

BOARD OF SELECTMEN

September 11, 2018

Needham Town Hall

Revised Agenda

Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.

	6:00	Executive Session- Exception 3: Collective Bargaining: ITWA, NIPEA, BCTIA, and Potential Litigation; Exception 6: Purchase, Exchange, Lease or Value of Real Property
1.	6:45	Joint Meeting with the Board of Library Trustees: Appoint New Trustee • Board of Selectmen • Board of Library Trustees • Anna Giraldo Kerr, Proposed Appointee
2.	7:00	Public Hearing – Multiple License Amendment for Spiga Ristorante, 18 Highland Circle • Carmelo Iriti, Manager • George Guinta, Jr. Attorney
3.	7:10	FEMA SAFER Grant • Dennis Condon, Fire Chief • Deb Bonanno, Fire Director of Administrative Services
4.	7:15	Public Hearing – Stormwater By-law
5.	7:45	Public Safety Project Budget Update • George Kent, Chair, PPBC • Steve Popper, Director of Design & Construction
6.	8:00	Town Manager • Close Special Town Meeting Warrant • Acceptance of Pedestrian Access Easement • Pedestrian Safety Project Update
7.	8:15	Board Discussion • Town Manager Performance Evaluation • Committee Reports

APPOINTMENTS

1.	Cultural Council	Elizabeth Millane (term expires 6/30/2021) Anne McCaffrey (term expires 6/30/2021)
2.	Needham Community Revitalization Trust Fund	Kate Carter (term expires 6/30/2021)

CONSENT AGENDA *=Backup attached

1.	Approve the Notice of Experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for A Street, Food Vendor Parking Only, East
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	sideline of A street 80 foot section across from 40 A Street- Tuesday – Friday from 9:00 a.m. to 3:00 p.m.; and for 4 th Avenue Food Vendor Parking Only, West sideline of 4 th Avenue 50 foot section in front of 115-117 4 th Avenue- Tuesday – Friday from 9:00 a.m. to 3:00 p.m. for the period August 26, 2018 to September 24, 2018.				
2.*	In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2019 (corrected K Schedule).				
3.*	Approve a request from Stephanie Matern of Circle of Hope to host its Full Circle event on the Town Common on October 13, 2018 from 10:00 a.m. to 12:00 p.m. with a rain date of October 14, 2018.				
4.	Approve request from Park and Recreation Commission and the Newton/Needham Regional Chamber to host their annual “Spooky Walk” on Saturday, October 20, 2018 which commences on Town Common at 10:00 am, with a rain date of Saturday, October 27, 2018.				
5.*	Water & Sewer Abatement Order #1260				
6.*	Approve Executive Session minutes of July 24, 2018 and July 27, 2018; and Open Session minutes of July 27, 2018, August 7, 2018 and August 28, 2018.				
7.*	Approve a request from Kati Sigel, of Three Squares New England, who is organizing its annual fundraiser “The Ride for Food” bike ride to benefit food pantries in numerous communities including Needham, to have a portion of its ride to go through Needham. The event is scheduled for September 23, 2018 from 7:30 a.m. to 11:00 a.m. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation.				
8.*	Approve a 20B Exemption for Georgina Arrieta-Ruetenik who is an employee at the Needham Public Schools as a part-time KASE worker to engage in work with the Needham Police Department as a Traffic Supervisor/Crossing Guard for the school year 2018-2019.				
9.*	Approve a Special One Day Wines & Malt Beverages License for Maxwell Sparr of Trip Advisor who is hosting an HR Forum event on Thursday, September 13, 2018 from 4:00 p.m. to 8:00 p.m. The event will be held at Trip Advisor, 400 First Avenue, Needham.				
10.*	Approve a Special One Day Wines & Malt Beverages License for Maxwell Sparr of Trip Advisor who is hosting an Octoberfest event on Thursday, September 20, 2018 from 4:00 p.m. to 7:00 p.m. The event will be held at Trip Advisor, 400 First Avenue, Needham.				
11.	Grant permission for the following residents to hold block parties:				
Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify - Justin McCullen	22 Miller St	Miller Street	9/8/18	9/9/18	4pm-11pm
Ratify – Liz Lawlor	76 Howland St	Pleasant St, between Kimball & Howland St	9/8/18	9/9/18	4pm-8pm
Naomi Goldman	93 Gayland Rd	Gayland Road	9/15/18	9/16/18	4pm-7pm
Beth Champagne	37 Ware Rd	Ware Road	9/15/18	9/16/18	3pm-11pm
Denise Arrondo	21 Prince Street	21 Prince Street	9/15/18	9/16/18	12pm-8pm
Eric Kaplan	33 Elmwood Rd	Elmwood Road	9/15/18	9/16/18	4pm-8pm
Jim Rochford	74 Rolling Lane	Rolling Lane	9/15/18	9/22/18	3pm-10pm
Stephanie	41 Kimball Street	Grant Street between	9/16/18	N/A	4pm-7pm

Arendell		Kimball & School			
Jodi Williams	48 Ardmore Rd	48-84 Ardmore Rd	9/22/18	9/23/18	2pm-6pm
Kristen Vacanti	138 Brookside Rd	138-144 Brookside Rd	9/22/18	9/23/18	12pm-8pm
Caitlin Reisman	80 North Hill Avenue	Howe Road	9/22/18	9/23/18	2:30pm-midnight
Sue Pouliot	54 Eaton Road	54 Eaton Road	9/22/18	9/23/18	4pm-8pm
Kara Collin	57 Broad Meadow Road	Broad Meadow Road (Greendale side)	9/22/18	9/23/18	3pm-8pm
Lorene Whyte Fernandez	19 Bradford St	Cleveland Road	9/23/18	N/A	3pm-7pm
Jessica Karlin	36 Wilshire Park	Wilshire Park	9/29/18	N/A	4pm-8pm
Jaimie Scranton Pomerantz	53 Glendoon Rd	Glendoon Road	9/30/18	10/6/18	3pm-10pm
Elyse Slayton	24 Fairfax Road	24-32 Fairfax Road	9/30/18	N/A	3:30pm-6:30pm
Rhonda Silva	7 Berkshire Road	34 Berkshire Road	10/6/18	N/A	3pm-6pm
Seema Pandya	43 Valley Road	Peacedale & Intervale	10/27/18	N/A	8am-6pm



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

MEETING DATE: 09/11/2018

Agenda Item	Joint Meeting with Board of Library Trustees: Appoint New Trustee
Presenter(s)	Board of Selectmen Board of Library Trustees Anna Giraldo Kerr, Proposed Appointee

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Vice Chair of the Board of Selectmen and the Board of Library Trustees met and interviewed several candidates for the vacancy on the Board of Library Trustees. Anna Giraldo Kerr is the candidate that is being recommended for appointment by both Boards for a period until the next Town Election, where Ms. Giraldo Kerr would be on the ballot to be elected.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Suggested Motion: That the Board of Selectmen and the Board of Library Trustees vote to appoint Anna Giraldo Kerr to the Board of Library Trustees until the next Town Election to be held on April 9, 2019.	
3.	BACK UP INFORMATION ATTACHED
a.) Letter dated April 18, 2018 from Theodora K. Eaton, Town Clerk b.) Letter of interest from Anna Giraldo Kerr	



TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: teaton@town.needham.ma.us

Theodora K. Eaton, MMC
Town Clerk

April 18, 2018

Board of Selectmen and
Trustees of Needham Public Library
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Members of the Board of Selectmen and the Trustees of Needham Public Library.

I have received a letter of resignation from Richard T. Fleck, the newly elected member of the Trustees of Needham Public Library, effective April 13, 2018.

Once again, I would like to outline the methodology for filling a vacancy on an elected board under Massachusetts General Laws Chapter 41, Section 11, Subsection 81A:

"The remaining members (Trustees of Needham Public Library) write to the selectmen, within one month of the vacancy, informing them of the vacancy. Then, the selectmen, with the remaining members of the Trustees of Needham Public Library, after one week's public notice, fill the vacancy by roll call vote. If the remaining members do not inform the selectmen within one month, the selectmen fill the vacancy by themselves. In either case, a majority vote of all the officials eligible to vote is required to select a replacement. Whoever is selected must be a registered voter in the town and perform the duties of the office until the next Annual Town Election or until another person is qualified."

If you have any questions, please don't hesitate to contact me.

Sincerely,

Theodora K. Eaton, MMC,
Town Clerk

Cc: Kate Fitzpatrick, Town Manager
Ann MacFate, Director, Needham
Public Library

May 5, 2018

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

Re: Letter of Interest
Vacancy - Trustees of the Needham Free Public Library

To Whom It May Concern,

I am responding to the notice dated May 1, 2018 on the Town of Needham website regarding the vacancy on the Board of Trustees of the Needham Free Public Library.

My family and I moved to Needham in 2000, and over the years, have enjoyed the many services provided by the Library. I see the opportunity to serve as a Trustee as a way to give back and contribute to the impact the Needham Public Library offers its residents and neighboring towns.

I am a registered voter and I am aware of the duties expected of the position.

I welcome the opportunity to meet in person and discuss my interest and qualifications in greater detail.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anna Giraldo Kerr". The signature is fluid and cursive, with the first name "Anna" being the most prominent.

Anna Giraldo Kerr
42 Moseley Avenue
Needham, MA 02492



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

MEETING DATE: 9/11/2018

Agenda Item	Public Hearing: Multiple Amendments to a Liquor License – Spiga Ristorante, 18 Highland Circle
Presenter(s)	Carmelo Iriti, Manager, Spiga Ristorante George Giunta Jr., Attorney

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. Giunta will present an application for (a) an Alteration of Licensed Premises, (b) Change of License Category from Wine and Malt to All Alcohol, and a (c) Change in Beneficial Interest for Spiga Ristorante, 18 Highland Circle, Carmelo Iriti, Manager. The alteration of premises will allow for the service of alcoholic beverages on an outside patio consisting of 16 seats with proper barriers per local and state laws. The Alcoholic Beverages Control Commission requires that a public hearing be conducted for all alteration of premise and/or Change of License Category applications.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Suggested Motion: That the Board vote (a) to approve the Alteration of Licensed Premises application; (b) to approve the Change of License Category from Wine and Malt to All Alcohol; and (c) to approve the Change in Beneficial Interest, as they have been presented from Spiga Ristorante, 18 Highland Circle, and to sign and forward application to the Alcoholic Beverages Control Corporation for its review and approval.	
3.	BACK UP INFORMATION ATTACHED
(Describe backup below) <i>Complete application on file in Town Manager Office</i> a) Application for Multiple Amendments b) Floor Plan c) Certificate of Vote d) Beneficial Interest Contact - Individual e) Approval of Application for Outdoor Seating – Planning Board f) Newspaper Notice g) Abutter Listing	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

APPLICATION FOR MULTIPLE AMENDMENTS

2018 AUG 20 P 12:16

Please complete Name of Licensee and Application Contact sections completely, leaving no fields blank.

NAME OF LICENSEE (Business Contact)	Spiga, LLC		
ABCC License Number	00023-RS-0770	City/Town of Licensee	Needham

APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:	George	Middle:		Last Name:	Giunta, Jr., Esq.
Title:	Attorney			Primary Phone:	781-449-4520
Email:	george.giuntajr@needhamlaw.net				

AMENDMENT OPTIONS

Please check off all of the amendments for which you are applying below. You will only be required to complete the sections of this amendment application that correspond to the amendments you check. Next to each amendment is the page that you will find the necessary application questions to complete. Please see the instructions page for additional required documents based on transaction.

If there are **ANY** financial considerations for the transactions for which you are applying, you must complete the financial section on page 2 of this application.

- ☐ Change in Business Contact Information - Page 2
This is only to change a mailing or business address (corporate headquarters, NOT premises address), phone number or email.
- ☐ Change of Manager - Page 3
- ☒ Alteration of Premises / Change of Location - Page 4
- ☒ Change of Beneficial Interest / Transfer or Issuance of Stock - Page 5
- ☐ Pledge of Collateral (License, Inventory, Beneficial Interest) - Page 6
- ☐ Change of Corporate Name - Page 6
- ☐ Change of DBA - Page 6
- ☐ Change of Corporate Structure (i.e. Corporation to LLC, Sole Proprietor to LLC) - Page 6
- ☒ Change of Category (i.e. Wine and Malts to All Alcohol) - Page 6
- ☐ Change of Class (i.e. Seasonal to Annual) - Page 6
- ☐ Change of Type (i.e. Restaurant to General on Premises) - Page 6

APPLICATION FOR MULTIPLE AMENDMENTS

FINANCIAL INFORMATION

Complete this section if there are financial consideration for any of the amendments for which you are applying.

Associated Costs

A. Purchase Price for Building/Land	
B. Purchase Price for any Business Assets	
C. Costs of Renovations/Construction	
D. Purchase Price of Inventory	
E. Initial Start-Up Costs	
F. Other (Please specify)	
G. Total Cost (Add lines A-F)	

Please note, the total amount of **Cash Investment** (top right table) plus the total amount of **Financing** (bottom right table) must be equal to or greater than the **Total Cost** (line G above).

You are required to provide all documents relating to financing and/or loans you receive for this transaction

Please provide information about the sources of cash and/or financing for this transaction

Source of Cash Investment

Name of Contributor	Amount of Contribution
Total:	

Source of Financing

Name of Lender	Amount	Does the lender hold an interest in any MA alcoholic beverages licenses?	If yes, please provide ABCC license number of lender
Total:			

BUSINESS CONTACT

Complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address. If you are changing your premises location, you must also complete the premises section on page 4.

Primary Phone:	Fax Number:
Alternative Phone:	Email:

Business Address (Corporate Headquarters)

Street Number:	Street Name:
City/Town:	State:
Zip Code:	Country:

Mailing Address

☐ Check here if your Mailing Address is the same as your Business Address

Street Number:	Street Name:
City/Town:	State:
Zip Code:	Country:

APPLICATION FOR MULTIPLE AMENDMENTS

MANAGER CONTACT

Complete this section if you are requesting a change of manager.

The Manager Contact is the individual who will have day-to-day, operational control over the liquor license.

Salutation First Name Middle Name Last Name Suffix

Social Security Number Date of Birth

Primary Phone: Email:

Mobile Phone: Place of Employment

Alternative Phone: Fax Number

Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen? ☐ Yes ☐ No

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☐ No

If yes, attach an affidavit that lists your convictions with an explanation for each

Have you ever been Manager of Record of a license to sell alcoholic beverages? ☐ Yes ☐ No

If yes, please list the licenses for which you are the current or proposed manager:

Do you have direct, indirect, or financial interest in this license? ☐ Yes ☐ No

If yes, percentage of interest

If yes, please indicate type of Interest (check all that apply):

- | | |
|---|--|
| ☐ Officer | ☐ Sole Proprietor |
| ☐ Stockholder | ☐ LLC Manager |
| ☐ LLC Member | ☐ Director |
| ☐ Partner | ☐ Landlord |
| ☐ Contractual | ☐ Revenue Sharing |
| ☐ Management Agreement | ☐ Other |

Please indicate how many hours per week you intend to be on the licensed premises

Employment Information of Proposed Manager

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone

Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

APPLICATION FOR MULTIPLE AMENDMENTS

PREMISES INFORMATION

Please complete this section if you are altering your premises or changing your premises location.
Please enter the address where the alcoholic beverages are sold.

Premises Address

Street Number: Street Name: Unit:

City/Town: State: Zip Code:

Country:

Description of Premises

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms
1	1731	1

Patio/Deck/Outdoor Area Total Square Footage

Indoor Area Total Square Footage

Number of Entrances

Number of Exits

Proposed Seating Capacity

Proposed Occupancy

Occupancy of Premises

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises ☒

Lease Beginning Term

Lease Ending Term

Rent per Month

Rent per Year

Landlord Name

Landlord Phone

Landlord Address

If leasing or renting the premises, a signed copy of the lease is required.

Please indicate if the terms of the lease include payments based on the sale of alcohol: ☐ Yes ☒ No

APPLICATION FOR MULTIPLE AMENDMENTS

CHANGE IN BENEFICIAL INTEREST / TRANSFER or ISSUANCE OF STOCK

CURRENT OWNERSHIP (Before Change in Beneficial Interest)

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license. This pertains to the current licensee (before change in beneficial interest occurs).

Name	Title / Position	% Owned	Other Beneficial Interest
Carmelo Iriti	LLC Manager		
Carmelo Iriti	LLC Member	100	

PROPOSED OWNERSHIP (After Change in Beneficial Interest)

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.

B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.

C. Any individual with any ownership in this license and/or the proposed manager of record must complete a COR! Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Carmelo Iriti	LLC Manager		
Carmelo Iriti	LLC Member	50	
Marisa Concetta Iocco	LLC Member	50	

APPLICATION FOR MULTIPLE AMENDMENTS

AMENDMENT APPLICATION FOR:

Change of Corporate Name, Change of DBA, Change of Legal Structure, Change of Class, Change of Category

Please check the amendment that you are applying for and complete the corresponding section. Please refer to the requirements page for required documents.

