Middle School – Room 226

PRECINCT F – Stephen Palmer Community Room
PRECINCT G – Broadmeadow School - Performance Ctr.
PRECINCT H – Broadmeadow School - Performance Ctr.
PRECINCT I – Wm. Mitchell School – Gymnasium
PRECINCT J – Wm. Mitchell School - Gymnasium

**ON TUESDAY, THE SIXTH DAY
OF NOVEMBER, 2012**

From 7:00 A.M. to 8:00 P.M. for the following purposes:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT	For the Commonwealth
SENATOR IN CONGRESS	For the Commonwealth
REPRESENTATIVE IN CONGRESS	For Fourth (4th) Congressional District
COUNCILLOR	For Second (2nd) Councillor District
SENATOR IN GENERAL COURT (Precincts A,B,C,I,J) ...	For Norfolk, Bristol, and Middlesex Senatorial District
SENATOR IN GENERAL COURT (Precincts D,E,F,G,H)	For Norfolk and Suffolk Senatorial District
REPRESENTATIVE IN GENERAL COURT	For Thirteenth (13th) Norfolk Representative District
CLERK OF COURTS	For Norfolk County
REGISTER OF DEEDS	For Norfolk District
COUNTY COMMISSIONERS	For Norfolk County

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer's dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would

have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A YES VOTE would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A NO VOTE would make no change in existing laws.

YES: _____
NO: _____

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present

when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

A NO VOTE would make no change in existing laws.

YES: _____
NO: _____

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's

medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

A NO VOTE would make no change in existing laws.

YES: _____
NO: _____

QUESTION 4: NON BINDING QUESTION - CORPORATIONS

Shall the state senator from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U. S. constitution affirming that (1) corporations are not entitled to the constitutional rights of human beings, and (2) both Congress and the states may place limits on political contributions and political spending?

YES: _____
NO: _____

QUESTION 5: NON BINDING QUESTION - CORPORATIONS

Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U. S. constitution affirming that (1) corporations are not entitled to the constitutional rights of human beings, and (2) both Congress and the states may place limits on political contributions and political spending?

YES: _____
NO: _____

**The Polls Will Be Open From
7:00 A.M. to 8:00 P.M.**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.
Given under our hands this 2nd day of October, A.D. 2008.

GERALD A. WASSERMAN, *Chairman*

DANIEL P. MATTHEWS

JOHN A. BULIAN

MAURICE P. HANDEL

MATTHEW D. BORRELLI
Selectmen of Needham

A true copy,
ATTEST _____

2012

Constable (month) (day)

Warrant must be posted by **October 30, 2012**, (at least *seven days* prior to the **November 6, 2012**, State Election).

The Town of Needham
Commonwealth of Massachusetts
TUESDAY, November 6, 2012

To either of the Constables of the Town of Needham

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Special Town Election to vote at their respective voting places in said Town, namely:

PRECINCT A – Hillside School - Gymnasium
PRECINCT B – Hillside School - Gymnasium
PRECINCT C – Newman School – Gymnasium
PRECINCT D – Newman School - Gymnasium
PRECINCT E – Pollard Middle School – Inner Room

PRECINCT F – Stephen Palmer Community Room
PRECINCT G – Broadmeadow School - Performance Ctr.
PRECINCT H – Broadmeadow School - Performance Ctr.
PRECINCT I – Wm. Mitchell School – Gymnasium
PRECINCT J – Wm. Mitchell School - Gymnasium

**ON TUESDAY, THE SIXTH DAY
OF NOVEMBER, 2012**

From 7:00 A.M. to 8:00 P.M. for the following purposes:

To cast their votes in the Special Town Election for the following ballot 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?

**The Polls Will Be Open From
7:00 A.M. to 8:00 P.M.**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.
Given under our hands this 2nd day of October, A.D. 2012.

GERALD A. WASSERMAN, *Chairman*

DANIEL P. MATTHEWS

JOHN A. BULIAN

MAURICE P. HANDEL

MATTHEW D. BORRELLI

Selectmen of Needham

A true copy,

ATTEST _____ 2012

Constable (month) (day)

Warrant must be posted by **October 30, 2012**, (at least *seven days prior* to the **November 6, 2012**, State Election)