PLEDGE INFORMATION

Are you seeking approval for a pledge? ☐ Yes ☒ No

To whom is the pledge is being made:

Please indicate what you are seeking to pledge (check all that apply)

Does the lender have a beneficial interest in this license? ☐ Yes ☐ No

☐ License ☐ Stock / Beneficial Interest ☐ Inventory

Does the lease require a pledge of this license? ☐ Yes ☐ No

☐ **Change of Corporate Name**

Last-Approved Corporate Name:

This is the License Entity

Name or the Business Contact

Requested New Corporate Name:

☐ **Change of DBA**

Last-Approved DBA:

Requested New DBA:

☐ **Change of Corporate Structure**

LLC, Corporation, Sole
Proprietor, etc

Last-Approved Corporate Structure

Requested New Corporate Structure

☒ **Change of License Category**

All Alcohol, Wine and Malt,
Wine Malt and Cordials

Last-Approved License Category

Requested New License Category

Wines and Malt Beverages

All Alcoholic Beverages

☐ **Change of License Class**

Seasonal or Annual

Last-Approved License Class

Requested New License Class

☐ **Change of License Type***

i.e. Restaurant to Club

Package Store to Supermarket

Last-Approved License Type

Requested New License Type

*CAN NOT change from an
on-premise to an off-premises
license type.*

ADDITIONAL SPACE

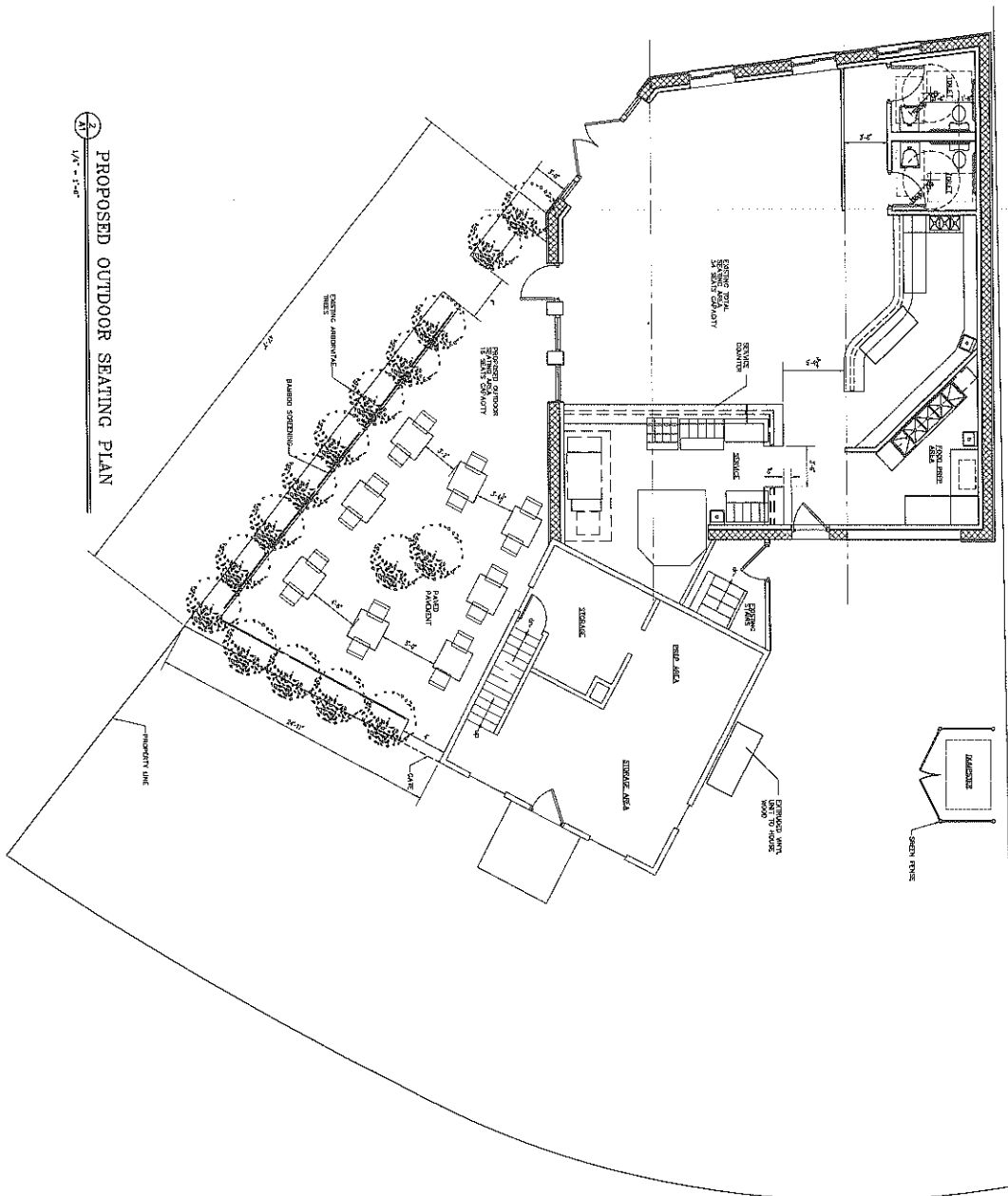
The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

Whereas the outdoor seating, alteration to premises area is already existing and built-out, the change to premises does not require any financial funding.

PROPOSED OUTDOOR SEATING PLAN

1. LUCIO BRAMIGLIO, REGISTERED ARCHITECT CERTIFY THAT:
1. THAT THE RESTAURANT WITH THE OUTSIDE SEATING SHOWN ON THIS PLAN COMPLEES WITH EGRESS AND ACCESS REQUIREMENTS.
2. THAT THE SEATING CONFIGURATION COMPLEES WITH SAFETY REQUIREMENTS.
3. THAT THE RESTAURANT HAS ADEQUATE RESTROOM FACILITIES FOR THE NUMBER OF SEATS.



CERTIFICATE OF VOTE

At joint meeting of the Members and Managers of Spiga, LLC, duly held for the purpose on the 22nd day of May, 2018, a quorum being present and voting, the provisions of applicable law having been in all respects fully complied with, it was

VOTED: That Carmelo Iriti, Manager of the Spiga restaurant, located at 18 Highland Circle, Needham, MA 02494, continue to serve in such capacity;

VOTED: That Carmelo Iriti, as Manager and Principal Representative be duly authorized to sign, execute and deliver, on behalf of the said Spiga, LLC, any and all applications, forms and other documentation as may be required in furtherance of licenses, permits and approval required for the operation of a full service restaurant with eat-in and take-out capacity, with outdoor seating, with all alcoholic beverage service, including, without limitation, application to convert a wine and malt liquor license to an all alcohol beverage license, application for common victuallers license, application for zoning relief and building permit application;

VOTED: That Carmelo Iriti, as Manager and Principal Representative, be duly authorized to sign, execute and deliver, on behalf of the said Spiga, LLC, any and all applications, forms and other documentation as may be required to amend the current liquor license by changing the beneficial interest therein from Carmelo Iriti as sole member of the LLC to Carmelo Iriti as holder of a 50% membership and Marisa Concetta Iocco as holder of a 50% membership;

VOTED: That Carmelo Iriti, as Manager, be duly authorized to take all actions as may be necessary or appropriate to carry out the preceding votes.

Attest:

A handwritten signature in black ink, appearing to read 'C. Iriti', is written over a horizontal line.

Carmelo Iriti
Manager
Spiga, LLC

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation	Ms	First Name	Marisa	Middle Name	Concetta	Last Name	Iocco	Suffix	
Title:	Owner		Social Security Number				Date of Birth		
Primary Phone:	6174075126			Email:					
Mobile Phone:	6174075126			Fax Number					
Alternative Phone:									

Business Address

Street Number:	18	Street Name:	Highland Circle
City/Town:	Needham	State:	Massachusetts
Zip Code:	02494	Country:	USA

Mailing Address

☐ Check here if your Mailing Address is the same as your Business Address

Street Number:	453	Street Name:	Washington Street
City/Town:	Boston	State:	Massachusetts
Zip Code:	02111	Country:	USA

Types of Interest (select all that apply)

☐ Contractual	☐ Director	☐ Landlord	☐ LLC Manager
☒ LLC Member	☐ Management Agreement	☐ Officer	
☐ Partner	☐ Revenue Sharing	☐ Sole Proprietor	☐ Stockholder
			☐ Other

Citizenship / Residency Information

Are you a U.S. Citizen? ☒ Yes ☐ No Are you a Massachusetts Resident? ☒ Yes ☐ No

Criminal History

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No If yes, please provide an affidavit explaining the charges.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (continued)

Ownership / Interest

Using the definition above, do you hold a direct ☒ Direct ☐ Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold.

50

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

Ownership / Interest

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN

Other Beneficial Interest

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address

Familial Beneficial Interest

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest

Prior Disciplinary Action

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation	Mr.	First Name	Carmelo	Middle Name		Last Name	Irin	Suffix	
Title:	Owner		Social Security Number			Date of Birth			
Primary Phone:	6177925974			Email:	spigaitaliana@comcast.net				
Mobile Phone:	6177925974			Fax Number					
Alternative Phone:									

Business Address

Street Number:	18	Street Name:	Highland Circle
City/Town:	Needham	State:	Massachusetts
Zip Code:	02494	Country:	USA

Mailing Address

☐ Check here if your Mailing Address is the same as your Business Address

Street Number:	20	Street Name:	Sunset Road
City/Town:	Needham	State:	Massachusetts
Zip Code:	02494	Country:	

Types of Interest (select all that apply)

☐ Contractual	☐ Director	☐ Landlord	☒ LLC Manager
☒ LLC Member	☐ Management Agreement	☐ Officer	
☐ Partner	☐ Revenue Sharing	☐ Sole Proprietor	☐ Stockholder
			☐ Other

Citizenship / Residency Information

Are you a U.S. Citizen?	☒ Yes ☐ No	Are you a Massachusetts Resident?	☒ Yes ☐ No
-------------------------	---	-----------------------------------	---

Criminal History

Have you ever been convicted of a state, federal, or military crime?	☐ Yes ☒ No	If yes, please provide an affidavit explaining the charges.
--	---	---

ALCOHOLIC BEVERAGES CONTROL COMMISSION

BENEFICIAL INTEREST CONTACT - Individual (continued)

Ownership / Interest

Using the definition above, do you hold a direct ☒ Direct ☐ Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold.

50

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

Ownership / Interest

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN

Other Beneficial Interest

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address

Familial Beneficial Interest

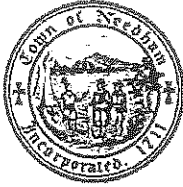
Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest

Prior Disciplinary Action

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation



TOWN of NEEDHAM
MASSACHUSETTS

APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW

LOCATION:

Property Address: 18 Highland Circle, Needham, MA
Name of Establishment: Spiga Restaurant

APPLICANT:

Name (must be owner or lessee): Spiga, LLC
Address: 18 Highland Circle
Needham, MA 02494
Telephone Number: 617-792-5974 (Carmelo Iriti, Manager)
Email Address: spigaitaliana@comcast.net

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): Maria, Iriti, Trustee
Iriti Realty Trust Two
Address: 21 Highland Circle
Needham, MA 02494
Telephone Number: 781-760-7601
Email Address: ritirealty@gmail.com

APPROVED BY NEEDHAM
PLANNING BOARD

Approved By
Planning BOARD
8/7/2018

Luc Van
DATE: 1/10/2018

APPLICATION REQUEST:

☒ Outdoor Seating on Private Property
☐ Outdoor Seating on Public Property (including sidewalks)

SEATING:

Total number of seats existing inside 54
Total number of seats proposed outside 16
Number of chairs 16
Number of tables 8

Outdoor Seating Area dimensions _____
Type of Barrier or Enclosure to Define Seating Area _____
(mandatory if alcohol is proposed to be served):
Mature, 8' high, densely spaced arbor vitae and
bamboo fencing

FACILITIES/EQUIPMENT:

Number of restrooms provided 3
Size of Grease Trap _____
Air Curtains (if opening is off kitchen) _____
Screens (if opening is off kitchen) _____

BRIEF DESCRIPTION OF:

Seating Arrangement, Type of Furniture, Hours of Operation, Projected Opening and Closing Dates, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials Used

Eight separate tables with umbrellas and two chairs each. The tables can be combined to accommodate larger parties. The outdoor seating area is surrounded by mature arbor vitae, over 6 feet tall, with a bamboo fence on the inside, and a gate at the far corner for emergency egress and staff ingress and egress. The outdoor seating area is accessed off the walkway leading to the main entry for the restaurant in the vicinity of the entry door.

PLAN REQUIREMENTS

Submit 6 copies of a Plan of the Outside Seating Area, showing precise dimensions and locations of:

- (1) Seating arrangement, including the arrangement of the furniture
- (2) Enclosure of dining area (this is required if service of alcohol is proposed)
- (3) Location of ingress/egress from inside to outside
- (4) Location of outside emergency exit(s)
- (5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles

Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as long as a sheet listing the dimensions of the furniture and equipment accompanies the photographs. 6 copies of the above-named items are required.

PHOTOGRAPHS

Submit 6 copies of photographs of the proposed outdoor dining location (front and side views) if available.

MENU

Submit 2 copies of the proposed menu IF different from that being served inside the restaurant

ALCOHOL SERVICE

____ NO

X YES

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Board of Selectmen by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at www.mass.gov/abcc/forms.htm.

LICENSE FEE AND TERM

Out door seating licenses are issued for a term of one year, and can be renewed annually. The annual license fee is \$100.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s):

Spiga, LLC

by Carmelo, Iriti, Manager

Date:

7/20/18

Date:



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

LEGAL NOTICE

TOWN OF NEEDHAM

Application for Alteration of Licensed Premises, Change of Category and Change of Beneficial Interest in a Restaurant License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Spiga, LLC, Carmelo Iriti, Manager, has applied for an alteration of licensed premises of the following kind: To sell alcoholic beverages on an outside patio consisting of 16 seats with proper barriers per local and state laws. The patio is located in the front of the restaurant located at 18 Highland Circle, Needham. Mr. Iriti has also applied for a Change of License Category from Wine and Malt to All Alcohol, and a change in Beneficial Interest.

IT IS ORDERED that a public hearing be held for said application at the office of the Board of Selectmen acting as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 11th day of September 2018 at 7:00 o'clock p.m.

Board of Selectmen
Licensing Board for the Town of Needham

To be published:
Needham Times
August 30, 2018

KRAWIECKI, JAMES S. &
CARROLL, BELINDA
10 TURTLE LN
DOVER, MA 02030

TEMPESTA, DAVID E.
11 CAPRI DR
FRAMINGHAM, MA 01701

FIRST CHOICE MANAGEMENT, LLC
1101 SOUTH ST
NEEDHAM, MA 02492

DRUK HOLDINGS LLC
13 HIGHLAND CIR
NEEDHAM, MA 02494

163 HIGHLAND OWNER LLC
1311 MAMARONECK AVE SUITE 260
C/O ACADIA REALTY TRUST
WHITE PLAINS, NY 10605

TERRAZZINO, SAMUEL, TR
TERRAZZINO INVESTMENT TRUST
18 OAK HILL RD
NEEDHAM, MA 02492

PRADHAN, SUNDIP &
SHRESTHA, MILEE
19 RIVERSIDE ST.
NEEDHAM, MA 02492

P.J. MCCARRICK, LLC
193 BROADMEADOW RD
NEEDHAM, MA 02492

IRITI, MARIA SERPENTINO & CARMELO,
TRS
RITI REALTY TRUST II
21 HIGHLAND CIR
NEEDHAM HTS, MA 02494

MCCARTHY, KEVIN
26 HIGHLAND CIR
NEEDHAM HTS, MA 02494

BEREJIK, GEORGE, TRUSTEE
BMI REALTY TRUST
26 PINE TREE DR
BUZZARDS BAY, MA 02532

METROPOLITAN DISTRICT COMMISSION
C/O INTERNATIONAL EQUIPMENT CO.
300 SECOND AVE
NEEDHAM, MA 02494

SHRIBERG, ROBERT A. & BARBARA M., TRS
C/O SHRIBERG, ROBERT A. & BARBARA M.
TRS
33 HIGHLAND AVE
NEEDHAM, MA 02494

IRITI, MARIA SERPENTINO & CARMELO,
TRS.
RITI REALTY TRUST II
35 HIGHLAND CIR
NEEDHAM HTS, MA 02494

DIFELICE, CARMEN, TR
DI-BELL REALTY TRUST
39 HIGHLAND CIR
NEEDHAM, MA 02494

APPEL, JORDAN R
49 HIGHLAND AVE
NEEDHAM, MA 02494

KENLEY REALTY COMPANY
557 CHESTNUT ST
NEWTON, MA 02468

AIF REALTY, LLC
C/O BOVARNICK, JON
56 KEARNEY RD
NEEDHAM, MA 02494

PROHODSKI, NINA & HARCOVITZ, HELEN
ALEXANDER PROHODSKI 1992
REVOCABLE TRUST
58 RIVERSIDE ST
NEEDHAM, MA 02494

ROSS, STANLEY + FRANCES C., TRS
C/O PAPA GINO'S R E DEPT 5266
600 PROVIDENCE HWY
DEDHAM, MA 02026

BARRY, EDWARD T. & EDWARD T. JR. TRS
C/O BARRY, EDWARD T. JR.
61 HIGHLAND AVE
NEEDHAM, MA 02494

RANDO, LINDA
PO BOX 671
POCASSET, MA 02559



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

MEETING DATE: 9/11/2018

Agenda Item	FEMA SAFER Grant
Presenter(s)	Dennis Condon, Fire Chief Deb Bonanno, Fire Director of Administrative Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Needham Fire Department drafted and submitted a grant application to FEMA for the implementation of National Fire Protection Act (NFPA) staffing levels. This level of staffing will bring the Town into compliance with NFPA 1710 standards, and would allow the Department to staff a second full-time ambulance at Station #2 without the need to take other pieces of apparatus out of service. The Town was notified in late August that the Department was awarded \$1.6 million in funding for salaries and benefits of eight firefighters. This is the second largest award in Massachusetts this year to date. The funds will support 75% of the salaries and benefits of the firefighters in the first two years, and 65% in the third year.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> That the Board vote to ratify and endorse acceptance of the grant award from the Federal Government for eight firefighters over three years in the amount of \$1,643,230.	
3.	BACK UP INFORMATION ATTACHED
(Describe backup below) a. FEMA Grant Award b. Congressional Press Release	

CC-BOS-

Award Package

**FEMA**

Mr. Dennis Condon
Needham Fire Department
88 Chestnut St
Needham, Massachusetts 02492-2504

Re: Award No. EMW-2017-FH-00135

Dear Mr. Condon:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant has been approved in the amount of \$2,664,696.00. As a condition of this award, you are required to contribute a cost match in the amount of \$1,021,466.00 of non-Federal funds. The Federal share is \$1,643,230.00 of the approved total project cost of \$2,664,696.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Notice of Funding Opportunity

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

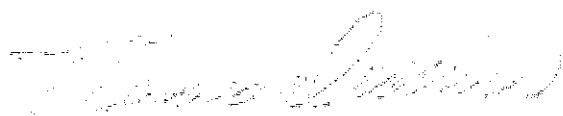
Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your recruitment period has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and keep the original form in your grant files. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

8/24/2018

Award Package

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas George DiNanno".

Thomas George DiNanno
GPD Assistant Administrator

Summary Award Memo

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2017-FH-00135
GRANTEE: Needham Fire Department
DUNS NUMBER: 780326385
AMOUNT: \$2,664,696.00, Hiring

Project Description

The purpose of the Staffing for Adequate Fire and Emergency Response Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Staffing for Adequate Fire and Emergency Response Grant program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

18-FEB-19 to 17-FEB-22

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$1,832,856.00
Fringe Benefits	\$831,840.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$2,664,696.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Levenix (Vinnie) Riddle at Levenix.Riddle@fema.dhs.gov.

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 8000 characters)

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) Grants

GRANTEE: Needham Fire Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2017-FH-00135

AMENDMENT NUMBER:

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Article XLIII	USA Patriot Act of 2001
Article XLIV	Use of DHS Seal, Logo and Flags
Article XLV	Whistleblower Protection Act

Article I. Assurances, Administrative Requirements, Cost Principles, and Audit Requirements

DHS financial assistance recipients must complete either the OMB Standard Form [424B Assurances - Non-Construction Programs](#), or OMB Standard Form [424D Assurances - Construction Programs as applicable](#). Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their programs as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [2 C.F.R. Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

Article II. **DHS Specific
Acknowledgements and
Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.

2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the [DHS Office of Civil Rights and Civil Liberties](#) (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Article III. Acceptance of Post Award Changes	In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov .
Article IV. Acknowledgment of Federal Funding from DHS	All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article V. Activities Conducted Abroad	All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
Article VI. Age Discrimination Act of 1975	All recipients must comply with the requirements of the <i>Age Discrimination Act of 1975</i> (Title 42 U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article VII. Americans with Disabilities Act of 1990	All recipients must comply with the requirements of Titles I, II, and III of the <i>Americans with Disabilities Act</i> , which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities, (42 U.S.C. §§ 12101- 12213).
Article VIII. Animal Welfare Act of 1966	Where applicable, recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.
Article IX. Best Practices for Collection and Use of Personally Identifiable Information (PII)	DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.
Article X. Civil Rights Act of 1964 - Title VI	All recipients must comply with the requirements of Title VI of the <i>Civil Rights Act of 1964</i> (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7 .
Article XI. Civil Rights Act of 1968	All recipients must comply with Title VIII of the Civil Rights Act of 1968 , which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100 . The

Article XII. Contract Provisions for Non-federal Entity Contracts under Federal Awards

prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See [24 C.F.R. § 100.201](#).)

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the recipient under the Federal award must contain provisions as required by Appendix II of 2 C.F.R. Part 200, *Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*, including but not limited to the following:

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by [41 U.S.C. §1908](#), must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Article XIII. Copyright

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XIV. Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XV. Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article XVI. Drug-Free Workplace Regulations

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 8101 et seq.](#)), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 3001, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101-8107).

Article XVII. Duplication of Benefits

Any cost allocable to a particular federal financial assistance

Article XVIII. **Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

award provided for in [2 C.F.R. Part 200, Subpart E](#), may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#).

Article XIX. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XX. **Environmental Planning and Historic Preservation Screening**

AFG funded activities that may require an EHP review, involving the installation or requiring renovations to facilities, including but not limited to air compressor/fill station/cascade system (Fixed) for filling SCBA, air improvement systems, alarm systems, antennas, gear dryer, generators (fixed), permanently mounted signs, renovations to facilities, sprinklers, vehicle exhaust systems (fixed) or washer/extractors are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to our Department of Homeland Security/Federal Emergency Management Agency website at: <https://www.fema.gov/library/viewRecord.do?id=6906>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.

Article XXI. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of [31 U.S.C. § 3729-3733](#) which prohibits the submission of false or fraudulent claims for payment to the federal government. (See [31 U.S.C. § 3801-3812](#) which details the administrative remedies for false claims and statements made.)

Article XXII. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See [OMB Circular A-129](#).)

Article XXIII. **Federal Leadership on Reducing Text Messaging while Driving**

All recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in [E.O. 13513](#), including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XXIV. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under [49 U.S.C. § 41102](#)) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* ([49 U.S.C. § 40118](#)) and the interpretative guidelines issued by the Comptroller General of

Article XXV. Hotel and Motel Fire Safety Act of 1990

the United States in the March 31, 1981 [amendment](#) to Comptroller General Decision B-138942.

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. § 2225a](#), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, [15 U.S.C. § 2225](#).

Article XXVI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title

VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XXVII. Lobbying Prohibitions

All recipients must comply with [31 U.S.C. § 1352](#), which provides that none of the funds provided under an federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action concerning the award or renewal.

Article XXVIII. National Environmental Policy Act

All recipients must comply with the requirements of the [National Environmental Policy Act](#) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXIX. Nondiscrimination in Matters Pertaining to Faith- Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXX. Non-supplanting Requirement

All recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXXI. Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at [37 C.F.R. Part 401](#)

Article XXXIII. **Prior Approval for Modification of Approved Budget**

and the standard patent rights clause located at 37 C.F.R. § 401.14.

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article XXXIV. **Procurement of Recovered Materials**

All recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 C.F.R. Part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXXV. **Protection of Human Subjects**

Where applicable, recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

Article XXXVI. **Rehabilitation Act of 1973**

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXVII. **Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at [2 C.F.R. Part 200, Appendix XII](#), the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXVIII. **Reporting Subawards and Executive Compensation**

All recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at [2 C.F.R. Part 170, Appendix A](#), the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXIX. **SAFECOM**

All recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical

Article XL. Terrorist Financing

standards that ensure and enhance interoperable communications.

All recipients must comply with [E.O. 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XLI. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by [22 U.S.C. § 7104](#). The award term is located at [2 C.F.R. § 175.15](#), the full text of which is incorporated here by reference in the award terms and conditions.

Article XLII. Universal Identifier and System of Award Management (SAM)

All recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions.

Article XLIII. USA Patriot Act of 2001

All recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends [18 U.S.C. §§ 175-175c](#).

Article XLIV. Use of DHS Seal, Logo and Flags

All recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XLV. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C § 2409](#), [41 U.S.C. 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1. AGREEMENT NO. EMW-2017-FH-00135	2. AMENDMENT NO. 0	3. RECIPIENT NO. 04-6001238	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX03041N2018T
6. RECIPIENT NAME AND ADDRESS Needham Fire Department 88 Chestnut St Needham Massachusetts, 02492-2504	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Sheree Mcmanus	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER Dennis Condon	PHONE NO. 7814557580X304	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 18-FEB-19	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:18-FEB-19 To:17-FEB-22	

Budget Period
From:13-MAY-18 To:29-SEP-18

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX- XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON- FEDERAL COMMITMENT
SAFER	97.083	2018-F7-C211-P4310000-4101-D	\$0.00	\$1,643,230.00	\$1,643,230.00	\$1,021,466.00
TOTALS			\$0.00	\$1,643,230.00	\$1,643,230.00	\$1,021,466.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA
(See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/ADATE
N/A18. FEMA SIGNATORY OFFICIAL (Name and Title)
Rosalie VegaDATE
01-AUG-18

AUGUST 27, 2018

Massachusetts Lawmakers Announce Approximately \$10 Million in Federal Grants to Massachusetts Fire Departments

Plymouth Fire Dept. Awarded Over \$2 Million in Federal Funding

Washington, DC - United States Senators Elizabeth Warren and Edward J. Markey, along with Representatives Richard E. Neal, James P. McGovern, Michael Capuano, Stephen F. Lynch, Niki Tsongas, William Keating, Joseph P. Kennedy III, Katherine Clark and Seth Moulton, announced today that the Federal Emergency Management Agency (FEMA) has awarded twenty-two fire departments in Massachusetts approximately \$10 million in federal grants, including over \$2 million to the Plymouth Fire Department. Thirteen fire departments received funding through the Assistance to Firefighters Grants (AFG) program, while eight fire departments were awarded funding through the Staffing for Adequate & Fire Emergency Response (SAFER) program. Additionally, one fire department was awarded a grant through the Fire Prevention and Safety (FP&S) program.

The AFG grants awarded to Massachusetts fire departments include:

- \$886,364 to the Holyoke Fire Department for an aerial ladder truck.
- \$622,728 to the Quincy Fire Department for a heavy rescue truck.
- \$232,446 to the West Springfield Fire Department for three power cots and ambulance lift systems and firefighter protective gear.
- \$187,041 to the Lincoln Fire Department for firefighter breathing apparatus.
- \$141,819 to the Braintree Fire Department for portable radios.
- \$90,910 to the Weymouth Fire Department for fire officer training.

- \$81,819 to the Newton Fire Department for training and wellness & fitness screening.
- \$77,818 to the Framingham Fire Department for an air compressor/air refill station.
- \$74,286 to the Holbrook Fire Department for two power cots and ambulance lift systems.
- \$53,441 to the Revere Fire Department for technical rescue training.
- \$17,273 to the Stoughton Fire Department for protective gear washer and dryer.
- \$16,138 to the Marblehead Fire Department for a protective gear washer and dryer.
- \$5,848 to the Charlemont Fire Department for firefighter and fire officer training.

The SAFER grants awarded to Massachusetts fire departments include:

- \$2,012,075 to the Plymouth Fire Department to hire twelve new firefighters.
- \$1,643,230 to the Needham Fire Department to hire eight new firefighters.
- \$1,260,664 to the Westborough Fire Department to hire eight new firefighters.
- \$926,818 to the Holden Fire Department to hire six new firefighters.
- \$605,698 to the Sudbury Fire Department to hire four new firefighters.
- \$435,483 to the Orange Fire Department to hire three new firefighters.
- \$351,093 to the Winchester Fire Department to hire two new firefighters.
- \$150,028 to the Dunstable Fire Department for a call firefighter recruitment and retention program.

The FP&S grant was awarded to the following fire department:

- \$54,286 to the Boston Fire Department to fund a smoke/co-detector installation program.

"Firefighters in Massachusetts and across the country risk their lives for their communities every day, and we owe it to them to do everything we can to ensure they have the resources they need to continue safeguarding our communities while protecting themselves," said **Senator Elizabeth Warren**. "These grants will go a long way towards achieving that goal and I am grateful to FEMA for their support."

"We need to support our first responders in the same way they support us - with action and commitment," said **Senator Edward J. Markey**. "These federal grants will ensure our Commonwealth fire departments have the resources and manpower they need

to keep the public safe and secure. I congratulate them on securing this critical funding."

"The Fire Departments of Holyoke, West Springfield and Charlemont in western Massachusetts will benefit greatly from these timely grants from FEMA. I congratulate Holyoke Fire Chief John Pond, West Springfield Fire Chief William Flaherty, and Charlemont Interim Fire Chief Dennis Annear for their leadership in securing this federal assistance. The brave men and women who serve as firefighters and first responders in our state deserve the necessary resources to do their jobs effectively. These important grants will make their cities and towns safer," said Congressman Richard E. Neal.

"I am so grateful for the tireless work and dedication of our first responders," said Congressman Jim McGovern. "Just as our firefighters keep us safe, we need to ensure they have the resources and personnel they need to do their job safely and effectively. I'm proud of the local leaders in Orange, Westborough, and Holden who worked to secure these vital federal dollars. This is fantastic news - and these funds will have a real impact on the safety of our communities."

"These additional federal fire grants for Braintree, Quincy, Stoughton, Weymouth, and other towns and cities across Massachusetts will provide our dedicated firefighter and emergency services personnel with critical communications equipment, rescue vehicles, protective gear, and emergency training in support of their critical public safety mission behalf of our local communities," said Congressman Stephen F. Lynch.

"I commend Chief James O'Brien of the Braintree Fire Department, Chief Joseph Barron of the Quincy Fire Department, Chief Michael Laracy of the Stoughton Fire Department, and Chief Keith Stark of the Weymouth Fire Department for their continued leadership and commitment in ensuring that our firefighters and emergency personnel have the equipment, resources, and training necessary to safely do their jobs and keep our families safe. I would like to recognize Braintree's grant writer

Lorraine See for her hard work and diligence to secure grants for city of Braintree. I would also like to thank Senator Warren and Senator Markey for their work in helping to obtain these important grants."

"Ensuring our fire departments have equipment that protects firefighters' health is critical to their mission," said Congresswoman Niki Tsongas. "The Sudbury and Dunstable Fire Departments received these needed federal funds through a competitive grant process, which speaks to both the quality of their applications and the Departments in general. Given the constraints on state and local budgets, competitive grant funds such as these help to maintain public safety in our communities and provide first responders with access to the resources they need to save lives. Our volunteer and career firefighters sacrifice a great deal to protect our communities and it is our duty to provide them with the equipment, staffing and training they need to keep their departments running safely and efficiently."

"Our first-responders are the backbones of our communities," said Congressman Keating. "The size and scope of this grant award demonstrates the recognition of an already exceptional Plymouth Fire Department that is able to do even more for its town. I congratulate Chief Bradley and all our firefighters on this deserving award."

"As stewards of our safety, firefighters risk life and limb to protect our neighborhoods day and night," said Congressman Joseph P. Kennedy III. "With increased federal funding, the Needham and Newton Fire Departments will be better prepared as they continue their mission to care for their neighbors. I congratulate both departments on these much-needed grants."

"Firefighters keep our communities safe and secure every day," said Congresswoman Katherine Clark. "These additional federal dollars will help to ensure that our fire departments are appropriately staffed and supported as they carry out their vital work across the Massachusetts."

"We've worked hard for these grants and we'll keep working hard for more," said Congressman Seth Moulton. "Investing in our firefighters is investing in our local communities. We rely on their hard work, and they deserve our support."

More information about FEMA's fire grant programs is available [here](#).

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

MEETING DATE: 09/11/2018

Agenda Item	Stormwater By-Law
Presenter(s)	Public Hearing

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will hold a public hearing on the proposed General By-Law Amendment – Stormwater.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Discussion only.	
3.	BACK UP INFORMATION ATTACHED
a.) Notice of Public Hearing b.) Proposed Stormwater By-Law	



TOWN OF NEEDHAM

TOWN HALL

1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500

FAX: (781) 449-4569

TDD: (781) 455-7558

**Board of Selectmen
Notice of Public Hearing
September 11, 2018 7:15 p.m.
Stormwater By-Law**

The Board of Selectmen will hold a public hearing on Tuesday, September 11, 2018 at 7:15 p.m. at the Needham Town Hall, 1471 Highland Avenue, Needham to gather input from interested parties regarding a proposed Stormwater By-Law.

The proposed By-Law would provide the Town with the authority to satisfy the Federal National Pollutant Discharge Elimination System (NPDES) requirement for a Phosphorus Control Plan. The By-Law would address the requirement to reduce pathogens in stormwater discharges, and address water quality issues related to low dissolved oxygen, removal of petroleum contaminants, reduction of sediment and suspended solids, and removal of other water quality impairments. The proposed By-Law would apply to applicants for Town permits for construction, and provides alternative measures for applicants whose properties are located in poorly draining soils. The By-Law will reduce the amount of stormwater that is directed to the Town's drainage system, and will help decrease flooding on local streets. For residential properties, the By-Law provides a mechanism to address concerns about the impact of construction-related run-off on abutting properties. The draft By-Law and related materials are available at www.needhamma.gov/stormwater.

The Board invites all residents and interested parties to attend and provide input regarding this subject. Written comments may also be submitted to the Board of Selectmen, c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492 or by email to selectmen@needhamma.gov.

ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4);
- (c) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections;
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996;
- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff;
- (g) To promote infiltration and the recharge of groundwater;
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff, and;
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration: Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs): Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act: The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Construction Site: Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development: The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Board of Appeals, or Conservation Commission.

Illicit Connection: A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge: Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface: Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

Low Impact Development (LID): Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

MS4 (Municipal Separate Storm Sewer System): The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction – Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution: Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge: A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan: A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan: The plan that accompanies an application for a Building Permit.

Point Source: Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant: Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Recharge: The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment: Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area;

Runoff: The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System: A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program: A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater: Water originating from rainfall, and snow/ice melt.

Stormwater Management: The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Watershed Management Plan: The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham: All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Rules and Regulations to effectuate the purposes of this Bylaw, after conducting a public hearing to receive Public comment.

7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.

7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.

7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals All persons required to obtain a Building Permit for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building (such as a separate Garage) shall be subject to the requirements of this By-Law. All persons required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building greater than 260 s.f. such as a separate garage) are also subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control All applications to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission, for new construction or redevelopment, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions for their review and approval prior to the issuance of a Building Permit, if applicable, or the commencement of any development activity. Review of building permit applications requiring Zoning Board of Appeals approval shall be limited to building additions greater than 25% of the existing building footprint for Stormwater Management and Erosion Control purposes. The Director of

Public Works/designee shall participate in the review process and make recommendations to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission as needed.

7.4.3 Modification of Building Permits The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with the Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 Illicit Discharges No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 Illicit Connections No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 Obstruction of Municipal Storm Drain System No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters;
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;

- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law

7.7.2 Exempt Activities The following activities shall be exempt from this Bylaw:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 Pre-Construction A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 Construction The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 Post-Construction The Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices to increase groundwater recharge and remove pollutants from stormwater. The

purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development with 4,000 square feet of impervious area or less, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall collect the entire roof runoff. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 If drywells cannot be installed due to unsuitable soil type as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this bylaw. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious area or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious area constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All development shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control Measures must, in the opinion of the Director of Public Works/designee, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations, the NPDES MS4 General Permit Number M041237 approved September 2003, as amended, and the MOU issued to the Town by the EPA in June 1996 as amended through January 2001.

- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;
- (b) perform monitoring, analyses, and reporting;
- (c) cease and desist unlawful discharges, practices, or operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.”

7.11 EFFECTIVE DATE

This Stormwater By-Law shall be effective on November 1, 2018.



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

MEETING DATE: 9/11/2018

Agenda Item	Public Safety Project Budget Update
Presenter(s)	George Kent, Chair, PPBC Steve Popper, Director of Design & Construction

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Mr. Kent and Mr. Popper will provide an update on the public safety project budget.
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
	<i>Discussion Only.</i>
3.	BACK UP INFORMATION ATTACHED
	a. Needham Combined Public Safety Projects CD Level Opinion of Probably Cost



Needham Combined Public Safety Projects

CD Level Opinion of Probable Cost

September 6, 2018

KAESTLE BOOS
associates, inc

Description	Subtotal	Totals	Comments
Headquarters			
Abatement		\$417,000	
Demolition 7,500+31,000 Sq.Ft.		\$581,000	
Sitework (incl. Cruiserport + Tower Base)		\$3,346,000	
HQ Building 60,690 Sq.Ft.		\$22,560,000	
Subtotal:		\$26,904,000	
Fire Station 2			
Abatement		\$160,000	
Demolition 9,570 Sq.Ft.		\$253,000	
Sitework		\$1,297,000	
FS2 Building 23,207 Sq.Ft.		\$8,864,000	
Subtotal:		\$10,574,000	
Temporary Facilities, etc.			
Sitework @ Hillside		\$408,000	
Hillside Reno & FD2 Buildout		\$891,000	
Tower Base at NCSO		\$110,000	
Subtotal:		\$1,409,000	
Equipment by CMr			
Firing Range Equipment (4 lane)		\$500,000	
Security (CCTV / Access Control)		\$830,000	
Station Alerting System (+ PA- Fire Dept)		\$277,000	
Communication Towers + Base Camps		\$850,000	
Subtotal:		\$2,457,000	
Design & Pricing Contingency 3.0%		\$1,240,000	
SDI (Subcontractors' Bonds) 1.40%		\$596,000	
SubTotal:		\$43,180,000	
CMr Mark-ups:			
CMr's Contingency 3.0%		\$1,296,000	
General Requirements		\$2,582,000	
General Requirements for Towers		\$250,000	
CMr Reimbursables		\$414,000	
CMr General Conditions (Staff)		\$3,668,000	
Builder's Risk Insurance		\$85,000	
General Liability 1.40%		\$774,000	
Building Permit		\$0	
Performance & Payment Bond		\$291,000	
Subtotal:		\$52,540,000	
CMr Fee 2.20%		\$1,156,000	
Escalation (to Jan 2019 Bid) 3.00%		\$1,576,000	
Probable Total Direct Construction Cost:		\$55,272,000	
Owner Equipment Costs			
Firematic Loose Equipment (by Owner only)		\$483,000	
Telecommunications System (PBX+Handsets)		\$233,000	
FD2 Temp Facilities Rental (inc.generator)		\$907,000	
Emergency Communications System		\$2,744,000	
Communications Consoles (6)		\$175,000	
Furnishings, Furniture		\$970,000	
Fitness Equipment		\$85,000	
IT Equipment		\$750,000	
Audio/Visual Systems/Equipment		\$516,000	
Escalation (to Jan, 2020) 4.50%		\$310,000	
Probable Total Equipment Costs:		\$7,173,000	
Owner's Indirect Costs			
Arch.& Eng. Basic Fee		\$3,995,000	
Reimbursables/Add Service Allowance		\$395,000	
Structural Peer Review		\$8,000	
Project Management 0.80%		\$500,000	
CMr Pre-Construction Fee		\$142,000	
Moving Costs		\$130,000	
Utility Backcharges Allowance		\$150,000	
Legal / Advertising / Reproduction		\$45,000	
Material Testing		\$150,000	
Borrowing Costs		\$340,000	
Owner's Project Contingency (8% of All Costs)		\$5,445,000	
Probable Total Owner's Indirect Costs:		\$11,300,000	
Probable Total Project Cost:		\$73,745,000	



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

MEETING DATE: 9/11/2018

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will recommend that the Board vote to close the warrant for the October 10, 2018 Special Town Meeting.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> That the Board vote to close the warrant for the October 10, 2018 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.	
3.	BACK UP INFORMATION ATTACHED
a. Draft Warrant dated September 7, 2018	

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

WEDNESDAY, OCTOBER 10, 2018

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 9.7.2018

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

WEDNESDAY, THE TENTH DAY OF OCTOBER, 2018

At 7:30 in the afternoon, then and there to act upon the following articles:

HUMAN RESOURCE ARTICLES

ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN/TRADES INDEPENDENT ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019 and fiscal year 2020; or take any other action relative thereto.

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

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

ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEE ASSOCIATION/DPW

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

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

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

**ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT – INDEPENDENT
TOWN WORKERS’ ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers’ Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

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

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

FINANCE ARTICLES

ARTICLE 4: AMEND THE FY2019 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
29B	Park & Recreation Expenses	\$84,600	\$100,715

and to meet this appropriation that \$16,115 be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 5: AMEND THE FY2019 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 RTS Enterprise Fund adopted under Article 17 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
101A	Salary & Wages	\$801,914	\$814,461

and to meet this appropriation that \$12,547 be raised form RTS Enterprise Fund receipts; or take any other action relative thereto.

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

Article Information:.

ARTICLE 6: AMEND THE FY2019 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Sewer Enterprise Fund adopted under Article 18 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201A	Salary & Wages	\$961,327	\$978,169
201D	MWRA Assessment	\$6,227,150	6,173,219

and that Sewer Enterprise Fund receipts be reduced by \$37,089; or take any other action relative thereto.

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

Article Information:

ARTICLE 7: AMEND THE FY2019 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Water Enterprise Fund adopted under Article 19 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,252,990	\$1,272,879
301D	MWRA Assessment	\$862,262	\$856,049

and to meet this appropriation that \$13,676 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

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

Article Information:

ARTICLE 8: APPROPRIATE FOR CONSULTING ASSISTANCE NEEDHAM 2025

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding consulting assistance for the Needham 2025 Project, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

PUBLIC SAFETY ARTICLES

ARTICLE 9: AMEND ZONING BY-LAW – WIRELESS COMMUNICATIONS FACILITIES

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

- (1) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (i), to read as follows:

“(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto.”

- (2) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (j), to read as follows:

- “(j) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham’s Police and Fire Department Headquarters and do not exceed 130 feet in height.”
- (3) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (k), to read as follows:
- “(k) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopoles, lattice towers, and equipment are located on the site of the Town of Needham’s Recycling and Transfer Station within the Wireless Communications Facilities Towers Overlay District and having a maximum height of 199 feet.”
- (4) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.2, Definitions, by revising the definition of the term “Wireless Communication Equipment” so that it shall read as follows (new language underlined):
- “Wireless Communication Equipment – any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h) and 6.7.3.3 (k) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, commercial mobile radio service facilities and related equipment boxes serving personal wireless services exclusively or, for purposes of this section 6.7, serving municipal public safety communication purposes.”
- (5) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.3, Special Permit, by revising paragraph (h) to read as follows (new language underlined):
- “(h) Free standing monopoles and free-standing lattice towers serving personal wireless services located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).”
- (6) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.2, Prohibited, by revising the first paragraph so that it shall read as follows (new language underlined):
- “Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except for those uses set forth in 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h), and 6.7.3.3 (k). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date

of this by-law may be used for wireless communications equipment, subject to section 6.7.3.3 (f).”

- (7) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.5, Decision Criteria, by inserting a new paragraph (q), to read as follows:

“(q) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety communication purposes that are located within the Wireless Communications Facilities Tower Overlay District shall be subject to Section 3.7.3.2(b)2 and (4).”

- (8) In Section 3.7, Wireless Communications Facilities Towers Overlay District, Subsection 3.7.3.2, Special Permit Uses, by revising paragraph (b) to read as follows (new language underlined):

“(b) Free-standing monopoles and free-standing lattice towers serving personal wireless services which meet the following criteria.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 10: APPROPRIATE FOR PUBLIC SAFETY BUILDINGS CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$69,995,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

ARTICLE 11: APPROPRIATE FOR EMERY GROVER FEASIBILITY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$110,000 for a feasibility study of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$10,000 be transferred from Article 39 of the May 2015 Annual Town Meeting, and that \$100,000 be transferred from Article 4 of the May 8, 2017 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 12: APPROPRIATE FOR MITCHELL SCHOOL MODULAR CLASSROOMS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,350,000 sum for construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager and to meet this appropriation that \$42,000 be transferred from Article 47 of the 2003 Annual Town Meeting, that \$6,700 be transferred from Article 50 of the 2009 Annual Town Meeting, that \$59,700 be transferred from Article 37 of the 2014 Annual Town Meeting, that \$74,000 be transferred from Article 39 of the 2015 Annual Town Meeting, that \$26,900 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$9,700 be transferred from Article 10 of the October 27, 2014 Special Town Meeting, and that \$1,131,000 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 13: RESCIND DEBT AUTHORIZATION

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

Project	Town Meeting	Article	Authorized	Rescind
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Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$20
St Mary's Pumping Station Construction	2013 ATM	47	\$5,565,100	\$135,000
Central Avenue/Elliot Street Bridge Design	2014 ATM	39	\$900,000	\$425,000
Central Avenue/Elliot Street Bridge Construction	2015 ATM	43	\$2,000,000	\$120,000
RTS Fleet Replacement (Front-End Loader)	2016 ATM	46	\$269,000	\$1,000
Property Acquisition 609 Central Avenue	2016 May STM	7	\$762,500	\$32,500
Total				\$713,520

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 the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.

GENERAL ARTICLES

ARTICLE 14: ACCEPT GRANT OF ACCESS EASEMENT/700 GREENDALE AVENUE

To see if the Town will vote to authorize the Selectmen to accept a grant of pedestrian access easement by MCREF NEEDHAM LLC to the Town of Needham as shown on a plan entitled "700 Greendale Avenue Needham Massachusetts Pedestrian Easement Plan" on file with the Zoning Board of Appeals; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: As a condition of approval of Comprehensive Permit for the Modera project on Greendale Avenue, the Zoning Board of Appeals required that the Developer grant the Town a pedestrian access easement along the rear of the property, connecting the existing trails on the Northeast and Northwest boundaries of the parcel. The access easement allows for passive recreation, normal maintenance, and public safety access. Town Meeting approval of such easements is required in order for them to be effective.

ARTICLE 15: AMEND GENERAL BY-LAW – STORMWATER BY-LAW

ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4);
- (c) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections;
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996;
- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff;
- (g) To promote infiltration and the recharge of groundwater;
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff, and;
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration: Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs): Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in

stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act: The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Construction Site: Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development: The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Board of Appeals, or Conservation Commission.

Illicit Connection: A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge: Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface: Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

Low Impact Development (LID): Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

MS4 (Municipal Separate Storm Sewer System): The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction – Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution: Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge: A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan: A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan: The plan that accompanies an application for a Building Permit.

Point Source: Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant: Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Recharge: The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment: Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area;

Runoff: The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System: A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program: A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater: Water originating from rainfall, and snow/ice melt.

Stormwater Management: The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Watershed Management Plan: The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham: All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Rules and Regulations to effectuate the purposes of this Bylaw, after conducting a public hearing to receive Public comment.

7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.

7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.

7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 **Permits and Approvals** All persons required to obtain a Building Permit for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building (such as a separate Garage) shall be subject to the requirements of this By-Law. All persons required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction, additions greater than 25% of the existing building footprint, in-ground pool, or out building greater than 260 s.f. such as a separate garage) are also subject to the requirements of this By-Law.

7.4.2 **Stormwater Management and Erosion Control** All applications to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission, for new construction or redevelopment, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions for their review and approval prior to the issuance of a Building Permit, if applicable, or the commencement of any development activity. Review of building permit applications requiring Zoning Board of Appeals approval shall be limited to building additions greater than 25% of the existing building footprint for Stormwater Management and Erosion Control purposes. The Director of Public Works/designee shall participate in the review process and make recommendations to the Planning Board, Zoning Board of Appeals, and/or Conservation Commission as needed.

7.4.3 **Modification of Building Permits** The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with the Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 Illicit Discharges No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 Illicit Connections No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 Obstruction of Municipal Storm Drain System No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and

- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law

7.7.2 Exempt Activities The following activities shall be exempt from this Bylaw:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 Pre-Construction A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 Construction The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 Post-Construction The Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric

capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices to increase groundwater recharge and remove pollutants from stormwater. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development with 4,000 square feet of impervious area or less, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall collect the entire roof runoff. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 If drywells cannot be installed due to unsuitable soil type as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this bylaw. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious area or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious area constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All development shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control Measures must, in the opinion of the Director of Public Works/designee, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act*, M.G.L. c. 131, § 40 and its implementing regulations, the NPDES MS4 General Permit Number M041237 approved September 2003, as amended, and the MOU issued to the Town by the EPA in June 1996 as amended through January 2001.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;

- (b) perform monitoring, analyses, and reporting;
- (c) cease and desist unlawful discharges, practices, or operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.”

7.11 EFFECTIVE DATE

This Stormwater By-Law shall be effective on November 1, 2018.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Article Information: In June 1996, the Town of Needham entered into a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) agreeing to undertake a cleanup of its stormwater discharges into the Charles River. In May 2000, the Town agreed to incorporate the comments from the EPA and its consultant, the Center for Watershed Protection, into its Stormwater Management Plan. The Center for Watershed Protection recommended that all building permits receive approval from the DPW to ensure proper handling of stormwater and that the Town adopt stormwater regulations, similar to DEP Stormwater Regulations, to improve water quality throughout the Town.

In July 2003, the Environmental Protection Agency (EPA) finalized its National Pollutant Discharge Elimination System (NPDES) Phase II regulations for stormwater. The regulations required municipalities with separate storm sewer systems (MS4s) to improve stormwater quality within all urbanized areas to the Maximum Extent Practicable (MEP). It also required municipalities to obtain a permit from the EPA (administered in conjunction with the MA DEP) to allow stormwater discharges into the “Waters of the Commonwealth.” The 2003 regulations specified that a bylaw or other regulatory

mechanism be adopted by the Town to provide the authority to enforce the 2003 regulations. For the initial five (5) year permit period, the Town elected to utilize existing regulatory mechanisms that had already been established and routinely exercised.

In 2016, the EPA revised the NPDES Phase II regulations for stormwater. The new 2016 regulations require municipalities to undertake substantial efforts to further clean stormwater prior to its discharge into wetlands, streams, ponds, and other resource areas by meeting certain Water Quality Standards (WQS) and Total Maximum Daily Loads (TMDLs). One of the requirements in the 2016 regulations mandates that municipalities create a Stormwater By-Law that, at a minimum, addresses the following areas of concern (termed “minimum control measures”): Illicit Discharge, Detection and Elimination, Construction/Erosion and Sediment Control, and Post-Construction Stormwater Management.

The Illicit Discharge, Detection and Elimination minimum control measure involves searching, documenting and removing sanitary sewer connections to the Town’s stormwater drainage system. This is an ongoing monitoring program of investigation through the use of closed circuit television cameras and stormwater sampling to detect, document and remove sanitary sewage from the stormwater discharging into resource areas in Needham.

The Construction/Erosion and Sediment Control minimum control measure involves the creation of a set of requirements to ensure that construction sites resulting in an area equal to or greater than one acre of land disturbance are well-maintained and are kept in a neat and clean manner. It also involves requirements designed to prevent, minimize or eliminate sediments from leaving the construction area, and stipulates minimum inspection criteria and documentation standards.

The Post-Construction Stormwater Management minimum control measure involves the creation of a set of requirements to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites equal to or greater than one acre of land disturbance.

The 2016 NPDES Regulations also identified Needham as one of the communities required to meet phosphorus and pathogen TMDLs within 20 years of the regulation’s effective date (July 1, 2018). The requirement mandates that the Town reduce its phosphorus load by forty-five percent (45%). A Phosphorus Control Plan is required to be submitted in three phases over a fifteen year period with the first phase due within five years of the effective date. The Department of Public Works and its consultant have determined that the 20 year control plan and implementation period is not “practicable” and have instead proposed a 40 year implementation plan based on the current rate of building permit applications meeting certain construction criteria. In order to implement the plan, drywells will need to be included in plans for certain building permit applications.

The proposed Phosphorus Control Plan will allow the Town to reduce its phosphorus discharges at the pace of development, and will substantially reduce the cost of implementation. The drywell method selected will also reduce pathogens and will have the consequential effect of substantially reducing the volume of stormwater entering the Town’s drainage system, thereby reducing flooding on Town streets.

ARTICLE 16: AMEND GENERAL BY-LAW / NON-CRIMINAL DISPOSITION

To see if the Town will vote to amend the General By-Laws by inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:

“ 8.2.2.9 Stormwater Regulation (Article 7)

Enforcement Agent: Director of Public Works, Town Engineer

Fine Schedule

First Offense - \$0

Second Offense – failure to cure offense within 15 days’ of notice of first offense - \$50 - each day being a separate offense.

Subsequent Offences – failure to cure offense within 15 days’ notice of second offense - \$100 - each day being a separate offense.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will amend the non-criminal disposition schedule to include stormwater regulations in the event that Town Meeting approves the General By-Law revisions contained in article X of this warrant.

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 11th day of September, 2018.

Daniel P. Matthews, Chair
John A. Bulian, Vice Chair
Maurice P. Handel, Clerk
Matthew D. Borrelli, Member
Marianne B. Cooley, Member

Selectmen of Needham

A TRUE COPY

Attest:

Constable:



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

MEETING DATE: 9/11/2018

Agenda Item	Acceptance of Pedestrian Access Easement
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Zoning Board of Appeals has requested that the Board of Selectmen accept and execute a Pedestrian Access Easement from MCREF NEEDHAM LLC. The easement was required by the Board as a condition of the Comprehensive Permit for the Modera project. The pedestrian access easement is a ten-foot wide easement for use by the public of the pathway across the rear of 700 Greendale Avenue connecting the existing trails on the Northeast and Northwest boundaries. The path may be used for passive recreation purposes, for normal maintenance, and to ensure public safety. Town Meeting approval of the access easement is also required, and this easement has been included on the October 10, 2018 Special Town Meeting Warrant.	
	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> that the Board accept and authorize the Chair to sign the grant of Pedestrian Access Easement from MCREF NEEDHAM LLC to the Town of Needham.	
3.	BACK UP INFORMATION ATTACHED
a) Letter from Daphne Collins, Administrative Specialist dated September 6, 2018 b) Grant of Pedestrian Access Easement by MCREF NEEDHAM LLC	



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

BOARD OF APPEALS

To: Daniel P. Matthews, Chair and Members of the Needham Board of Selectmen
Kate Fitzpatrick, Town Manager

Via: Jon D. Schnieder, Chair and Members of the Zoning Board of Appeals
Lee Newman, Director of Community Development and Planning

From: Daphne M. Collins, Zoning Administrative Specialist 

Re: 700 Greendale Avenue – Modera Needham - Grant of Pedestrian Easement for Public Use

Date: September 6, 2018

Background:

On December 15, 2015, the Needham Zoning Board of Appeals (ZBA) granted NCREF Needham LLC (originally Greendale Avenue LLC) a Comprehensive Permit under M.G.L. Chapter 40B at 700 Greendale Avenue (formerly known as 692 and 744 Greendale Avenue). The project, named Modera Needham, consists of a 136-unit residential development containing 52 units in two rows of townhouses facing Greendale Avenue and 84 units in a five-story building located behind the townhouses. Twenty-five percent of the units will be affordable; 19 units are one-bedrooms, 103 units are two-bedrooms, and 14 units are three-bedrooms.

The ZBA's approval of the Comprehensive Permit was subject to approximately 30 conditions which are either underway or completed. One of these conditions (Condition # 5) is the granting of an approximately ten-foot wide pedestrian easement across the rear of the property connecting existing trails on either side of the property (See attached *Exhibit B – Pedestrian Easement Plan*). The easement will be for passive recreation, normal maintenance and appropriate safety requirements. NCREF Needham LLC may prohibit such use between dusk and dawn.

Working collaboratively with the pertinent Town municipal stakeholders (Building, Engineering, Park and Recreation, Zoning and Town Counsel), NCREF Needham LLC submitted the attached Pedestrian Access Easement to the stakeholders' for review and approval. Having received their approval, the Pedestrian Access Easement is now being submitted to Board of Selectmen for acceptance and execution.

Accordingly, please have the Board of Selectmen accept and execute the attached Pedestrian Access Easement at their next meeting of Tuesday, September 11, 2018. The specific action requested is detailed below.

Action:

NCREF Needham LLC seeks the approval and acceptance from the Board of Selectman of the granting to the Town, in perpetuity, of a ten-foot wide easement for the use by the public of the pathway across the rear of 700 Greendale Avenue connecting the existing trails on the Northeast and Northwest boundaries. The easement shall be for passive recreation purposes, for normal maintenance, and appropriate safety requirements. Upon your approval, the Pedestrian Access Easement will be recorded at the registry of deeds. Final approval and acceptance by the Town Meeting is planned for the October 2018 Special Town Meeting.

If you have any further questions regarding this matter, please feel free to contact Daphne M. Collins, Zoning Administrative Specialist, dcollins@needhamma.gov, 781-455-7550, ext. 261. The original executed document should be returned to my attention.

Thank you for your time and consideration

Enclosures

CC: Patty Carey, Director, Park and Recreation
Dave Roche, Building Commissioner
Anthony DelGaizo, Town Engineer
Dave Tobin, Town Counsel
Kaitlyn King
Paul D. Mornie
Christian Regnier
Lars Unhjem

PEDESTRIAN ACCESS EASEMENT

This GRANT OF EASEMENT is made as of the [•] day of [•], 2018 by the undersigned, MCREF NEEDHAM LLC, a Delaware limited liability company, having an address c/o Mill Creek Residential Trust, 200 Summit Drive, Suite 450, Burlington, Massachusetts 01803 ("Grantor"), in favor of the TOWN OF NEEDHAM, a municipal corporation having an address at 1471 Highland Avenue, Needham, Massachusetts 02492 ("Grantee").

WITNESSETH:

Reference is made to the following facts, which constitute the background to this instrument:

- a. The Grantor is the owner of certain premises located on 700 Greendale Avenue in Needham, Massachusetts as more particularly described on Exhibit A hereto (the "Grantor Property").
- b. On October 20, 2016, the Town of Needham Zoning Board of Appeals (the "ZBA") issued a Comprehensive Permit, recorded with the Norfolk County Registry of Deeds (the "Registry") on September 30, 2016 at Book 34522, Page 353, as amended by that certain Amendment to Comprehensive Permit issued by the ZBA on April 27, 2016 and recorded with the Registry on September 30, 2016 at Book 34522, Page 373 (as amended, the "Comprehensive Permit") for the construction of a 136-unit residential development on the Grantor Property (the "Project").
- c. Condition #5 of the Comprehensive Permit requires Grantor to grant an easement to the Town for use by the public of the pathway across the rear of the property, as more particularly described in such Condition.

GRANT:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor grants to the Grantee in full satisfaction of Condition #5 of the Comprehensive Permit, a non-exclusive perpetual easement in gross, for public pedestrian access for passive recreation purposes on, over and across, the pathway generally located in that portion of the Grantor Property identified as the "Pedestrian Easement Area" on the plan attached as Exhibit B hereto (the "Easement Area").

Notwithstanding anything to the contrary contained herein, the right and easement herein granted is granted subject to the following:

1. This easement is non-exclusive and shall be exercisable in common with others entitled thereto from time to time. The grant herein made is not intended to nor shall be construed as establishing any public way or place. The Grantor expressly reserves and retains the right to use, or to grant to others the right to use, the surface and subsurface of, and the air space above, the Easement Area. Without limiting the generality of the foregoing, it is specifically understood and agreed that the Grantor shall have the right to use the Easement Area for the

installation and operation of utilities, provided such use is not materially inconsistent with the exercise of the rights of the Grantee to allow for passive recreation purposes within the Easement Area.

2. This easement shall only take effect upon the issuance of a full and final certificate of occupancy for the Project.

3. The Grantor in its sole discretion has the right to establish reasonable rules and regulations from time to time for the Easement Area (the "Rules and Regulations"). Without limitation of the discretion of the Grantor, any Rule and Regulation limiting the times of, the manner in which or the persons who may use the Easement Area shall be treated as reasonable for all purposes if imposed for any period of time between dusk and dawn and otherwise if imposed for the purpose of, among other things, (i) protecting the use and enjoyment of the Property by the tenants and occupants of the Grantor Property from disturbance or disruption by third-parties, (ii) ensuring the safety of those using the Easement Area, and (iii) facilitating Grantor's ability to adequately maintain the Easement Area. Each Rule and Regulation, whenever established by the Grantor, shall be effective upon delivery to the Grantee of written notice thereof. The Grantee in its use of the Easement Area shall observe and comply with all laws, ordinances, and the Rules and Regulations as may be established from time to time by Grantor. Except for the rights and easement expressly granted herein, no other express or implied easements are granted by this instrument.

4. The Grantor may record an as-built plan depicting the surveyed location of the pathway on the Grantor Property, after which recording the Easement Area shall be redefined as the area in which such pathway is shown on said plan. The Grantor shall have the right to relocate all or any portion of the Easement Area provided any such relocation is not materially inconsistent with the exercise of the rights of the Grantee set forth herein. Any such relocation shall be effective upon written notice to the Grantee of the relocation, in whole or in part of the Easement Area to another location on the Grantor Property. Any such relocation shall be undertaken at Grantor's cost and expense. In anticipation of such relocation, the Grantor may prohibit use of all or a portion of the Easement Area for such times and on such conditions as the Grantor may reasonably determine. Following such relocation, the Grantor may record an as-built plan depicting the surveyed location of the relocated pathway on the Grantor Property, after which recording the Easement Area shall be redefined as the area in which such pathway is shown on said plan.

5. The exercise by the Grantee of the right and easement herein granted shall be at the sole risk of the Grantee, and the Grantor shall have no responsibility or liability except for its own willful, wanton or reckless conduct. To the maximum extent permitted by law, the benefits of Massachusetts General Laws Chapter 21, Section 17C shall be applicable to the Grantor. To the extent the Grantee carries insurance or self-insures against liabilities with respect to public pathways within the City, it will use reasonable efforts to ensure that such insurance or self-insurance will cover its use of the Easement Area. Notwithstanding the foregoing, the Grantee shall have no responsibility for the repair and maintenance of the Easement Area, including the removal of snow and ice therefrom; provided, however, the Grantee shall be responsible for any damages or claims that may result from willful, wanton or reckless conduct of the Grantee in the exercise of the rights granted hereunder.

6. Nothing herein shall be deemed to create any rights on the part of the Grantee, the inhabitants of the Town of Needham, or members of the general public under Article 97 of the Declaration of the Rights of Inhabitants of the Commonwealth of Massachusetts. In the event any portion of the Easement Area shall be taken by eminent domain, all awards payable on account thereof shall belong to the Grantor and Grantee releases all rights therein or claims thereto.

7. The provisions of this instrument shall be binding upon, and shall inure to the benefit of, the Grantor and its successors and assigns. The rights of the Grantee are personal to the Grantee and upon any attempted transfer of them, at the Grantor's election, the rights granted hereunder shall be void.

8. Whenever, by the terms of this instrument notice shall or may be given either to the Grantor or Grantee, such notice shall be in writing and sent by registered or certified mail, postage prepaid, or by recognized overnight mail or courier service addressed to the Grantor and/or Grantee at the address set forth on the first page of this instrument (or to such other address or addresses as either party may from time to time hereafter specify by like notice).

9. The foregoing grant of a perpetual easement is made subject to all rights, easements, agreements, covenants, restrictions and other matters of record, if any, insofar as the same are now in force and applicable.

For Grantor's title, see deed dated August 2, 2016 and recorded with the Registry on Book 34522, Page 351 and deed dated September 26, 2016 and recorded with the Registry on Book 34522, Page 347.

[Remainder of page intentionally left blank; signature pages follow]

EXECUTED as an instrument under seal as of the day and year first above written.

GRANTOR:

MCREF Needham LLC, a Delaware
limited liability company

By: _____

Name: _____

Title: _____

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS)
) ss.
County of _____)

On this ____ day of _____, 2018, before me, the undersigned notary public,
personally appeared _____ of _____,
proved to me through satisfactory evidence of identification, which was
_____, to be the person whose name is signed on the preceding
document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as
_____ of MCREF Needham LLC.

Notary Public
My Commission Expires: _____

Approved as to Form
By Town Counsel

Dave Tobin

EXHIBIT A

Legal Description of Grantor Property

A parcel of land situated on Greendale Avenue in Needham, Norfolk County, Massachusetts, being shown on a entitled "692 & 744 Greendale Avenue - Needham, Massachusetts, Lot Consolidation Plan of Land," Client: MCREF Needham LLC, last revised on September 8, 2016, prepared by Tetra Tech, recorded with the Norfolk County Registry of Deeds as Plan Book 652, Page 74, said parcel being more particularly bounded and described as follow:

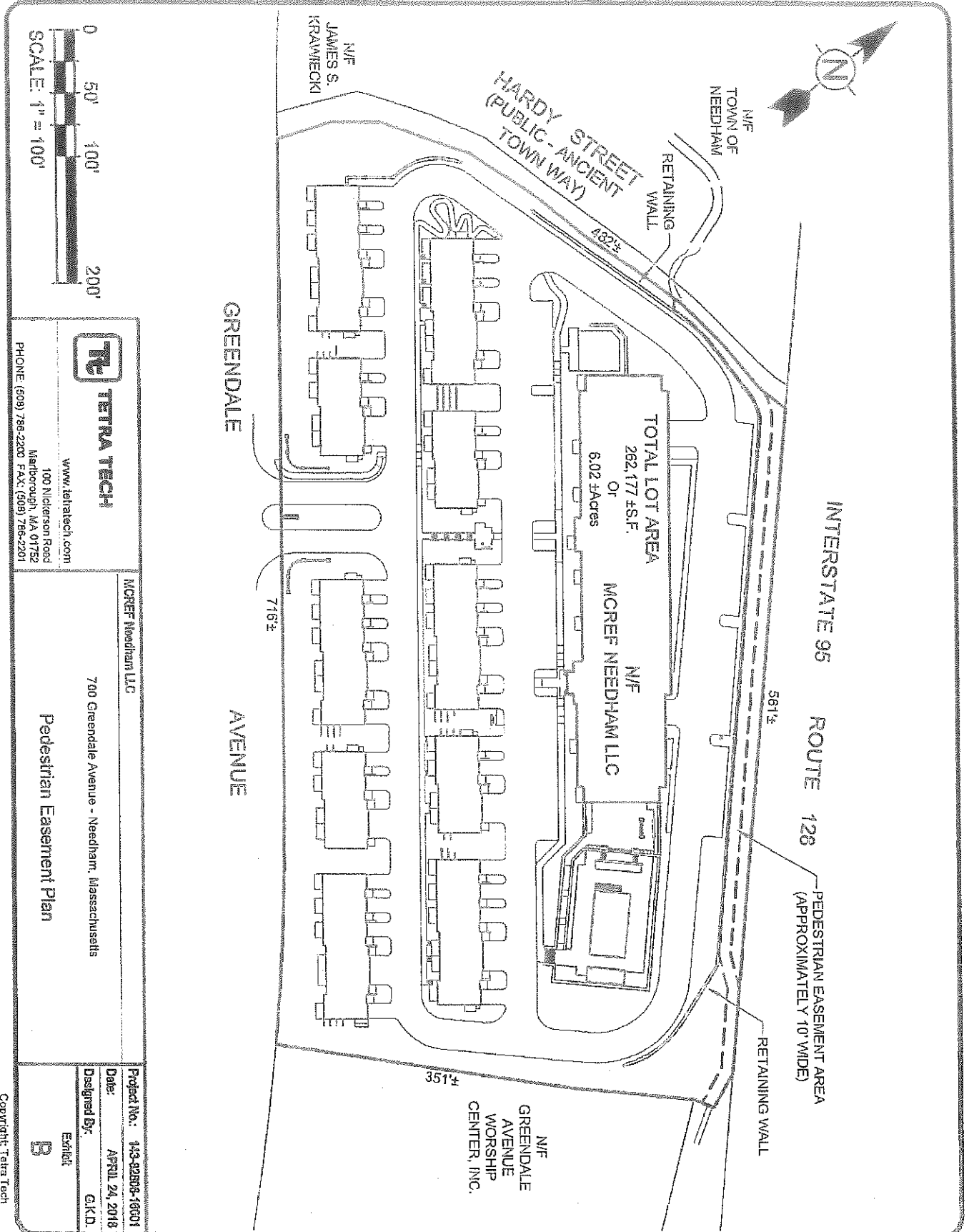
Beginning at a point at the westerly corner of the parcel, on the northeasterly side of Greendale Avenue and the southeasterly side of Hardy Street (an ancient town way);
thence turning and running
N20°44' 21"E, by said Hardy Street, a distance of 45.46 feet to a point; thence turning
and running
N3753' 23"E, by said Hardy Street, a distance of 39.44 feet to a point; thence turning and
running
N57°14' 35"E, by said Hardy Street, a distance of 76.04 feet to a point; thence turning
and running
N70°40' 06"E, by said Hardy Street, a distance of 32.90 feet to a point; thence turning
and running
N71°29' 20"E, by said Hardy Street, a distance of .90 feet to a point; thence turning and
running
N78°00' 40"E, by said Hardy Street, a distance of 47.03 feet to a point thence turning and
running
N71°46' 24"E, by said Hardy Street, a distance 0(45.13 feet to H. paint; thence turning
and running
N74°08' 42"E, by said Hardy Street a distance of 44.18 feet to a point; thence turning
and running
N82°49' 45"E, by said Hardy Street, a distance of 49.59 feet to a point; thence turning
and running
N86°16'33"E, by said Hardy Street, a distance of 45.11 feet to a point; thence turning
and running
N74°19'34"E, by said Hardy Street, a distance of 25.74 feet to a point on the
southwesterly side of Route 128; thence turning and running
S46° 35' 31"E, by said Route 128, a distance of 528.86 to the centerline of the
discontinued portion of Hardy Street thence turning and running
S21° 02' 26"E, by said centerline of the discontinued portion of Hardy Sheet; 32.04 to a
point; thence turning and running.
S60° 27' 34"W, a distance of 16.68 feet to a point thence turning end running
S43° 29' 40"W, by land now or formerly of Greendale Avenue Worship Center, a
distance of 95.01 feet to a point; thence turning and running
S46° 19' 54"W, by land now or formerly of Greendale Avenue Worship Center, a
distance of 239.61 feel to a point on the northeasterly side of said Greendale Avenue;
thence turning and running

Northwesterly, by said Greendale Avenue, by a curve to the left which curve has a radius of 2039.93 feet and an arc length of 184.13 feet to a concrete bound with a lead plug; thence turning and running N51° 55' 15"W, by said Greendale Avenue, a distance of 532.05 feet to the point of beginning.

Said Parcel contains approximately 262,177 square feet, or 6.02 acres more or less according to said plan.

EXHIBIT B

Pedestrian Easement Plan



ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Grant of Pedestrian Easement hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Board of Selectmen

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared _____, Selectman of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its state purpose.

Notary Public:
My Commission Expires:

SUBORDINATION

WHEREAS, JPMORGAN CHASE BANK, N.A., a national banking association, ("Administrative Agent") is the Administrative Agent for the lenders and holders of that certain Construction Mortgage and Fixture Filing (with Assignment of Rents and Security Agreement) from MCREF Needham LLC, a Delaware limited liability company, dated as of September 28, 2016, and recorded with the Norfolk County Registry of Deeds (the "Registry") in Book 34522, Page 414 (the "Mortgage"), which Mortgage covers that certain parcel of land (the "Property") situated at 700 Greendale Avenue in Needham, Norfolk County, Massachusetts, being shown on a plan entitled "692 & 744 Greendale Avenue - Needham, Massachusetts, Lot Consolidation Plan of Land" prepared by Tetra Tech, last revised September 8, 2016 and recorded at the Registry as Plan Book 652, Page 74;

WHEREAS, MCREF Needham LLC wishes to grant a pedestrian easement (the "Pedestrian Easement") to the Town of Needham (the "Town") on, over, under, across, through and along certain portions of the Property in connection with the construction of a pedestrian pathway running across the Property, such Pedestrian Easement is to be recorded on or around the date this Subordination is recorded.

NOW THEREFORE, for consideration paid, the receipt and sufficiency of which are hereby acknowledged, the Administrative Agent, for itself and its successors and assigns, hereby agrees that the Mortgage will be subject and subordinate to the Pedestrian Easement, with the same force and effect as if said Pedestrian Easement were entered into and recorded prior to the execution and recordation of the Mortgage.

[Signature Page Follows]

IN WITNESS WHEREOF, Administrative Agent has executed this Subordination under seal as of the ____ day of _____, 2018.

JPMORGAN CHASE BANK, N.A.,
as Administrative agent for the Lenders

By: _____
Name:
Title:

ACKNOWLEDGMENT

STATE / COMMONWEALTH OF _____)
) ss
COUNTY OF _____)

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that _____ signed it voluntarily for its stated purpose as _____ for JPMorgan Chase Bank, N.A.

Notary Public
My Commission Expires:
(Official Signature and Seal of Notary)



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

MEETING DATE: 9/11/2018

Agenda Item	Pedestrian Safety Project Update
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will provide the Board with an update on pedestrian safety initiatives.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Discussion Only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Heads Up Campaign materials	





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

MEETING DATE: 9/11/2018

Agenda Item	Town Manager Performance Evaluation
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	In accordance with the Town Manager Evaluation Policy, the Board of Selectmen prepares an annual performance evaluation of the Town Manager. Each member of the Board completes his or her own evaluation. The individual evaluations are then compiled into a consensus evaluation overview document. Board policy calls for the overview to be released at a meeting of the Board of Selectmen.
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
	<i>Suggested Motion:</i> That the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated September 11, 2018.
3.	BACK UP INFORMATION ATTACHED
a.	Town Manager Consensus Evaluation Overview Document

Board Member: BOS

Town of Needham
Town Manager Performance Evaluation Form
Interim Version

Instructions

A space has been provided for each statement within the performance areas. Check the number which most accurately reflects the level of performance for the factor. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/A space.

Rating Scale

Excellent/Outstanding	The Town Manager's work performance is consistently excellent when compared to the standards of the job.
Meets Expectations	The Town Manager's work performance consistently meets the standards of the position.
Improvement Needed	The Town Manager's work performance does not consistently meet the standards of the position.

1. Personal Characteristics: Exhibits honest and ethical behavior; acts in a fair and equitable manner; effectively deals with unforeseen issue and problems; shows resilience by maintaining energy and motivation despite constant demands. Responds well to stressful situations. displays creativity, innovation, flexibility and appropriate risk taking.	Board Member Suggestions & Comments Kate always acts in an honest and ethical manner. She carries a significant workload, but manages to juggle it well while remaining available for discussion and open to new ideas.	Rating Excellent
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2. Professionalism: Is fully knowledgeable and committed to the field of local government management; seeks to enhance skills and abilities through educational opportunities; actively participates in professional municipal management organizations; encourages staff training and development.	Board Member Suggestions & Comments Kate takes advantage of ICMA and MMA to maximize her personal development. She has been recognized as one of the top women in local government in the country by ICMA. She also works to ensure her staff have, and take advantage of, development opportunities.	Rating Excellent
3. Public Relations/Communications: Projects a positive image in the community; is reasonably open and available to the public and responsive to citizen complaints or requests; communicates effectively to the media; keeps the citizenry informed of current issues in Town government; Maintains good communications with the business community. Supports and recognizes the efforts of volunteer citizens and groups. Maintains effective communications with state and federal elected representatives, other communities, state agencies, and municipal organizations.	Board Member Suggestions & Comments This has been one of the most challenging areas this year. Whether that is due to increased demands from a more engaged citizenry coupled with the relative demise of the local newspaper as a vehicle for conveying information, getting the word out on various initiatives and ensuring smooth communications with all has had its ups and downs. We need to think about how this area could be bolstered. Kate, as part of her routine work, maintains good communications with related government organizations and the local business community. Kate is well regarded by Needham's citizens.	Rating Meets Expectations
4. Board Support/ Relations Offers professional advice to the board, including appropriate alternatives and recommendations, based upon thorough study and analysis; implements policy matters and other directives adopted by the Board of Selectmen; keeps Board members informed of issues and activities in Town government and in the community; listens and understands Selectmen concerns; maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust.	Board Member Suggestions & Comments Kate is available for discussions with board members. She offers advice and guidance, and she hears and addresses board concerns. There is a need, given the increased volume of work activity, for increased communication overall. Determining the best way for this occur will be part of the board's future work with Kate.	Rating Meets Expectations

5. Organizational Leadership/Personnel Management: Provides leadership, motivation and support within the organization; effectively delegates tasks and assignments; builds and motivates a team, providing direction and monitoring/adjusting performance as required. assures selection for employment of the best-qualified personnel; assures systematic performance evaluation of staff in the organization; establishes high standard of performance for all managers; recognizes, develops, and utilizes their leadership abilities; effectively leads collective bargaining efforts with unions, keeping the Board informed on progress; strives to maintain good staff morale and maintains open, honest and professional relationships with staff.	Board Member Suggestions & Comments Kate provides leadership, motivation, and support across the organization. Kate works well with the collective bargaining units. She has selected certain projects to work to enhance staff morale and collaboration over the course of the year. She is tremendously loyal to staff which can be both a strength and a vulnerability.	Rating More than Meets Expectations
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6. Financial Management Prepares a timely and realistic annual budget proposal in a manner that promotes full understanding of issues and needs; employs sound fiscal management practices for the development of the operating and capital budget recommendations; effectively monitors and controls budget expenditures; provides complete and accurate financial information to facilitate budget deliberations; creatively manages available resources to increase productivity and efficiency; develops and maintains a long-term financial plan for the Town;	Board Member Suggestions & Comments Kate and her team provide excellent financial analysis and budgeting projections. They work hard to balance needs across the town. Their efforts are a significant part of why Needham is regarded as such a well-run town.	Rating Excellent
---	---	------------------------------------

7. Planning and Organization Creates and facilitates an environment for long-range and strategic planning; identifies opportunities to improve productivity, innovation, staff development and cost efficiencies; develops proposals	Board Member Suggestions & Comments Department consolidation efforts have been well considered. Facilities plans provide a road map for the future. On Police and Fire, there are a few aspects that are coming together later than	Rating More than Meets
--	---	--

for cost effective reorganization of Town operations; establishes appropriate goals and objectives for performance.	any of us had hoped making for a process that is a bit less smooth than any of us would prefer. There is a desire to see more long term planning by department.	Expectations
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8. Achievement of Goals Shows appropriate progress to the year's goals as indicated on the attached self-evaluation.	Board Member Suggestions & Comments Kate and her team have worked through a tremendous number of goals over the past year. Every aspect of a project is thoroughly considered. We tend to work through things in a tried and true fashion – and, to be fair, that approach has served the town well. There is a bit more appetite for being on the front of the curve rather than a follower of sound solutions.	Rating More than Meets Expectations
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OVERALL RATING	Board Member Suggestions & Comments Overall, Kate's work on behalf of the town continues to be excellent, and Needham is a special community in which to live and work thanks to her leadership. We have all needed to work at a faster pace to meet the increased expectations for responsiveness, services, and information from the community, and this is an area where Kate, and the board, are still working to understand the "new normal".	Rating More than Meets Expectations
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This document is based in part on policies of the towns of Ashland, Sudbury, and Natick Massachusetts

Town Manager Performance Evaluation Form
Acknowledgement of Receipt

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

BOARD OF SELECTMEN

Date: _____

TOWN MANAGER

Date: _____



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

MEETING DATE: 09/11/2018

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
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
None	

Management Schedule Effective October 1, 2018

Grade	Minimum	Mid-Point	Maximum
K-29	\$128,520.00	\$143,940.00	\$159,360.00
K-28	\$121,128.00	\$135,660.00	\$150,192.00
K-27	\$113,736.00	\$127,380.00	\$141,024.00
K-26	\$106,368.00	\$119,136.00	\$131,904.00
K-25	\$98,976.00	\$110,856.00	\$122,736.00
K-24	\$91,584.00	\$102,576.00	\$113,568.00
K-23	\$84,192.00	\$94,296.00	\$104,400.00
K-22	\$76,800.00	\$86,016.00	\$95,232.00
K-21	\$66,912.00	\$74,940.00	\$82,968.00



**Town of Needham, Massachusetts
Town Common
Event Form**

INTERNAL USE ONLY

☒ DPW ☐ Police
☒ Fire ☐ OTM

Name of Event: Full Circle		Name of Organization: Circle of Hope, Inc.	
Organization Mailing Address: P.O. Box 920724, Needham, MA 02492		Organization is Not-for-Profit ☒	
Primary Contact: Stephanie Matern		Contact Title: Office Assistant	
Contact Address: Same as above			
Contact Phone (Day): 617-407-1047		Contact Phone (Cell): Same as daytime phone	
Contact Email: stephanie@circleofhopeonline.org			
Event Date(s) and Rain date: October ¹³ 27, 2018 - Rain date Oct. ¹⁴ 28, 2018		Event Time(s): 10:00am - 12:00pm	
Number of Expected Participants: 120		Number of Expected Spectators at Peak Time: 11:00am - 120	
Are participants charged a fee? ☐ YES ☒ NO			
Are event organizers available to meet with members of the Town to plan event? Yes			
What will be done in case of inclement weather? If both days are rained out, the event will be cancelled			
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked (include estimated number of vehicles): Participants will use public street parking and public lots			

What activities are planned for the event?

The participants for this event are children between the ages of 3 and 11. They will walk through six stations set up around the common, all of which are themed around helping the homeless. Kids will make dignity bags, write down what they appreciate, decorate bags to fill with clothing and other similar activities.

Describe electrical needs for event, and list specific requests.

No electrical needs for this event.

Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.

There will be no sound system at this event.

Will there be any food served? (contact Needham Health Dept: 781-455-4500 x262)

No food will be served at this event.

If the event takes place after dark, what is the plan to meet lighting needs?

The event takes place during the day.

Will portable toilets be used? List locations.

Portable toilets will not be used.

What is the plan to handle trash?

Organizers will remove all trash from the area.

List additional information related to the success of your event.

Nothing at this time!

Please return the completed application and any attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ***certificate of insurance***

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: -\$246.20

Water Irrigation: -\$192.20

Water Admin Fees: \$0.00

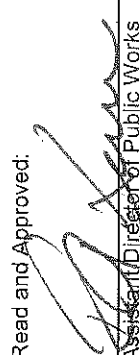
Sewer Sales: -\$617.38

Transfer Station Charges: \$0.00

Total Abatement: -\$1,055.78

Order #: 1260

Read and Approved:


Assistant Director of Public Works

9/6/2018


Director of Public Works

9/11/18

For the Board of Selectmen

Date: 9/11/18

**Town of Needham
Water Sewer Billing System
Adjustment Form**

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	Gaudette	Richard	27423	7952	11	Lindbergh Avenue	\$0.00	-\$20.30	-\$18.12	-\$38.42	ACC	N
DB	Peljovich	Lori	35879	10440	30	Reservoir Avenue	\$0.00	-\$25.20	-\$21.28	-\$46.48	ACC	N
DB	Marcus	Alan	15787	11326	26	William Street	-\$81.80	\$0.00	\$0.00	-\$81.80	ACC	N
DB	Hurwitch	Peter	5087	18400	55	Country Way	-\$110.40	\$0.00	\$0.00	-\$110.40	ACC	N
JO	Council on Aging (2)						\$0.00	-\$200.70	-\$577.98	-\$778.68	COA	N

Total: -\$1,055.78

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.
 TWN = Town Project caused damage to private property
 EC = Extenuating Circumstances
 Equip = Equipment Malfunction
 UEW = Unexplained water loss
 ACC = Accidental Water Loss
 BP = Billing Period beyond 100 days
 COA = Council on Aging

**Minutes
Board of Selectmen Meeting
Center at the Heights
July 27, 2018**

12:00 p.m. A special meeting of the Board of Selectmen was convened by Daniel Matthews. Also present were John Bulian, Moe Handel, Matthew Borrelli, Marianne Cooley, Assistant Town Manager David Davison, and Town Manager Kate Fitzpatrick.

The Board discussed the fiscal year 2019/2020 proposed goals and objectives: maximize the use of Town assets and ensure that Town and School services are housed in buildings that provide suitable and effective environments; ensure appropriate regulation and assessment of, and investment in infrastructure, maintain and improve the vitality and economic success of the Town; expand energy efficient and environmentally sound operations for the Town and its residents and businesses; maintain and develop amenities that contribute to the desirability of Needham as a place to live and work; maintain and enhance the Town's Financial Sustainability; and evaluate Town Operations and Administration.

The Board reviewed the status of the prior year's goals, and discussed objectives for the coming years that the Town Manager will develop and present to the Board for discussion on August 7th.

Mr. Handel and Mr. Borrelli left the meeting at 4:30 p.m.

4:30 p.m. **Motion: Mr. Bulian moved that the Board enter into executive session under exception 6 to discuss acquisition and value of real property, not to return to open session prior to adjournment. The motion was seconded by Ms. Cooley. Mr. Matthews polled the Board. Unanimous: 3-0.**

Note: The meeting adjourned at 5:00 p.m.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

**Town of Needham
Board of Selectmen
Minutes for August 7, 2018
Needham Town Hall
Selectmen's Chamber**

7:00 p.m. **Call to Order:**
A meeting of the Board of Selectmen was convened by Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. **Purple Heart Community:**
Sarada Kalpee, Director, West Suburban Veterans' Services District, Matt Ching, National Service Officer, MA Department of Veterans' Services, and members of VFW Post 2498 appeared before the Board with an update regarding new Purple Heart signs installed in Needham. Ms. Kalpee noted August 7th is Purple Heart Day in Needham, as proclaimed at the June 23, 2015 Board of Selectmen meeting. She explained the Purple Heart is the oldest American military decoration, initially created as a badge of military merit in 1782 in Newburgh, New York by General George Washington. Ms. Kalpee told the Board of the seven locations around Needham where Purple Heart signs have been placed.

Mr. Matthews said he is pleased the Town is participating in a small way, showing respect for veterans from Needham who have served their country.

7:06 p.m. **Appointments and Consent Agenda:**
Motion by Mr. Borrelli that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- | | |
|--|--|
| 1. Design Review Board | Theodore Steinberg (term expires 6/30/2021) |
| 2. Cultural Council | Monique Harrington (term expires 6/30/2021) |
| 3. Property Tax Assistance Committee | Rick Zimbone (term expires 6/30/2020) |
| 4. Taxation Aid Committee | Rick Zimbone (term expires 6/30/2019) |
| 5. DPW Storage Facility User Representative | John Regan (indefinite term)
replacing Kate Fitzpatrick |
| 6. Commission on Disabilities | Mani Iyer (term expires 6/30/2021) |
| 7. Cultural Council | Elizabeth Cook (term expires 6/30/2021) |

CONSENT AGENDA

- 1. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$1500 from Nancy Farrow and \$100 from Charles River Center.**

2. Approve a One Day Special Wines & Malt Beverages License from Anne-Marie Bajwa of the Charles River Center to host its Charles River Center 5K Run/Walk after party on September 23, 2018 from 12:00 p.m. to 3:00 p.m. The event will be held at the Charles River Center, 59 E. Militia Heights Drive, Needham.
3. Approve amendment to Section 6 of the Board of Selectmen Policy Numbered BOS-LIC-013 Take Out Food Served by Mobile Food Vendors (Formerly Regulation of Food Trucks) so that it reads: "The Board of Selectmen may suspend, revoke, modify or deny a Mobile Food Vendor permit if, after a public hearing, the Board finds that the permit holder's behavior, or that of any of his or her employees toward the public or Town staff is rude, offensive or uncivil."
4. Approve open session minutes of July 24, 2018.
5. Water & Sewer Abatement Order #1259.
6. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Kate Deeley	61 Kenney St.	Corner of Lois & Barbara	9/15/18	9/16/18	3pm-8pm
Cindy Osgood	27 Laurel Dr.	Lower Laurel	9/8/18	9/9/18	3:30pm-8:30pm
Denise Sullivan	58 Norfolk St.	Norfolk Street	8/11/18	8/12/18	2pm-10pm
Lisa Madkins	15 Bobsled Dr.	Bottom of Bobsled Dr	9/8/18	9/15/18	1pm-8pm
Michael d'Hemecourt	146 Paul Revere Road	Paul Revere Rd. between Tower & Lindbergh	9/8/18	N/A	4pm-8pm

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

7:06 p.m. Public Hearing: Eversource Energy Grant of Location - Crescent Road
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 4 feet of conduit in Crescent Road. She said this work is necessary to provide underground electric service at 62 & 64 Crescent Road, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Matthews invited public comment. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 4 feet of conduit in Crescent Road. This work is necessary to provide new underground electric service at 62 & 64 Crescent Road, Needham.

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

7:07 p.m. Transfer of Hotel All Alcoholic License - Needham 365 Bev, LLC:
Ms. Fitzpatrick stated the applicant has asked the application be withdrawn.

7:08 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with five items to discuss (*item number five was discussed at a later time in the meeting.*):

1. Set Recycling and Transfer Station Fees

Mr. Davison, Assistant Town Manager/Finance reminded the Board it held a public hearing at its July 24, 2018 meeting regarding Recycling and Transfer Station fees. He said the Solid Waste Disposal Advisory Committee voted to recommend the rate structure that was presented, adjusting two fees: commercial single stream per ton rate and large pay-to-throw bags. Mr. Davison noted the volatility in the recycling market, anticipating a review of the commercial single stream charge later in the year.

Motion by Mr. Handel that the Board of Selectmen approve the Rate Proposal as outlined below and that the Commercial Single Stream per ton charge be effective August 13, 2018, and further that the rate for the large pay-to-throw bags be effective September 1, 2018.

Transfer Station Fees Rate Proposal			
Description	Current	Recommend	\$ Change
RTS Sticker Fees			
Standard Sticker	No Charge	No Charge	
Standard Sticker Senior	No Charge	No Charge	
Standard Additional Sticker	No Charge	No Charge	
Hauler Sticker (annual)	\$125.00	\$125.00	
RTS Week Pass Program	No Charge	No Charge	
Bag Rates			
Large Bags (pack of 10)	\$19.00	\$20.00	\$1.00
Small Bags (pack of 10)	\$10.75	\$10.75	
Scale Rate			
Per Ton	\$140.00	\$140.00	
Minimum Scale	\$25.00	\$25.00	
Recycling Fees			
Commercial Single Stream (per ton)	\$45.00	\$85.00	\$40.00

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

2. Conveyance of Property to the Commonwealth of Massachusetts/Department of Conservation and Recreation

Ms. Fitzpatrick told the Board that in 2017, the Department of Conservation and Recreation completed the legal process to finalize the conveyance of Town property to the Commonwealth, and the Board approved and signed the deed on October 10, 2017. She said the Town was recently contacted by Counsel for the DCR requesting the Board sign a new signature page removing the reference to the DCR, as the agency is not a signatory for the Commonwealth. Additional background information regarding the conveyance of land used for the South Street/Willow Street bridge project and land used for the Add-A-Lane project located between Great Plain Avenue, the State Highway Route 128, and the Charles River was provided.

Motion by Mr. Handel that the Board vote to ratify approval of the deed granting to the Commonwealth of Massachusetts a parcel of land as shown on a plan of land entitled "Plan of Land in Needham, MA Great Plain Avenue" and sign a replacement signature page.

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

3. Accept and Refer Zoning - Wireless Communications Facilities

Ms. Fitzpatrick said at its meeting on August 7, 2018, the Planning Board is scheduled to vote to place the following article on the warrant for the October 10, 2018 Special Town Meeting: "Amend Zoning By-Law - Wireless Communications Facilities."

She commented under State law, the Board of Selectmen has 14 days to accept the proposed amendment and refer the amendment to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary.

Mr. Handel suggested approval contingent upon adoption by the Planning Board.

Motion by Mr. Handel that the Board of Selectmen vote to accept the proposed zoning amendment: "Amend Zoning By-Law - Wireless Communications Facilities" for referral to the Planning Board for its review, hearing, and report, subject to action of the Planning Board.

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

Ms. Fitzpatrick noted the Board of Selectmen will hold a public information session hearing on August 28, 2018 and the Planning Board intends to schedule a public hearing on this zoning for Wednesday, September 12, 2018. She stated the Town sent over 950 letters to anyone who expressed interest in the project, as well as abutters. Ms. Fitzpatrick invited the public to attend the hearings.

Ms. Cooley commented the action tonight is a formality required to refer the item back to the Planning Board. She noted while the use of monopoles will not be part of the zoning proposal, she encouraged residents to attend the public hearing.

Mr. Matthews clarified the earlier proposal including monopoles at the two water towers has been removed. However, he said there will be a single pole structure proposed at the headquarters (as currently exists), and presumptively, a lattice tower of up to 199 feet at the RTS. He said the best solution for the community was sought.

4. Open Special Town Meeting

Ms. Fitzpatrick reviewed with the Board several articles in the draft warrant for the October 10, 2018 Special Town Meeting.

Mr. Borrelli said it appears different stakeholders with different ideas are coming together in one stormwater document that everyone can support.

Ms. Fitzpatrick said a public hearing will be scheduled for September 11, 2018, the date on which the warrant is scheduled to close.

Motion by Mr. Handel that the Board of Selectmen vote to open the warrant for the October 10, 2018 Special Town Meeting.

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

7:23 p.m. Board Discussion:

1. Discuss FY2019 - FY2020 Goals

The Board discussed "FY2019-FY2020 Board of Selectmen Goals, Adopted: Draft August 7, 2018." Mr. Matthews commented much effort was put forth updating the goals from last year and it is important for them to be in the public record as a benchmark for moving forward. He asked for a motion to adopt final goals.

Motion by Mr. Handel that the Board of Selectmen vote to adopt FY2019 - FY 2020 Board of Selectmen goals.

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

7:24 p.m. Joint Meeting with Trust Fund Commissioners: Appoint New Commissioner

The Board of Selectmen held a joint meeting with the Trust Fund Commissioners, including Joe Scalia, Chair and Haydon Traub to discuss the selection of Daniel Burns who has been recommended to appointment by both Boards for a period until the next Town Election, where Mr. Burns would be on the ballot to be elected.

Mr. Scalia said the Commissioners interviewed five candidates, who were all extremely well qualified. He said Mr. Burns however stood out, strongly urging the Board of Selectmen approve Mr. Burns for the position.

Mr. Bulian explained the interview process for selecting a candidate.

Mr. Matthews said a vacancy opened with the passing of Jack Cogswell, whose service to the Town is legendary. He commented Needham is very lucky to have a strong pool of candidates, noting the recommendation of Mr. Burns by the Vice Chair of the Board of Selectmen and the Chair of the Commissioners of Trust Funds is persuasive.

Motion by Mr. Bulian that the Board of Selectmen and the Commissioners of Trust Funds vote to appoint Daniel Burns to the Commissioners of Trust Funds until the next Town Election to be held on April 9, 2019.

Second: Mr. Handel. Unanimously approved 7-0.

Mr. Burns explained his work background and experience as Chief Compliance Officer for a firm in Boston. He commented his background deals with conflict of interest situations, and he believes this experience will be helpful in making appropriate decisions as a member of the Commissioners of Trust Funds.

Ms. Cooley noted Mr. Burns has been a resident for seven years, asking him why he chose to live in Needham.

Mr. Burns said Needham has the best of both worlds in terms of being close to Boston, but without the difficulties of actually living in a city. He said it is nice to see neighbors and the feeling is more relaxed. He commented the Town is run very well, which is a testament to the Board of Selectmen.

The Board wished Mr. Burns luck in his appointment, and Mr. Matthews reminded him to report to the Town Clerk to be sworn in and to receive open meeting law information.

7:35 p.m.

Great Plain Avenue Grade Crossing Improvements:

Richard Merson, Director of Public Works, Wayne Amico, Senior Project Manager, VHB, Joseph Herr, Senior Engineering Manager, VHB, and James C. Payne, Manager of Railroad Signals & Train Control, VHB appeared before the Board with an update on the grade crossing improvements made on Great Plain Avenue as part of the Downtown Improvement Project.

Mr. Matthews clarified many safety and appearance improvements have been made in the downtown, however managing traffic and grade crossing regulations at the railroad tracks on Great Plain Avenue has proven difficult.

Mr. Amico gave a brief background of the project and a PowerPoint presentation "Great Plain Avenue Grade Crossing Improvements, August 2018" was viewed. He explained how the project evolved, phases, pre-signal peak/off peak operation, noting driver frustration in the area of Chapel Street to Maple Street on Great Plain Avenue. He said safety is paramount, commenting the pre-signal is necessary and was designed to prevent cars from queuing on the train tracks. He said a detailed study would be required if the pre-signal is to be eliminated, noting the design team has never been involved in a situation requesting removal of a signal. Mr. Amico said removing the pre-signal located in advance of the train tracks heading east on Great Plain Avenue is not supported by professionals, as the intent is to prevent queuing on the tracks. Mr. Amico said the situation may become more frustrating for drivers should the pre-signal be removed due to increased waiting time, and could cause drivers to go around the gates. Mr. Amico said the Town has two options to consider: retain the current operation with the pre-signal or modify the pre-signal timing and MBTA schedule. He said discussions with the MBTA indicate they are not interested in modifying the schedule or increasing driver/pedestrian wait time. Mr. Amico concluded the recommendation is to maintain the current operation, as originally designed, for vehicular and pedestrian safety. He noted the MBTA have agreed to reconstruct the entire at-grade crossing system, track, and crossing surface, including new gates, warning signals, track etc. at the Great Plain Avenue railroad crossing.

Mr. Matthews asked for questions from the Board.

Mr. Borrelli said the situation is frustrating; noting the conclusion to retain the current pre-signal operation is unacceptable. He asked whether the current system is mandated or a professional opinion of how traffic should proceed? He noted the railroad crossings at West Street and Oak Street have worked fine, wondering if the same system for clearing traffic could be used at the railroad crossing at Great Plain Avenue?

Discussion ensued on the original and existing design, as well as potential ramifications should the design be changed (i.e. eliminating the pre-signal at the grade crossing on Great Plain Avenue). Mr. Payne said the design had to prevent vehicles from queuing from Chapel Street, and yet accommodate for coordination on Chapel Street to minimize delay, hence the light at the tracks. He said the bottom line is the design had to take into account the pre-signals as it was an existing condition. Mr. Payne said the opinion is not to remove the pre-signal.

Mr. Borrelli asked is there is a state or federal mandate preventing the Town from removing the pre-signal?

Mr. Payne said there is nothing preventing the Town from removing the pre-signal. However the issue, he said, becomes an extended preemption time, noting the federal regulations require longer preemption times for clearing pedestrian and vehicle traffic (as much as 90 seconds depending upon the size of intersection and number of crosswalks). He said any work done on Great Plain Avenue is now under the new regulations.

Mr. Herr reviewed a map of the intersection and discussion ensued on possible scenarios.

Mr. Matthews, commenting on federal standards, asked "what is the mandate?" He asked if it would be unlawful for the Town to violate a pre-signal or is it a generally accepted engineering standard, surmising the Town could be liable if an accident occurred.

Mr. Payne commented federal law states if there is an intersection within 200 feet of a railway crossing, preemption is required. Mr. Handel clarified the pre-signal is mandatory with no discretion? Mr. Payne said yes, acknowledging there are several ways to achieve the standard and have the same outcome. He said options are to use the pre-signal as it currently exists or by adding wait time. Mr. Handel said there are comparable situations nearby where the problem does not exist, noting hundreds of people are frustrated.

Mr. Matthews clarified his question on law and industry standard is not to suggest the Town would do anything reckless, but rather to understand what is ordered vs. rights the Town may have to make choices.

Mr. Bulian said he understands the idea to clear cars so they don't back up onto the track, acknowledging he is still confused why the light is there. He said the designers did not consider the safety aspects of the additional volume of traffic in the surrounding neighborhoods, which is another reason folks are upset.

Ms. Cooley asked what happens the rest of the time (the 98% of the time the light is operating without the preemption cycle). She commented there is a huge queue of cars waiting for the light to turn green. She wondered if there was a way the lights could be phased or delayed. She suggested lines could be made stronger, along with getting cars to queue in the right location. Discussion ensued and Mr. Herr explained various scenarios with timing and signals.

Mr. Matthews said motor vehicle traffic used to be zero, and now 100 years later, traffic on the same streets increases approximately 1% per year, perhaps now reaching a tipping point. He commented, based on personal observation, there have been many improvements with the work done by VHB. Mr. Matthews said with each new road improvement in a modern society there are more conservative, more expensive, and more cautious forms of engineering. He said some is by engineering practice and some is by force of law. He commented people who have been involved in a railroad accident understandably feel a certain way. On the other hand, he commented, some improvements have unintended consequences of people doing other dangerous things, even though laws have been followed. He said he is hopeful the discussion will lead to positive steps. Mr. Matthews concluded the Board of Selectmen will either wait for recommendations, contact lawyers to figure out the options, or get a second engineering opinion. He thanked VHB for their work, saying he believes they have given their very best and honest opinion of the situation.

Mr. Bulian said no one likes waiting at a red light commenting, if people see a red light they will go a different way.

Mr. Matthews clarified the other intersections have all been "grandfathered," but the Great Plain Avenue intersection is now under the new rules due to construction. He stated those who made the law did not foresee the unintended consequences or problems, and the Town must now figure out what to do.

Mr. Borrelli asked whether the preemption was necessary on Saturday, Sunday, and after hours when there is no train schedule.

Mr. Herr said he is not sure technically if a conditional preemption could be done. He said from a maintenance point of view, keeping the clock/timing exact would be a nightmare. Mr. Herr said he would look into the possibility of a conditional preemption.

Mr. Merson noted VHB and Beta were not asked to consider or incorporate collateral affect into their study, but it could be considered. He commented on pedestrian crossing time as people age and the time it takes to parallel park along Great Plain Avenue.

Ms. Fitzpatrick commented on traffic improvements pre and post construction.

Mr. Bulian reiterated the frustration with the light, acknowledging overall traffic signals work better than before construction.

The Board thanked the presenters for their effort.

8:35 p.m.

Town Manager: (cont'd)

5. Citizen Satisfaction Survey

Ms. Fitzpatrick discussed the recently completed National Citizen Survey, including methodology and results. She said the survey is a component of the Performance Needham program which includes other performance measurement activities such as benchmarking and program evaluation. The wide range of responses and the broad based opinions expressed by survey participants provides the Town a unique perspective about service delivery, highlighting successes, opportunities, and areas that deserve greater attention.

Ms. Fitzpatrick said the purpose of the Performance Needham initiative is to establish a formal, systematic mechanism for evaluating customer satisfaction with Town services, and then using the information to inform organizational, management, and funding decisions. Resident opinion should be a major factor in local government decision making, yet it is often hard to measure. Citizen surveys provide valuable information to help understand resident concerns, improve communication, and measure satisfaction with the overall operation of local government. By almost every measure, the level of citizen satisfaction with local government is quite high.

A PowerPoint presentation was viewed with the 2018 Summary of Findings.

Ms. Fitzpatrick said surveys were mailed to 1,600 households, with almost 600 responses. She noted this is the sixth time the Town has completed the survey, saying the trend data is excellent for gaging citizen satisfaction. It was noted the entire survey can be found on the Town's website.

8:38 p.m.

Sign Notice of Traffic Regulation - Rosemary Street:

Mr. Merson said the Park and Recreation Department have requested that the existing No Parking zone on Rosemary Street be amended to prohibit year-round parking on the South side of Rosemary Street from a point opposite Tillotson Road to the MBTA Right of Way. This parking restriction is being amended in support of the newly constructed Rosemary Recreation Complex.

Motion by Mr. Borrelli that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P18-08-07 for Rosemary Street, parking Prohibited, South side from a point opposite Tillotson Road to the MBTA Right of Way.”

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

8:38 p.m. Board Discussion: (cont'd)

2. Committee Reports

Mr. Matthews reported the first session of the Needham Affordable Housing Trust was held prior to tonight's Board of Selectmen meeting.

Ms. Cooley reported the Board of Selectmen took a tour of the new Rosemary Recreation Complex, to be opened very soon.

8:40 p.m. Adjourn:

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of August 7, 2018.

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

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

**Town of Needham
Board of Selectmen
Minutes for August 28, 2018
Center at the Heights**

7:00 p.m.

Call to Order:

A meeting of the Board of Selectmen was convened by Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Matthews welcomed residents to the public hearing concerning the Public Safety Complex and Fire Station #2 project. He said many steps have brought the Town to this point, with many more steps to follow with permission from voters.

He summarized the large scale capital project is for replacement of both fire stations and the police station. He stated the project requires zoning changes to allow for certain elements the Town sees as necessary, and further considerations for the communications piece of the project. He commented the current public safety communication system does not cover the entire Town, and that the size of fire trucks, safety and health standards, as well as legal requirements have all changed or increased over the years. Mr. Matthews noted the project is expensive, but one which will offer the Town value for years to come. He said it makes sense to replace the existing communication system with something that works, but which comes at a high cost. He explained four broadcast locations around Needham are necessary for the new system to work (Station #1, RTS, Cabot Street, and at the Norfolk County Sheriffs Office within the median of Route 128 in Dedham). He noted the original configuration, which included use of monopoles in the Birds Hill and Tower Hill areas, was opposed by residents. He commented landlines could work, but are costly and that Verizon is no longer supporting their use. Mr. Matthews indicated many people were noticed about tonight's meeting, specifically in the areas of Station #1, RTS, and both water towers.

Mr. Matthews introduced George Kent, Chair, PPBC who discussed specifics of the project, noting communication in some places around Needham is difficult for safety personnel. He said a new system, to be owned by the Town, will cover all areas, including developing areas in Needham Crossing.

A Powerpoint presentation was viewed, including a map of the four antenna locations, and renderings on Chestnut Street, Lincoln Street, and at the RTS.

7:35 p.m.

Mr. Matthews opened the public hearing and invited public comment.

Rich Lawless, 159 Hillcrest Road thanked the Board of Selectmen for finding alternative sites to Tower Hill. He asked for the likelihood of both a contract being signed by American Tower for the Cabot Street location and approval for use of the Dedham site at the NCSO (within the median of Route 128)?

Mr. Matthews said the issue of working with American Tower is the cost of the contract. He said the state has jurisdiction of the NCSO property, and that a home rule petition is likely required. In addition, the state and the Town of Dedham have more people involved in the conversation, which he said makes it complicated. Mr. Matthews said he believes the timeline can be achieved as all parties support reaching an agreement. He commented if an agreement is not reached fiber cable lines could be run, which is costly and not a satisfactory solution.

Sandy Smith, 193 Hillcrest Road thanked the Board and presenters for their creativity in finding solutions. She commented the initial 10 year lease on the American Tower at the Cabot Street location should have a renewal option.

Kate Fitzpatrick, Town Manager said state law and town by-laws govern the length of the lease, noting after 10 years Needham could reevaluate the situation and perhaps have its own tower. She said she believes as long as Needham has no other alternative in the area, American Tower would lease space to the Town.

Ron Ruth, 248 Warren Street, said he is concerned about the tower being considered at police headquarters on Chestnut Street, and that it will not add to the beautification of the building or downtown area. He asked what the alternatives and cost would be for not having a tower on the Public Safety Complex on Chestnut Street?

Mr. Kent said it is not easy to get rid of the monopole at headquarters due to elevation requirements, and the cost for underground fiber cables is approximately \$1,000,000 per mile.

Ms. Cooley clarified her understanding is fiber is needed for the microwave link, but a tower is still necessary for whip antenna. Mr. Kent concurred.

Chick Langone, Communications Consultant, Langone & Associates concurred Ms. Cooley is correct in that there are basically two systems with the whip antenna providing the link between hand held radios, vehicle radios, and the dispatch center, hence the strategic location of the tower at headquarters.

Discussion ensued on cell towers at the NCSO and at headquarters.

Ron Ruth, 248 Warren Street, commented as a Town Meeting Member he is surprised and interested to hear that if a 110 ft. tower at headquarters were not possible, it would be fatal to the communications system. He said that information was not disclosed at Town Meeting when money was authorized for planning. He said he believes an alternative could be found.

Mr. Matthews said everyone has their own recollection, but at every phase of discussion regarding the communication system, a new antenna being built at

headquarters has been included. He commented discussion has been clear about the need for a monopole downtown, but that the height of the pole has been under discussion. Mr. Matthews said he hears Mr. Ruth's comments and will take them under advisement.

Christine Balmer, 76 Kimball Street said the neighborhood of Lincoln Street to Warren Street "have been dumped on a lot" from hospital construction and houses being torn down for parking lots. She asked the Planning Board to consider the effect.

Mary Ann Oldfield, 260 Warren Street asked the diameter of the monopole and whether cables will be used to secure it? She also asked the diameter of the current pipes on top of the police station?

Chick Langone stated cables on the monopole are located inside and not exposed. He said the whips are 2 to 3 inches in diameter. The monopole diameter is approximately 2 to 3 ft. at the top, and tapers to 5 to 6 ft. at the bottom. He said the current tower is open and "a couple of feet" in diameter with visible cables.

Rich Lawless, 159 Hillcrest Road asked if height on each tower affects communication, asking if the tower at headquarters could be lower?

Mr. Kent said the microwave antenna could probably be lowered, but he is not completely sure. He said 90 ft. or higher is preferred.

Sandy Smith, 193 Hillcrest Road said she is hearing concern about the mass of the pole and the desire for it to be as short as necessary.

David Minard, 260 Warren Street is hoping accurate specification information for the tower at headquarters could be provided by the communication consultant as soon as possible. He said a lot of money has been spent beautifying the center of Needham, and the potential affect of a new tower should be known.

Marty Jacobs, 36 Mayo Avenue, Planning Board member asked if sight lines to the pole could be screened with trees, mirrors, etc.?

Mr. Matthews said landscaping and screening are part of the project, particularly along Lincoln Street. However, he commented, antenna are a standard part of the building environment. He said people need to be realistic and that the Town is trying to have the appropriate technology fit in with the environment as much as possible. He commented everyone would favor screening, but people should not believe something that is not so.

Ms. Cooley clarified a monopole of 110 ft. for whip antenna and 90ft. for microwaves cannot be blocked because it is "line of sight" in order to work. She commented it would be more obvious if screening were installed.

Mr. Kent said a monopole would have less impact than a lattice tower.

Mary Ann Oldfield, 260 Warren Street said since many people don't notice the current open tower on police headquarters, she prefers an open tower.

Eileen Reale, 20 Dartmouth Avenue thanked the Board for listening to neighborhood concerns, asking for reassurance that her neighborhood is "off the table?" She said she is hopeful the alternatives sites will be used.

Mr. Matthews said the plan heard tonight will be brought to Town Meeting.

Mr. Kent said the process has been transparent and information regarding the size of the monopole at police headquarters will be available shortly.

Christine Balmer, 76 Kimball Street asked if space would be rented on the tower in the center of Town?

Mr. Matthews said no, the tower will not be commercialized.

Mr. Matthews asked for Board comment. No comments were heard.

Mr. Matthews summarized the project can only move forward with approval from voters, noting everyone cannot be pleased all the time. He said the process has been careful and inclusive, with the PPBC and consultants listening to all comments. He said he is hopeful the project will meet the approval of the public and serve the Town for many years to come.

Mr. Matthews thanked everyone for their input and closed the public hearing. He said the record will be held open for at least 2 weeks and that residents who wish to send additional input may do so to selectmen@needhamma.gov.

8:15 p.m.

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of August 28, 2018.

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

A list of all documents used at this Board of Selectmen meeting are available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>



Town of Needham, Massachusetts

2018 Road Event Form

e-mailed 8/21/18

INTERNAL USE ONLY

☒ DPW ☒ Police
☒ Fire ☐ OTM
☒ Park & Rec
☐ PFD ☐ Paid

TYPE OF EVENT: (check all that apply)

☐ RUN ☐ WALK ☒ BICYCLE ☐ MOTORCYCLE

Name of Event:

(7th Annual) RIDE FOR FOOD

Name of Organization:

THREE SQUARES NEW ENGLAND

Has this event been conducted in other Towns in the past? ☒ YES ☐ NO

If yes, name of Town and date: September, 2012-2018
Several: Dedham, Dover, Hillyston, Medfield, Medway, Millis, Nahick, Needham, Norfolk, Shrewsbury

Has this event been held in Needham in the past? ☒ YES ☐ NO

If yes, are you repeating the same route as in prior year(s)? ☒ YES ☐ NO

Organization Mailing Address:

PO BOX 1055
DEDHAM MA 02027

☒ Organization is Not-for-Profit

Organization Billing Address (if Police Detail is required):

PO BOX 1055
DEDHAM MA 02027

Primary Contact: KATI SIGEL

Contact Title:

EXEC. DIRECTOR

Contact Address: 181 SLADE ST, BELMONT MA 02478

Contact Phone (Day):

617 365 7761

Contact Phone (Cell):

617 365 7761

Contact Email:

Kati@threesquaresne.org

Event Date(s): <i>Sunday September 23, 2018</i>	Date Expected to be in Needham: <i>Sep. 23</i>
Earliest Time Expected in Needham: <i>7:30</i> <i>3 routes</i>	Latest Time Expected in Needham: <i>11:00</i>
Number of Expected Participants: <i>350</i> <i>on 25 & 50 mile routes</i>	Number of Expected Spectators at Peak Time: <i>0</i>
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: <i>0</i>	What type of Parking is required: <i>N/A</i>
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: <i>Noble & Greenough School, Dedham</i>	
Are event organizers available to meet with members of the Town to plan event? ☒ YES ☐ NO	Do event organizers foresee the need for any road closures (subject to police review)? ☐ YES ☒ NO
What will be done in case of inclement weather? <i>significantly impacts safety</i> <i>If thunderstorms & lightning TSNJ cancels event.</i> <i>NO RAIN DATE.</i>	
Will neighborhoods be impacted by parking and traffic? <i>NO</i>	
What activities are planned for the start of the race (if in Needham)? <i>N/A</i>	
What activities are planned for the end of the race (if in Needham)? <i>N/A</i>	

What facilities are needed for the start of the race (if in Needham)?

N/A

What facilities are needed for the end of the race (if in Needham)?

N/A

Once the event begins, how long will it take to complete the event?

1 - 4 hrs depending on route

Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?

Yes

Will volunteers be placed along the route?

Yes

Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.

Noble & Greenough School
Dedham

Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)

Noble & Greenough School

Will portable toilets be used? List locations.

Yes at water stops
1. 324 Greendale Ave, Needham
2. Medfield High School
3. 120 Haven St, Dorset

Will hydration stops be set up along route? If yes, please include these on route plan.

Yes

If the event takes place after dark, what is the plan to meet lighting needs?

—

What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?

Ambulance stationed at venue
Ride Marshalls at front, in middle & rear of cyclists to help out

Does the event take place during commuter times?

NO

Is school in session during the event? Will school drop off or pick up be impacted by the event?

NO

Are businesses open during the time of the event?

NO

Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)

NO

Are there any churches/houses of worship located along the event route?
Will church/house of worship services take place during the event?

NO

What is the plan to handle trash?

At venue & trash bags
at waterstops

Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ☒ event route map (include map and text of route, parking plan, volunteer placement)
- ☒ application fee (\$25 events that start and end in Needham, \$50 event passes through Needham)
- ☒ certificate of insurance

PLEASE NOTE:

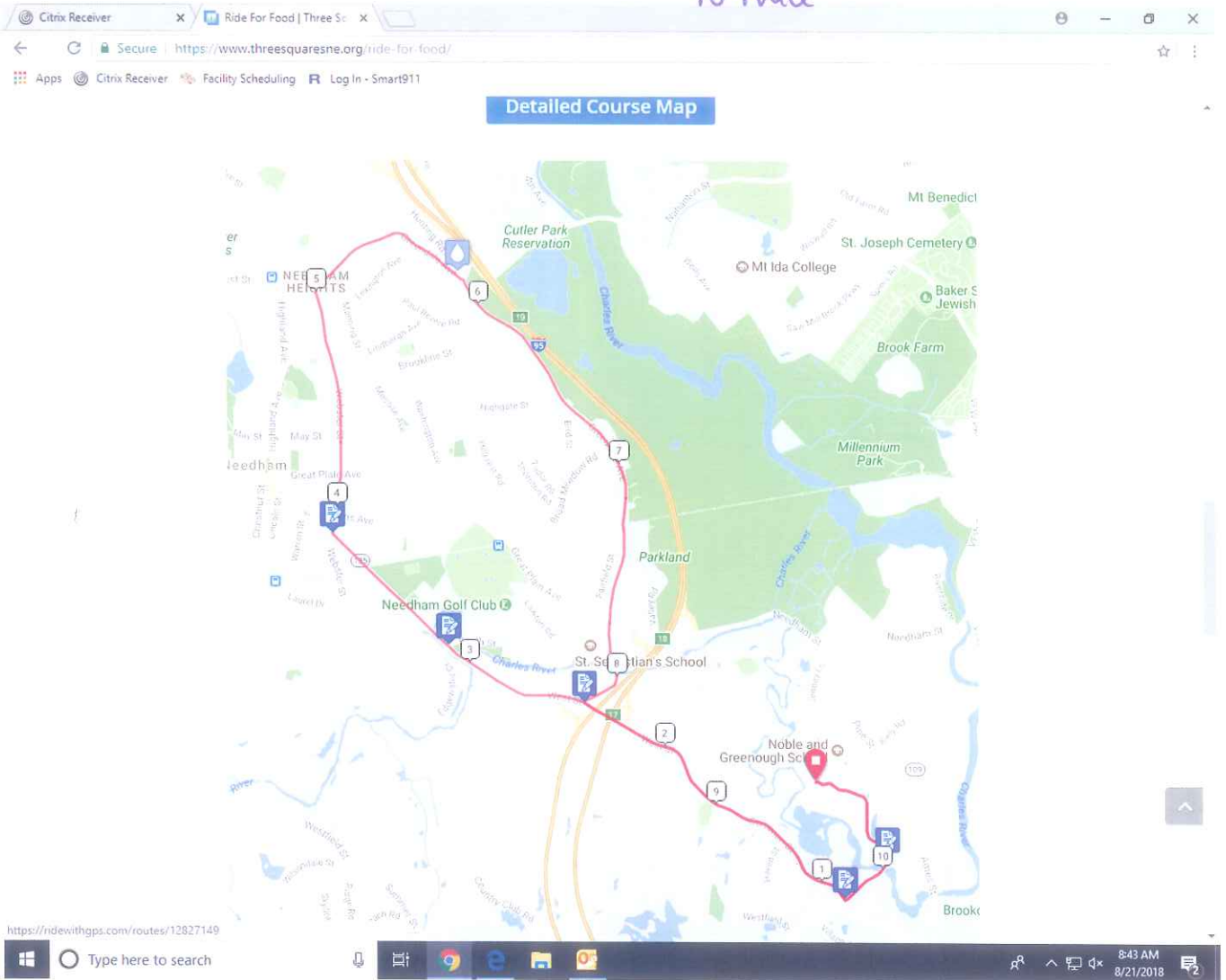
For Road Events scheduled more than 4 months out from application receipt date, a soft hold will be placed on the date, but final approval will not be granted until under the 4 month window. This is due to unforeseen conditions which may impact this event.

10 mile

25 mile

50 mile

10 mile



Three Squares - 10 miles 2017

10.6 miles

Leg	Dir	Type	Notes	Total
	→	Right	Slight right onto Bridge St	0.6
0.3	→	Right	Turn right onto Common St	0.9
1.0	↑	Straight	Continue onto West St	1.9
2.0	→	Right	Turn right onto Webster St	3.9
1.2	→	Right	Turn right onto High St	5.0
0.3	↑	Straight	Continue onto Greendale Ave until you get to the water stop at the corner of Greendale and Hunting	5.3
2.7	↑	Straight	Continue onto Lyons St	8.0
0.2	←	Left	Turn left onto MA-135 E	8.2
0.5	↑	Straight	Continue onto Common St	8.7
1.0	←	Left	Turn left onto Bridge St	9.8
0.3	←	Left	Slight left onto Campus Dr	10.1

Ride With GPS · <https://ridewithgps.com>

25 mile

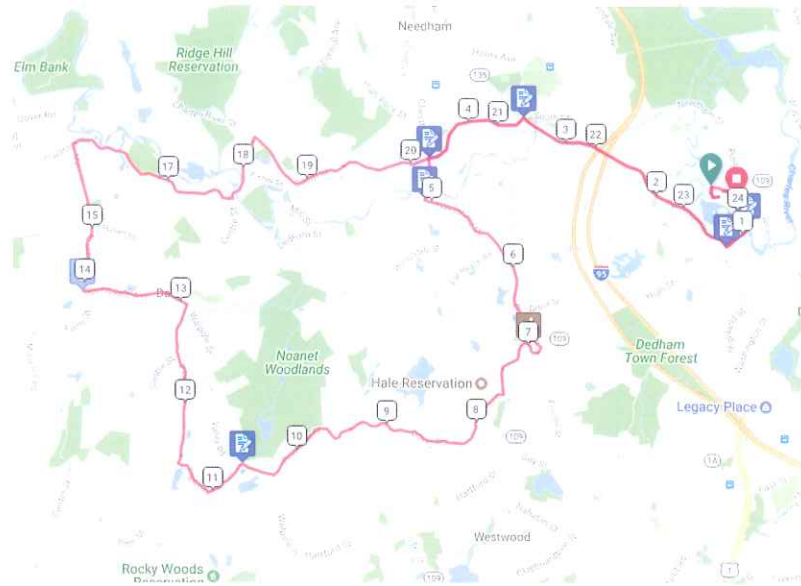
Citrix Receiver x Ride For Food | Three S... x

Secure | <https://www.threesquaresne.org/ride-for-food/>

Apps Citrix Receiver Facility Scheduling Log In - Smart911

- It is a spectacular ride with a few challenging hills, but should be a nice ride for most riders.

Detailed Course Map



Type here to search

8:45 AM 8/21/2018

Three Squares - 25 miles 2017 Ride

24.4 miles

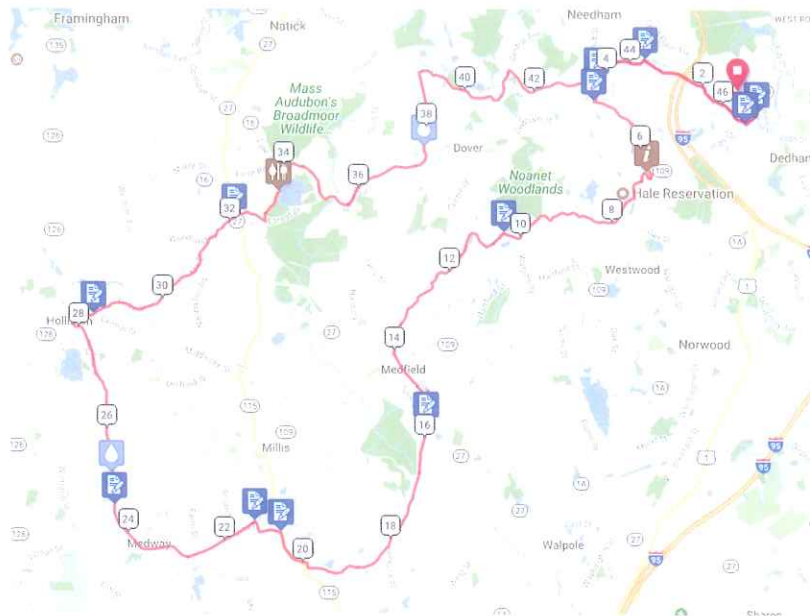
Leg	Dir	Type	Notes	Total
	→	Right	Right onto Bridge St	0.9
0.3	→	Right	Turn right onto Common St	1.2
1.0	↑	Straight	Continue onto West St	2.2
1.2	←	Left	Turn left onto South St	3.4
1.1	←	Left	Turn left onto Chestnut St	4.5
0.3	↑	Straight	Continue onto Dedham St	4.9
0.1	↑	Straight	Left onto Westfield St	5.0
0.6	→	Right	Bear right onto Summer St	5.6
1.2	→	Right	Turn right onto Country Ln	6.8
0.4	→	Right	Turn right onto Conant Rd	7.2
0.4	→	Right	Turn right onto Dover Rd	7.6
1.2	↑	Straight	Continue onto Powisset St. Be very careful of Recycling Station Traffic.	8.8
1.5	→	Right	Turn right onto Walpole St	10.3
0.3	←	Left	Turn left onto Cedar Hill Rd	10.6
0.4	→	Right	Turn right onto Riga Rd	11.0
0.3	←	Left	Turn left onto Rocky Brook Rd	11.4
0.1	→	Right	Turn right onto Pine St	11.4
1.1	↑	Straight	Continue onto Centre St	12.5
0.4	←	Left	Turn left onto Springdale Ave in the town center	12.9
1.0	→	Right	Turn right onto Main St at the Water Stop	13.9
0.8	→	Right	Slight right to stay on Main St	14.7
1.3	→	Right	Turn right onto Claybrook Rd	16.0
1.7	←	Left	Turn left onto Central Ave/Centre St	17.7
0.6	→	Right	Turn right onto Charles River St	18.3
0.6	←	Left	Turn left onto South St	18.9
2.4	→	Right	Turn right onto West St (Rt. 135)	21.3
1.2	↑	Straight	Continue onto Common St (Rt. 135)	22.5
1.0	←	Left	Turn left onto Bridge St	23.5
0.3	←	Left	Slight left onto Campus Dr	23.8

Ride With GPS · <https://ridewithgps.com>

50 mile

- Riders will be able to access the Dover water stop and one in Medway.
- Count on taking 3-4 hours to complete.

Detailed Course Map



<https://ridewithgps.com/routes/12827297>

3Squares - 50m - 2017 Ride

47.8 miles

Leg	Dir	Type	Notes	Total
	→	Right	Turn right onto Bridge St (Police Detail)	0.6
0.3	→	Right	Turn right onto Common St (Police Detail)	0.9
1.0	↑	Straight	Continue onto West St	1.9
1.2	←	Left	Turn left onto South St at the traffic lights	3.2
1.1	←	Left	Turn left onto Chestnut St	4.3
0.3	↑	Straight	Continue onto Dedham St	4.6
0.1	↑	Straight	Left onto Westfield St (Police Detail)	4.7
0.6	→	Right	Stay right onto Summer St	5.3
1.2	→	Right	Turn right onto Country Ln	6.5
0.4	→	Right	Turn right onto Conant Rd	6.9
0.4	→	Right	Turn right onto Dover Rd	7.3
1.2	↑	Straight	Continue onto Powisset St	8.5
1.5	→	Right	Turn right onto Walpole St	10.0
0.3	←	Left	Turn left onto Cedar Hill Rd	10.3
0.4	→	Right	Turn right onto Riga Rd	10.8
0.3	←	Left	Take a left onto Rocky Brook Rd	11.1
0.1	←	Left	Turn left onto Pine St	11.2
2.7	←	Left	Turn left onto North St	13.9
0.6	↑	Straight	Continue onto Pleasant St at the light across 109	14.5
0.5	←	Left	Turn left onto Curve St at the end of Pleasant.	15.0
0.1	→	Right	Turn right onto South St	15.1
0.7	←	Left	Turn left onto MA-27 S (Police Detail)	15.8
0.1	→	Right	Turn right onto South St	15.8
1.6	↑	Straight	Continue onto Seekonk St	17.5
0.7	→	Right	Turn right onto Cleveland St	18.1
1.0	→	Right	Turn right onto Holbrook St	19.2
0.8	→	Right	Turn right onto MA-115 N	20.0
0.7	←	Left	Turn left onto Baltimore St	20.7
0.4	→	Right	Turn right onto Pleasant St	21.1
0.2	←	Left	Turn left onto Village St at the light. (Police Detail)	21.3
2.3	→	Right	Slight right onto Holliston St	23.6
4.6	→	Right	Turn right onto Central St	28.2

Leg	Dir	Type	Notes	Total
0.4	←	Left	Slight left onto Fiske St (Police Detail)	28.6
1.8	↑	Straight	Continue onto Mill St	30.4
1.1	↑	Straight	Continue onto Woodland St	31.5
0.1	←	Left	Tricky left onto W Goulding St and cross Route 27 (Police Detail) onto East Goulding	31.6
1.1	←	Left	Sharp left onto Lake St (Pub. toilet in parking lot of the Lake)	32.8
1.1	→	Right	Turn right onto Farm Rd	33.9
1.5	↑	Straight	Continue onto Bridge St	35.3
0.3	←	Left	Turn left onto Farm St	35.6
2.0	↑	Straight	Continue onto Main St. The Water Stop is on this corner.	37.6
0.8	→	Right	Slight right to stay on Main St	38.4
0.6	→	Right	Turn right onto Claybrook Rd	39.0
1.7	←	Left	Turn left onto Central Ave/Centre St	40.7
0.6	→	Right	Turn right onto Charles River St	41.3
0.6	←	Left	Turn left onto South St	41.9
2.4	→	Right	Turn right onto Dedham Ave/West St	44.3
1.2	↑	Straight	Continue onto Common St	45.5
1.0	←	Left	Turn left onto Bridge St	46.6
1.2	→	Right	Turn left on Campus Dr and welcome back!	47.7

Ride With GPS · <https://ridewithgps.com>

DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 233A, § 30(9)

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	Georgina Arrieta-Ruetenik
Title/ Position	Part-time KASE Worker
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Needham Public Schools
Agency Address	1330 Highland Avenue Needham, MA 02492
Office phone:	N/A
Office e-mail:	N/A
	Check one: ☐ Elected or ☒ Non-elected
Starting date as a municipal employee.	12/1/2005
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee. ____ <u>STATEMENT #1:</u> I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR ____ <u>STATEMENT #2:</u> I will have a new financial interest in a contract made by a municipal agency.
Write an X beside your financial interest.	My financial interest in a municipal contract is: ____ I have a non-elected, compensated municipal employee position. ____ A municipal agency has a contract with me. ____ I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. ____ I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee. ____ <u>STATEMENT #1:</u> I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

Write an X beside your financial interest.	My financial interest in a municipal contract is: ☐ A municipal agency has a contract with me, but not an employment contract. ☐ I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. — OR — ☐ <u>STATEMENT 2</u>: I will have a new financial interest in a contract made by a municipal agency. My financial interest in a municipal contract is: ☒ I have a non-elected, compensated municipal employee position. ☐ A municipal agency has a contract with me. ☐ I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. ☐ I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
	FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
Name and address of municipal agency that made the contract	Town of Needham Police Department 1471 Highland Avenue Needham, MA 02492
Please put in an X to confirm these facts.	"My Municipal Agency" is the municipal agency that I serve as a municipal employee. The "contracting agency" is the municipal agency that made the contract. ☒ My Municipal Agency is not the contracting agency. ☒ My Municipal Agency does not regulate the activities of the contracting agency. ☒ In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency. ☒ The contract was made after public notice or through competitive bidding.
FILL IN THIS BOX OR THE BOX BELOW	ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU. - Please explain what the contract is for. Traffic Supervisor/Crossing Guard for the Needham Police Dept.
FILL IN THIS BOX OR THE BOX ABOVE	ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY. - Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for?

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. Hired as a Traffic Supervisor/Crossing Guard for the school year at \$20.65 per hour.
Date when you acquired a financial interest	September 17, 2018
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. N/A
Date when your immediate family acquired a financial interest	N/A
Write an X to confirm each statement.	FOR A CONTRACT FOR PERSONAL SERVICES -- Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency). I will have a contract with a municipal agency to provide personal services. ☒ The services will be provided outside my normal working hours as a municipal employee. ☒ The services are not required as part of my regular duties as a municipal employee. ☒ For these services, I will be compensated for not more than 500 hours during a calendar year.
Employee signature:	<i>Georgina J. Costa-Rutledge</i>
Date:	9/6/18

Attach additional pages if necessary.

NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are requesting a Special License in a contract for personal services with a non-profit agency, you must attach Certification below signed by the head of the contracting agency, and must include a record of the disclosure from the agency board, board of directors, board of trustees or governing body.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

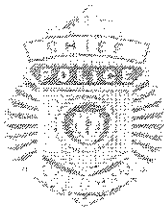
INFORMATION ABOUT HEAD OF CONTRACTING AGENCY	
Name:	Please see attached letter.
Title/ Position	
Municipal Agency:	
Agency Address:	
Office Phone:	
CERTIFICATION	
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

INFORMATION ABOUT APPROVING BODY	
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
APPROVAL	
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Certification and approval required for contracts with non-profit agencies.
This document is not valid unless signed by the head of the contracting agency.

Revised: May 2010



Needham Police Department

99 School Street
Needham, MA 02492
Telephone: (781) 455-7570
Fax: (781) 453-9496



John J. Schlittler
Chief of Police
Tel: 455-7570, ext. 259
jschlittler@needhamma.gov

Ms. Rachel Glisper, Director of Human Resources
Town of Needham
1471 Highland Avenue
Needham, MA 04292

Date: August 28, 2018

Dear Rachel-

The Needham Police Department has hired Georgina Arrieta-Ruetenik for the position of Crossing Guard.

Ms. Arrieta-Ruetenik is currently employed by the school department and works as a part-time KASE worker. There is no conflict with any of her responsibilities with the Police Department.

Please don't hesitate to contact me if I can provide any further information.

Chief John J. Schlittler
Needham Police Department
99 School Street
Needham, MA 02492
Office: (781) 455-7570x216
Fax: (781) 453-9496
FBINA 259
jschlittler@needhamma.gov

Georgina A. Arrieta-Ruetenik
236 Greendale Avenue
Needham, MA 02494

Ms. Theodora Eaton
Town Clerk
1471 Highland Avenue
Needham, MA 02492

Dear Ms. Eaton,

The Needham Police Department has hired me to be a Traffic Supervisor/Crossing Guard for the 2018-2019 school year. I am currently employed by the Needham Public Schools as a part-time KASE Worker.

Lieutenant Belinda Carroll at the Needham Police Department selected me for this position as it relates to my experience as a coordinator and safety advocate where children are concerned.

There will be no conflicts with my work in the Needham Public Schools as the schedule for each are complimentary of each other. On average, I work about 7.5 hours per week as a part-time KASE Worker for the Needham Public Schools and on average 10 hours per week for the Needham Police Department, not to exceed 20 direct hours in a given week.

Attached is a copy of the letter sent by Chief John Schlittler to the Human Resources Department.

Please do not hesitate to contact me if there is any additional information I can provide.

Sincerely,



Georgina Arrieta-Ruetenik

9/6/18

pd. ck. 9/10/18

**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET
(Please complete and attach event flyer or other information.)**

Event Manager Name (Name that will appear on license)	MAXWELL SPARR		
Event Manager Address	400 1 st AVE NEEDHAM, MA 02494		
Event Manager Phone Number	857-320-0426		
Organization Representing (if applicable)	TRIPADVISOR		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☐ Non-profit ☒ For profit ☐ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	HR Forum		
Date of Event	9/13/18		
License is for Sale of:			
☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	4 PM	TO: 8 PM
Are tickets being sold in advance for this event?	☐ YES \$	/per ticket	☒ NO
Is there an admission fee for this event?	☐ YES \$	/per ticket	☒ NO
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	60		
Name & address of event location. Please attach proof of permission to use this facility.			
400 1 st AVENUE NEEDHAM, MA 02494			
Who will be serving the alcohol to your guests?			
BARTENDER			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
MAXWELL SPARR			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
BAR ON CONSUMPTION			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date: 9/10/18

**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET**
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	MAXWELL SPARR		
Event Manager Address	400 1 ST AVENUE, NEEDHAM, MA 02494		
Event Manager Phone Number	857-320-0426		
Organization Representing (if applicable)	TRIP ADVISOR		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☐ Non-profit ☒ For profit ☐ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	OCTOBERFEST		
Date of Event	9/20/18		
License is for Sale of:			
☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	4 PM	TO: 7 PM
Are tickets being sold in advance for this event?	☐ YES \$	/per ticket	☒ NO
Is there an admission fee for this event?	☐ YES \$	/per ticket	☒ NO
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	250		
Name & address of event location. Please attach proof of permission to use this facility.			
400 1 ST AVENUE, NEEDHAM, MA 02494			
Who will be serving the alcohol to your guests?			
BARTENDER			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
MAXWELL SPARR			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
BAR ON CONSUMPTION			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date: 9/11/18